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Monday, October 21, 1991

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Presidential Documents

Title 3—

The President

Proclamation 6359 of October 17, 1991

Crime Prevention Month, 1991

By the President of the United States of America

A Proclamation

America has committed unprecedented energy and resources to the fight against crime—and with promising results. We have strengthened law enforcement, making record increases in the number of Federal prosecutors and agents, and we have significantly increased the capacity of Federal prisons. Through vigorous public education and prevention programs, we have started to reduce the demand for drugs—the companion and source of far too much corruption and violence. At the same time, through stepped-up interdiction efforts, we have disrupted the deadly operations of several major drug cartels. Such intensified efforts to uphold law and order have made a difference: according to victimization surveys cited by the Department of Justice, the percentage of American households affected by crime fell last year to its lowest rate since 1975.

Despite the progress we have made, however, the incidence of crime in the United States is still much too high. More than 22 million households in the United States felt the blow of crime last year, and countless Americans live in fear for their safety. While we can place great confidence in the courage, professionalism, and skill of our law enforcement officials, we also know that government cannot do the job alone—law enforcement officers must have the respect and the support of the people they serve.

Fortunately, many concerned Americans have already taken a stand to help prevent crime and to apprehend its perpetrators. These Americans are keeping watch over their neighborhoods and reporting any suspicious activity to police; they are helping to identify drug dealers and to clean up abandoned lots and other places that seem to attract illicit activity; and they are working to develop rewarding education and recreation programs that can help keep youngsters away from drugs. Such voluntary grass-roots efforts are vital to winning the fight against crime.

Crime Prevention Month underscores the fact that everyone has a role to play in making our streets safe—businesses, schools, religious and voluntary organizations, the media, as well as concerned individuals and families. With that in mind, let us create a new spirit of cooperation and caring in our communities. Let us reinforce, by word, deed, and example, the values that make law and order possible: personal responsibility, respect for others, and the fundamental sense of decency that comes from knowing the difference between right and wrong. Working together, we can build a better, safer America.

The Congress, by House Joint Resolution 303, has designated October 1991 as "Crime Prevention Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1991 as Crime Prevention Month. I call on all Americans to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 91-25473
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Billing code 3195-01-M

Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 91-133]

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the list of suppressive areas under the witchweed quarantine and regulations by adding and deleting areas in North Carolina and South Carolina. The rule affected 11 counties in North Carolina and 3 counties in South Carolina. The action was necessary in order to impose certain restrictions on the interstate movement of regulated articles to prevent the artificial spread of witchweed and to remove unnecessary restrictions on the interstate movement of regulated articles.

EFFECTIVE DATE: November 20, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas G. Flanigan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 646, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** and effective on July 1, 1991 (56 FR 29889-29892, Docket Number 91-083), we amended the witchweed quarantine and regulations by adding areas in Craven, Duplin, Greene, Pitt, and Wayne Counties in North Carolina, and areas in Berkeley County in South Carolina to the list of suppressive areas in § 301.80-2a of the regulations.

We also amended the list of suppressive areas by removing areas in Columbus, Craven, Cumberland, Duplin, Harnett, Lenoir, Pender, Sampson, and Wayne Counties in North Carolina, and areas in Florence and Horry Counties in South Carolina from § 301.80-2a of the regulations. As a result of these actions, there are no longer any regulated areas in Harnett and Lenoir Counties, North Carolina, or in Florence County, South Carolina.

In another document published on August 7, 1991 (56 FR 37606, Docket Number 91-083), the **Federal Register** corrected three typographical errors on page 29891 of the interim published on July 1, 1991.

Comments on the interim rule were required to be received on or before August 30, 1991. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an estimated annual effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This action affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. Based on information compiled by the Department, we have determined that approximately 3,449 small entities move these articles interstate from North Carolina and South Carolina. However, this action affects only 709 of these entities, by removing 699 entities from regulation and placing 10 new entities under regulation. We have determined that the 699 deregulated entities will realize combined annual savings of approximately $46,800 or an average of $67 each, in regulatory and control costs. We estimate that the 10 newly regulated entities will need to invest approximately $20 each, per year, in order to comply with our regulations.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

The program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Plants (Agriculture), Quarantine, Transportation, Witchweed.

Accordingly, we are adopting as a final rule, without change, the interim rule amending 7 CFR part 301.80-2a that was published at 56 FR 29889-29892 on July 1, 1991.

PART 301—DOMESTIC QUARANTINE NOTICES

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162 and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 15th day of October 1991.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-25301 Filed 10-18-91; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Parts 1106, 1120, 1126, 1132, and 1138

[Docket Nos. AO-335-A34, etc.; DA-89-033]

Milk in the New Mexico-West Texas and Certain Other Marketing Areas; Order Amending Orders

7 CFR parts	Marketing area	Docket Nos.
1106	Southwest Plains	AO-210-A50
1120	Lubbock-Plainview, Texas	AO-328-A28
1126	Texas	AO-231-A58
1132	Texas Panhandle	AO-262-A38
1138	Rio Grande Valley	AO-335-A34

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action merges the marketing areas of the Rio Grande Valley; Lubbock-Plainview, Texas; and the Texas Panhandle orders under one order. The merged area is expanded to include all of the unregulated territory in the State of New Mexico and Lipscomb and Parmer Counties, Texas. The regulatory provisions of the "New Mexico-West Texas" marketing order are patterned after the adjacent Southwest Plains order, including that order's payment plan, but with modifications in other provisions. One modification would regulate a disturbing plant located in the marketing area under the order even if a greater proportion of its fluid milk sales is made in another Federal order marketing area.

This action also provides for some price restructuring which increases the Class I price by 15 cents in eastern New Mexico (Clovis). In addition, this action reduces the Texas order Class I differential by 12 cents per hundredweight and establishes a minus 21-cent location adjustment in Zone 6 of the marketing area. This action maintains the minus 25-cent location adjustment in Zone 1-A (Wichita Falls) of the Texas marketing area. Other conforming location adjustment changes are provided for the Texas and Southwest Plains orders to recognize the pricing structure of the New Mexico-West Texas order.

The changes, which are based on industry proposals considered at a public hearing held December 6-8, 1989 in El Paso, Texas, are necessary to reflect current marketing conditions and to assure orderly marketing in the respective areas.

EFFECTIVE DATE: December 1, 1991.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-2089.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The amendments would promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued November 21, 1989; published November 27, 1989 (54 FR 48753).

Recommended Decision: Issued October 22, 1990; published October 29, 1990 (55 FR 43345).

Extension of Time for Filing Exceptions: Issued November 23, 1990; published November 29, 1990 (55 FR 49536).

Final Decision: Issued August 14, 1991; published August 27, 1991 (56 FR 42240).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when each of the aforesaid orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the aforesaid marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The New Mexico-West Texas order, which amends and merges the Rio Grande Valley, Lubbock-Plainview, Texas and Texas Panhandle orders, and the Southwest Plains and Texas orders as amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the New Mexico-West Texas, Southwest Plains, and Texas marketing areas, and the minimum prices specified in the New Mexico-West Texas order and the Southwest Plains and Texas orders as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The New Mexico-West Texas order and the Southwest Plains and Texas orders are hereby amended regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, marketing agreements upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the New Mexico-West Texas order as hereby merged and amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that for the New Mexico-West Texas order the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1138.85 of the attached New Mexico-West Texas order.

(b) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing areas to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of the New Mexico-West Texas order, which amends and merges the Rio Grande Valley, Lubbock-Plainview, Texas and Texas Panhandle orders, and the issuance of the order amending the Southwest Plains and Texas orders is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the New Mexico-West Texas order and the order amending the Southwest Plains and Texas orders is approved or favored by at least two-thirds of the producers, or by producers who represent more than two-thirds of the volume of production of producers, who during the determined representative period were engaged in the production of milk for sale in the respective marketing areas.

List of Subjects in 7 CFR Parts 1106, 1120, 1126, 1132 and 1138

Milk marketing orders.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof, the orders regulating the handling of milk in the Rio Grande Valley, Texas Panhandle, and Lubbock-Plainview, Texas marketing areas (parts 1138, 1132, and 1120, respectively) shall be amended and merged into one order. Parts 1132 and 1120 are thereby removed and such vacated Part designations shall be reserved for future assignment. The handling of milk in the merged marketing area, to be designated as the "New Mexico-West Texas Marketing Area" (part 1138), and the handling of milk in the Texas and Southwest Plains marketing areas, as amended, shall be in conformity to and in compliance with the terms and conditions of the following attached order.

Title 7 of the Code of Federal Regulations, chapter X, is amended as follows:

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

1. The authority citation for 7 CFR part 1106 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1106.9 [Amended]

2. In § 1106.9(f), the reference to "§ 1106.7(e)" is changed to "§ 1106.7(f)."

§ 1106.43 [Amended]

3. In the introductory text of § 1106.43, the reference to "§ 1160.44" is changed to "§ 1106.44."

§ 1106.44 [Amended]

4. In § 1106.44(a)(1), the reference to "§ 1106.4(b)" is changed to "§ 1106.41(b)."

5. Section 1106.52 is amended by changing the reference to "paragraphs (a) (1) through (9)" in the introductory text of paragraph (a) to "paragraphs (a) (1) through (7)", and by removing paragraphs (a) (8) and (9) and revising paragraphs (a) (6) and (7) that read as follows:

§ 1106.52 Plant location adjustments for handlers.

(a) * * *

(6) For a plant located in any of the following territory in the States of Texas, New Mexico and Colorado, the adjustments shall be as follows:

(i) In the Texas marketing area, the plus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Texas order (7 CFR part 1126) and the Class I price specified in § 1106.50(a).

(ii) In Bowie or Cass Counties, Texas, the adjustment shall be plus 31 cents.

(iii) In any other Texas territory that is outside the marketing area of any Federal order, the adjustment shall be plus 2.25 cents per hundredweight for each 10 miles or fraction thereof that such plant is from the City Hall in Oklahoma City, Oklahoma, (based on the shortest hard-surfaced highway distance as determined by the Market Administrator.)

(iv) In the New Mexico-West Texas marketing area, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the New Mexico-West Texas order (Part 1138) and the Class I price specified in § 1106.50(a).

(v) In the Eastern Colorado marketing area or in the Colorado counties of Baca, Bent or Powers, the adjustment shall be the difference (plus or minus) between the applicable Class I price effective at such plant location under the Eastern Colorado order (7 CFR part 1137) and the Class I price specified in § 1106.50(a).

(vi) In any other Colorado territory that is outside the designated pricing areas described in paragraphs (a)(6) (iv) and (v), the adjustment shall be minus 77 cents.

(7) For a plant located outside the designated pricing areas described in paragraphs (a) (1) through (6) of this section, the adjustment shall be minus 18 cents plus an additional reduction of 2.25 cents per hundredweight for each 10 miles or fraction thereof that such plant is located from the nearer of the City Hall in Tulsa or Ponca City, Oklahoma (based on the shortest hard-surfaced highway distance as determined by the Market Administrator.)

* * * * *

PART 1126—MILK IN THE TEXAS MARKETING AREA

1. The authority citation for 7 CFR part 1126 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. In § 1126.50, paragraph (a) is revised to read as follows:

§ 1126.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.16.

* * * * *

3. In § 1126.52, paragraph (a) is revised to read as follows:

§ 1126.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1126.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price specified in § 1126.50(a) shall be adjusted by the amount stated in paragraphs (a) (1) through (8) of this section for the location of such plant;

(1) For a plant located within one of the zones set forth in § 1126.2, the adjustment shall be as follows:

	Adjustment per hundredweight
Zone 1	No adjustment.
Zone 1A	Minus 25 cents.
Zone 2	No adjustment.
Zone 3	Plus 15 cents.
Zone 4	Plus 18 cents.
Zone 5	Plus 20 cents.
Zone 6	Minus 21 cents.
Zone 7	Plus 30 cents.
Zone 8	Plus 54 cents.
Zone 9	Plus 42 cents.
Zone 10	Plus 53 cents.
Zone 11	Plus 66 cents.
Zone 12	Plus 75 cents.

(2) For a plant located in the New Mexico-West Texas marketing area, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the New Mexico-West Texas order (7 CFR part 1138) and the Class I price specified in § 1126.50(a).

(3) For a plant located in Bowie or Cass County, Texas, the adjustment shall be minus 8 cents.

(4) For a plant located in the State of Texas that is outside the designated pricing areas described in paragraphs (a) (1) through (3) of this section, the adjustment shall be the adjustment applicable at the nearer of Corpus Christi, San Angelo, or San Antonio, Texas, except that for a plant located in the Texas counties of Brewster, Crane, Crockett, Culberson, Hudspeth, Irion, Jeff Davis, Loving, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Ward,

and Winkler, the adjustment shall be minus 2.2 cents per hundredweight for each 10 miles or fraction thereof that such plant is located from the City Hall in San Angelo, Texas (based on the shortest hard-surfaced highway distance as determined by the Market Administrator.)

(5) For a plant located in the Southwest Plains marketing area or in Pulaski County, Missouri, the minus adjustment shall be the difference between the applicable Class I price effective under the Southwest Plains order (7 CFR part 1106) and the Class I price specified in § 1126.50(a).

(6) For a plant located in the State of Arkansas, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Central Arkansas order (7 CFR part 1108) and the Class I price specified in § 1126.50(a).

(7) For a plant located in the State of Louisiana, the plus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Greater Louisiana order (7 CFR part 1096) and Class I price specified in §1126.50(a).

(8) For a plant located outside the designated pricing areas described in paragraphs (a) (1) through (7) of this section, the adjustment shall be minus 2.2 cents per hundredweight for each 10 miles or fraction thereof that such plant is located from the City Hall in Dallas, Texas, (based on the shortest hard-surfaced highway distance as determined by the Market Administrator.)

* * * * *

PART 1138—MILK IN THE NEW MEXICO-WEST TEXAS MARKETING AREA

1. Part 1138 is revised to read as follows:

Subpart—Order Regulating Handling

General Provisions

Sec.

1138.1 General provisions.

Definitions

1138.2 New Mexico-West Texas marketing area.
1138.3 Route Disposition.
1138.4 Plant.
1138.5 Distributing plant.
1138.6 Supply plant.
1138.7 Pool plant.
1138.8 Nonpool plant.
1138.9 Handler.
1138.10 Producer-handler.
1138.11 (Reserved)
1138.12 Producer.
1138.13 Producer milk.
1138.14 Other source milk.
1138.15 Fluid milk product.
1138.16 Fluid cream product.
1138.17 Filled milk.
1138.18 Cooperative association.
1138.19 (Reserved)
1138.20 Product prices.

Handler Reports

1138.30 Report of receipts and utilization.
1138.31 Payroll reports.
1138.32 Other reports.

Classification of Milk

1138.40 Classes of utilization.
1138.41 Shrinkage.
1138.42 Classification of transfers and diversions.
1138.43 General classification rules.
1138.44 Classification of producer milk.
1138.45 Market administrator's reports and announcement concerning classification.

Class Prices

1138.50 Class prices.
1138.51 Basic formula price.
1138.52 Basic Class II formula price.
1138.53 Plant location adjustments for handlers.
1138.54 Announcement of class prices.
1138.55 Equivalent price.

Uniform Price

1138.60 Handler's value of milk for computing uniform price.
1138.61 Computation of uniform price.
1138.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1138.70 Producer-settlement fund.
1138.71 Payments to the producer-settlement fund.
1138.72 Payments from the producer-settlement fund.
1138.73 Payments to producers and to cooperative associations.
1138.74 Butterfat differential.
1138.75 Plant location adjustments for producers and on nonpool milk.
1138.76 Payments by a handler operating a partially regulated distributing plant.
1138.77 Adjustment of accounts.
1138.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1138.85 Assessment for order administration.
1138.86 Deduction for marketing services.

Authority: 7 U.S.C. 601–674.

Subpart—Order Regulating Handling

General Provisions

§ 1138.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1138.2 New Mexico-West Texas marketing area.

The *New Mexico-West Texas marketing area*, hereinafter called the *marketing area*, means all territory within the boundaries of the following counties, and all territory occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties:

Zone 1: Following counties—Bernalillo, Catron, Cibola, Colfax, Curry, De Baca, Dona Ana, Grant, Guadalupe, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia, all in the State of New Mexico, and El Paso in Texas.

Zone 2: Following counties—Archuleta, LaPlata and Montezuma in Colorado, and Chaves, Eddy, Lea and San Juan in New Mexico.

Zone 3: Following counties—Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler and Yoakum, all in the state of Texas.

§ 1138.3 Route disposition.

Route disposition means any delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of any fluid milk product classified as Class I milk.

§ 1138.4 Plant.

Plant means the land, buildings, facilities and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1138.5 Distributing plant.

Distributing plant means any plant: (a) Approved by a duly constituted

regulatory agency for the handling of milk approved for fluid consumption.

(b) In which fluid milk products are processed or packaged; and

(c) From which there is route disposition in the marketing area during the month.

§ 1138.6 Supply plant.

Supply plant means a plant approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption from which fluid milk products are transferred to a distributing plant(s) during the month.

§ 1138.7 Pool plant.

Pool plant means: (a) A distributing plant: (1) From which during the month there is total route disposition (except filled milk) in an amount not less than 50 percent of the total quantity of fluid milk products (except filled milk) received at such plant, including producer milk diverted from the plant, and not less than 10 percent of such receipts are disposed of as fluid milk products on routes in the marketing area; or

(2) Located in the marketing area that qualifies pursuant to paragraph (a)(1) of this section so long as this order's Class I price applicable at such plant location is not less than an other order's Class I price applicable at the same location even though the plant may meet the pooling requirements of the other Federal order and have greater route disposition in the other marketing area than in the New Mexico-West Texas marketing area.

(b) A supply plant from which during the month not less than 50 percent of the total quantity of milk that is received from dairy farmers (including producer milk diverted from the plant pursuant to § 1138.13, but excluding milk diverted to such plant) and handlers described in § 1138.9(c) is transferred to plants described in paragraph (a) of this section, subject to the following. A supply plant that has qualified as a pool plant during each of the immediately preceding months of September through January shall continue to qualify in each of the following months of February through August.

(c) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested by the cooperative association and 35 percent or more of the producer milk of members of the cooperative association (and any producer milk of nonmembers and members of another cooperative association which may be marketed by the cooperative association) is physically received during the month in the form of bulk fluid milk products at plants specified in paragraph (a) of this section either directly from farms or by transfer from supply plants operated by the cooperative association and from plants of the cooperative association for which pool plant status has been requested under this paragraph subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under comparable provisions of another Federal order; and

(2) The plant is approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption in the marketing area.

(d) The shipping standards in paragraphs (b) and (c) of this section may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision, either at the Director's initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that revision is being considered and inviting data, views, and arguments. If a plant which would not otherwise qualify as a pool plant during the month qualifies as a pool plant because of a reduction in shipping standards pursuant to this paragraph, such plant shall be a nonpool plant for such month if the operator files a written request for nonpool plant status with the market administrator at the time the report is filed for such plant pursuant to § 1138.30.

(e) The term *pool plant* shall not apply to the following plants:

(1) A producer-handler plant, a governmental agency plant, or an exempt plant.

(2) A distributing plant qualified pursuant to paragraph (a)(1) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the route disposition in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) route disposition made under limited term contracts to governmental bases and institutions;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in this marketing area than in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(4) A supply plant qualified pursuant to paragraph (b) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part; or

(5) A plant qualified pursuant to paragraph (b) of this section which has automatic pooling status under another Federal order.

§ 1138.8 Nonpool plant.

Nonpool plant means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) *Other order plant* means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) *Producer-handler plant* means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) *Partially regulated distributing plant* means a distributing plant that does not qualify as a pool plant and is not an other order plant, a governmental agency plant, or a producer-handler plant.

(d) *Unregulated supply plant* means a nonpool plant, except an other order plant, a governmental agency plant, or a producer handler plant, from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1138.7.

(e) *Governmental agency plant* means a plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk that is distributed in the marketing area. Such plant shall be exempt from the pricing and pooling provisions of this order.

(f) *Exempt plant* means any plant that has monthly route disposition of 150,000 pounds or less that may be exempt from the pricing and pooling provisions of this order if the handler operating the plant files timely reports as specified by the market administrator and maintains adequate books and records that are made available to the market administrator which will enable determination of the exempt status of such plant.

§ 1138.9 Handler.

Handler means: (a) Any person who operates a pool plant;

(b) Any cooperative association with respect to the milk of producers which it causes to be diverted pursuant to § 1138.13 for the account of such cooperative association;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) Any person who is a producer-handler or who operates a governmental agency or exempt plant; and

(f) Any person who operates an other order plant described in § 1138.7(e) or an unregulated supply plant.

§ 1138.10 Producer-handler.

Producer-handler means any person: (a) Who processes and packages milk from his or her own farm's production;

(b) Who has route disposition within the marketing area consisting of any portion of such milk;

(c) Who receives no fluid milk products from other dairy farmers or from any source other than a pool plant and whose receipts from pool plants are not in excess of 11,000 pounds per month;

(d) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from own farm production or pool plants; and

(e) Who furnishes to the Market Administrator for verification, subject to review by the Secretary, evidence that the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of the same person.

§ 1138.11 [Reserved]

§ 1138.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved for fluid consumption by a duly constituted regulatory agency and whose milk is: (1) Received at a pool plant or by a handler described in § 1138.9(c); or

(2) Diverted pursuant to § 1138.13 by a handler for such handler's account.

(b) *Producer* shall not include: (1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) A governmental agency that operates a plant exempt pursuant to § 1138.8(e) and a handler that operates an exempt plant pursuant to § 1138.8(f);

(3) Any person with respect to milk production that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1138.44(a)(8)(iii) and the corresponding step of § 1138.44(b); or

(4) Any person with respect to milk production that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1138.13 Producer milk.

Producer milk means the skim milk and butterfat in milk from a producer that is:

(a) Received by the operator of a pool plant directly from such producer. Any milk picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month, shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1138.9(c), is the handler for such milk.

(b) Received by a handler described in § 1138.9(c).

(c) Diverted from a pool plant for the account of the handler operating such plant to another pool plant, without limit in any month. Such milk shall be priced at the location of the plant to which diverted.

(d) Diverted by the operator of a pool plant or by a cooperative association from a pool plant to a nonpool plant (other than a producer-handler plant), subject to the following conditions: (1) In each of the months of September through January, milk of a producer shall not be eligible for diversion from a pool plant under this section unless at least one day's production from such producer is physically received at a pool plant during the month;

(2) The total quantity of milk diverted by a cooperative association in any month shall not exceed the total quantity of producer milk that the cooperative association caused to be delivered to and was physically received at pool plants during the month;

(3) The operator of a pool plant other than a cooperative association may divert any milk that is not under the control of a cooperative association that is diverting milk during the month pursuant to paragraph (d)(2) of this section. The total quantity of milk so diverted in any month shall not exceed the total quantity of milk that was physically received at pool plant(s) as producer milk for which the plant operator is the handler;

(4) Any milk diverted in excess of the limits prescribed in paragraphs (d) (2) and (3) of this section shall not be producer milk. In such event, the diverting handler may designate the dairy farmer deliveries that shall not be producer milk. If the handler fails to so designate, milk diverted on the last day of the month, then the second-to-last-day of the month, and so on, shall be excluded until all diversions in excess of the prescribed limits are accounted for;

(5) The quantity of milk diverted from a pool plant that would cause the pool plant to become a nonpool plant shall not be producer milk. Diversions in excess of the prescribed limit shall be prorated among the diverting handlers;

(6) If a dairy farmer loses producer status under this order (except as a result of temporary loss of approval from a duly constituted regulatory

agency for the production of milk for fluid consumption), such dairy farmer's milk shall not be eligible for diversion until it has been physically received as producer milk at a pool plant; and

(7) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1138.14 Other source milk.

Other source milk means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1138.40(b)(1) from any source other than producers, handlers described in § 1138.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1138.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1138.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1138.40(b)(1) for which the handler fails to establish a disposition.

§ 1138.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, *fluid milk product* means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term *fluid milk product* shall not include: (1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey, and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1138.16 Fluid cream product.

Fluid cream product means cream (other than plastic cream of frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1138.17 Filled milk.

Filled milk means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1138.18 Cooperative association.

Cooperative association means any cooperative marketing association of producers which the Secretary determines after application by the association: (a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the *Capper-Volstead Act;*

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing or milk products for its members.

§ 1138.19 [Reserved]

§ 1138.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1138.51(a):

(a) Butter price. *Butter price* means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) Cheddar cheese price. *Cheddar cheese price* means the simple average for the first 15 days of the month of the daily price per pound of cheddar cheese in 40-pound blocks. The price used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average price shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) Nonfat dry milk price. *Nonfat dry milk price* means the simple average, for the first 15 days of the month, of the daily price per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) Edible whey price. *Edible whey price* means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

Handler Reports

§ 1138.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of such handler's pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1138.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk.

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1138.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1138.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report for each of the handler's plants with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1138.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1138.9(a), (b) and (c) who pays producers pursuant to § 1138.73 shall report to the market administrator the following information with respect to the handler's partial and final payments for producer milk received during such month;

(1) The name and address of each producer;

(2) The amount paid each producer; and

(3) The dates such payments were made.

(b) On or before the 20th day after the end of the month, each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1138.76(b) shall report to the market administrator with respect to milk received from each dairy farmer who would have been a producer if the plant had been fully regulated the following for such month;

(1) The name and address of each dairy farmer;

(2) The total pounds of milk received from each dairy farmer;

(3) The average butterfat content of such milk;

(4) The amount and nature of any deductions, as authorized in writing by the dairy farmer, from the payment for such milk; and

(5) The rate of payment per hundredweight and the net amount paid each dairy farmer.

§ 1138.32 Other reports.

(a) On or before the 21st day of each month, each handler described in § 1138.9(a) who is required pursuant to § 1138.71(c) to make payments to the market administrator for milk received from producers and cooperative associations shall report to the market administrator the following information with respect to its receipts of milk during the first 15 days of the month;

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of milk received from such producer;

(3) The amount and nature of any deductions, as authorized in writing by the producer, to be made from the partial payment for such milk;

(4) The total pounds of milk received from a handler described in § 1138.9(c); and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(b) On or before the 7th day after the end of each month, each handler described in § 1138.9 (a), (b) and (c) shall report to the market administrator the following information with respect to its receipts of milk during such month.

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of producer milk received from such producer, its average butterfat content and the total pounds of milk diverted to each plant that is not a pool plant;

(3) Except in the case of producer milk for which a cooperative association is collecting payments, the amount and nature of any deductions, as authorized in writing by the producer, to be made from the final payment for such milk;

(4) The total pounds of skim and butterfat received from a handler described in § 1138.9(c) and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(c) On or before the reporting dates specified in paragraphs (a) and (b) of this section, each cooperative association that operates a pool plant from which bulk fluid milk products were transferred to pool plants of other handlers within the time periods described in paragraphs (a) and (b) of this section shall report to each such pool plant operator and to the market administrator the name and location of the transferor-plant and the total pounds and butterfat content of the bulk fluid milk products transferred from the plant.

(d) In addition to the reports required pursuant to paragraphs (a) through (c) of this section and § 1138.30 and § 1138.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

(e) Each handler other than a cooperative association who causes milk to be diverted shall, prior to such diversion, report to the market administrator his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

Classification of Milk

§ 1138.40 Classes of utilization.

Except as provided in § 1138.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1138.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled

milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custard, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section.

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition.

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1138.15; and

(6) In shrinkage assigned pursuant to § 1138.41(a) to the receipts specified in § 1138.41(a)(2) and in shrinkage specified in § 1138.41 (b) and (c).

§ 1138.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1138.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat;

(1) In the receipts specified in paragraphs (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1138.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraphs (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1138.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1138.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1138.44(a)(12) and the corresponding step of § 1138.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1138.44(a)(7) or the corresponding step of § 1138.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1138.44(a) (11) or (12) or the corresponding step of § 1138.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not

be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the class to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I subject to adjustment when such information is available.

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1138.40.

(c) *Transfers to producer-handlers and transfers and diversions to exempt plants and governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to an exempt plant or and a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipt of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, an exempt handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (A) and (B) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraphs (d)(2) (ii) through (viii) of this section:

(A) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1138.30 for the month within which such transaction occurred; and

(B) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator.

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(A) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(B) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(C) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(D) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(A) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(B) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(A) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(B) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rate among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handler described in § 1138.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1138.9(c) to another handler's pool plant shall be classified pursuant to § 1138.44 pro rata with producer milk received at the transferee-handler's plant and the value thereof at the class prices shall be included in the pool plant handler's value of milk pursuant to § 1138.60.

§ 1138.43 General classification rules.

In determining the classification of producer milk pursuant to § 1138.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1138.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1138.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1138.40, 1138.41 and 1138.42. The combined pounds of skim milk and butterfat so determined in each Class for a handler described in § 1138.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1138.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1138.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1138.9(a) for each pool plant of the handler separately the classification of producer milk and milk received from a handler described in § 1138.9(c), by allocating the handler's receipts of skim milk and butterfat to the utilization of such receipts by such handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1138.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts.

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1138.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1138.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to the provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1138.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1138.40(b)(1) that was not subtracted pursuant to paragraph (a) (4), (5) and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant and an exempt plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of fluid milk products from a person described in § 1138.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined:

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraphs (a)(8)(ii) (A) through (C) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be

subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(A) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(B) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1138.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(C) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1138.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraphs (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraphs (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity pro-rated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraphs (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraphs (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk.

(A) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1138.45(a); or

(B) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other

pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such product pursuant to § 1138.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1138.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1138.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1138.45 Market Administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1138.44(a)(12) and the corresponding step of § 1138.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1138.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of the each month, report to each cooperative association which so requests, the amount and class utilization of milk received by each handler from producers whose milk is being marketed by such cooperative association. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be pro-rated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

Class Prices

§ 1138.50 Class prices.

Subject to the provisions of § 1138.53, the class prices for the month per hundredweight of milk shall be as follows: (a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.35.

(b) *Class II price.* The Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The Class II price shall be the basic Class II formula price computed pursuant to § 1138.52 for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, plus any amount by which the basic formula price for the second preceding month, adjusted pursuant to paragraphs (b)(1) and (b)(2) of this section, was less than the Class III price for the second preceding month.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1138.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1138.52.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1138.51 Basic formula price.

The *basic formula price* shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1138.74 shall be used.

§ 1138.52 Basic Class II formula price.

The *basic Class II formula price* for the month shall be the basic formula price determined pursuant to § 1138.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1138.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in

each of the following subparagraphs is of the total of the data represented in paragraphs (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the National Agricultural Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the National Agricultural Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

§ 1138.53 Plant location adjustments for handlers.

For milk received at a plant from producers or a handler described in § 1138.9(c) and which is classified as Class I milk, the price specified in § 1138.50(a) shall be adjusted by the amount stated in paragraph (a) of this section for the location of such plant:

(a) For a plant located within one of the zones set forth in § 1138.2, the adjustment shall be as follows:

Zone	Adjustment per hundredweight
Zone 1	No adjustment.
Zone 2	Minus 15 cents.
Zone 3	Plus 14 cents.

(b) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section.

§ 1138.54 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1138.50(b).

§ 1138.55 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1138.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1138.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1138.9(c) that were classified in each class pursuant to §§ 1138.43(a) and 1138.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1138.44(a)(14) and the corresponding step of § 1138.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1138.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1138.44(a)(9) and the corresponding step of § 1138.44(b);

(d) And the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1138.44(a)(7) (i) through (iv) and (vii) and the corresponding step of § 1138.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1138.44(a)(7) (v) and (vi) and the corresponding step of § 1138.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1138.44(a)(11) and the corresponding step of § 1138.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract for a handler described in § 1138.9(c) the amount obtained from multiplying the Class III price for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month.

§ 1138.61 Computation of uniform price.

The market administrator shall compute for each month the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1138.60 for all handlers who filed the reports prescribed in § 11.38.30 for the month and who made the payments pursuant to § 1138.71 for the preceding month;

(b) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(c) Add the aggregate of all minus location adjustments and subtract the aggregate of all plus location adjustments computed pursuant to § 1138.75;

(d) Divide the resulting amount by the sum of the following for all handlers included in the computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1138.60(f); and

(e) Subtract not more than 5 cents. The result shall be the "uniform price" for milk received from producers.

§ 1138.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the applicable uniform price pursuant to § 1138.61 for such month.

Payments for Milk

§ 1138.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § § 1138.71, 1138.76 and 1138.77 and from which he shall make all payments pursuant to § § 1138.72 and 1138.77, except that payments to a cooperative association pursuant to § 1138.72 shall be offset by any payments due from such cooperative association pursuant to § 1138.71 that have not been received by the market administrator.

§ 1138.71 Payments to the producer-settlement fund.

(a) Subject to paragraph (d) of this section, each handler shall pay to the market administrator on or before the 14th day after the end of the month the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1138.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1138.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1138.9(c). In the case of a cooperative association which is a handler, less the amount due from other handlers pursuant to § 1138.73(d), exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1138.60(f).

(b) Subject to paragraph (d) of this section, each person who operated a plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator on or before the 25th day after the end of each month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

(c) Any handler who the market administrator determines was more than 3 days late in making any payment obligation under part 1138 shall pay to the market administrator the amount the handler would have otherwise been required to pay to producers and cooperative associations pursuant to § 1138.73. Payment shall be made to the market administrator on or before the day prior to the dates specified in § 1138.73 and such payments shall continue until the handler has met all payment obligations for 3 consecutive months.

(d) The following conditions shall apply with respect to payments prescribed in paragraphs (a), (b) and (c) of this section:

(1) Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator.

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any day that is a national holiday, payment shall not be due until the next day on which the market administrator's office is open for public business.

(3) Payments due the market administrator from a cooperative association handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to § 1138.73 (b) and (d).

§ 1138.72 Payments from the producer-settlement fund.

(a) On or before the 15th day after the end of each month the market administrator shall pay to each handler except one making payment pursuant to § 1138.71(c) the amount, if any, by which the amount computed pursuant to § 1138.71(a)(2) exceeds the amount computed pursuant to § 1138.71(a)(1).

(b) If the market administrator received payment from a handler(s) pursuant to § 1138.71(c), he shall distribute such amount plus any amount due such handler(s) pursuant to paragraph (a) of this section to producers and to cooperative associations in the same manner as provided in § 1138.73. In the event the handler fails to transmit the total amount due, the market administrator shall reduce uniformly the payments due to producers of such handler and complete such payments when the remaining amount is received.

(c) If at any time the balance in the producer-settlement fund is insufficient to make all payments pursuant to paragraph (a) of this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1138.73 Payments to producers and to cooperative associations.

(a) Except as provided in § 1138.71(c) and paragraphs (b), (d) and (f) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month each producer who did not discontinue shipping milk to such handler before the 23rd day of the month, an amount equal to not less than the previous month's uniform price (adjusted for location of such plant) multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized in writing by the producer, provided that the deductions do not exceed the value of the milk received during the partial payment period and the handler has paid such deductions to assignees by the date payment is otherwise due the producer.

(2) On or before the 17th day of the following month, an amount equal to not less than the appropriate uniform price adjusted by the butterfat differential and location adjustments to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1138.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer, provided that the deductions do not exceed the value of the milk received during the final payment period and the handler has paid such deductions to assignees by the date payment is otherwise due to the producer: *Provided*, That if by such date such handler had not received full payment from the market administrator pursuant to § 1138.72(a) for such month,

he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producer shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) Except as provided in paragraph (f) of this section, in the case of a cooperative association which the market administrator determines is authorized by those producers for whom it markets milk to collect payment for their milk and which has so requested any handler in writing, such handler other than one specified in § 1138.71(c) shall on or before the 2nd day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from those producers for whom it markets milk as determined by the market administrator an amount equal to not less than the amount due such producers as determined pursuant to paragraph (a) of this section.

(c) In making payments to producers pursuant to paragraph (a) of this section, or to a cooperative association pursuant to paragraph (b) of this section, each handler shall furnish such producer or cooperative association with respect to each of the producers for whom it markets milk and from whom the handler received milk during the month, a written statement showing:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds, and, with respect to final payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The new amount of payment to the producer.

(d) Except as provided in § 1138.71(c) and paragraph (f) of this section, each handler pursuant to § 1138.9(a) who receives milk from a cooperative association as a handler pursuant to § 1138.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before the 2nd day prior to the last day of the month for milk received during the first 15 days of the month, not less than the applicable partial payment rate specified for such month in paragraph (a)(1) of this section; and

(2) On or before the 15th day of the following month for milk received during the month, not less than the uniform price as adjusted pursuant to § 1138.74 and § 1138.75, less any payments made pursuant to paragraph (a)(1) of this section.

(e) Except as provided in § 1138.71(c), each handler who received bulk fluid milk or bulk fluid cream products from a pool plant operated by a cooperative association shall pay the following amounts for such products to the cooperative association:

(1) On or before the 2nd day prior to the last day of each month, an amount determined by multiplying such receipts during the first 15 days of the month by the applicable partial payment rate specified for such month in paragraph (a)(1) of this section. If the handler so elects, such price may be adjusted by the butterfat differential specified in § 1138.74 for the preceding month.

(2) On or before the 15th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classified in each class pursuant to § 1138.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1138.74, less any payments made by the handler pursuant to paragraph (e)(1) of this section for such month. For the purpose of such computation, the applicable Class I price shall be the Class I price applicable at the transferee plant including the applicable administrative assessment rate.

(f) If the application of § 1138.71(d)(2) results in a delay in payment by the market administrator to handlers, the payments prescribed in paragraphs (a), (b) and (d) of this section may be delayed by the same number of days.

(g) If the market administrator does not receive the full payment required of a handler pursuant to § 1138.71(c), he shall reduce uniformly per hundredweight the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

§ 1138.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

§ 1138.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments required pursuant to § 1138.73, the uniform price computed pursuant to § 1138.61 shall be adjusted by the amounts set forth in § 1138.53 according to the location of the plant where the milk being priced was received.

(b) For the purpose of computations pursuant to §§ 1138.71 and 1138.72, the uniform price shall be adjusted by the amount set forth in § 1138.53 that is applicable at the location of the non-pool plant from which the milk was received.

§ 1138.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to § 1138.30(b) and § 1138.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant:

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant; and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1138.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1138.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1138.60 for such handler shall include, in lieu of the value of other source milk specified in § 1138.60(f) less the value of such other source milk specified in § 1138.71(a)(2)(ii), a value of milk determined pursuant to § 1138.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1138.7(b) subject to the following conditions:

(A) The operator of the partially regulated distributing plant submits with its reports filed pursuant to §§ 1138.30(b) and 1138.31(b) similar reports for each such nonpool supply plant;

(B) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(C) The value of milk determined pursuant to § 1138.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1138.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated.

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1138.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1138.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which results in monies due the market administrator from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which the error occurred. Any monies found to be due a handler from the market administrator shall be paid promptly to such handler, except that the market administrator shall offset any monies due a handler against monies due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required pursuant to § 1138.73, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1138.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1138.71, 1138.73, 1138.76, 1138.77, 1138.85, or 1138.86 shall be increased 1 percent beginning on the first day after the due date, and on the same day of each subsequent month until such obligation is paid, subject to the following conditions:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously computed pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

(c) All monies collected pursuant to this section shall be paid to the administrative assessment fund maintained by the market administrator.

Administrative Assessment and Marketing Service Deduction

§ 1138.85 Assessment for order administration.

As each handler's pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1138.9(c) that were delivered to pool plants of other handlers or held in inventory at the end of the month;

(b) Receipts from a handler described in § 1138.9(c);

(c) Other source milk allocated to Class I pursuant to § 1138.44(a) (7) and (11) and the corresponding steps of § 1138.44(b), except such other source milk that is excluded from the computation pursuant to § 1138.60 (d) and (f); and

(d) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1138.76(a)(2).

§ 1138.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 1138.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to the milk of such producer (except a handler's own farm production) for whom the marketing services set forth in this paragraph are not being performed by a cooperative association as determined by the Secretary. Each handler making such deductions shall pay the deductions to the market administrator on or before the 15th day after the end of the month. The monies shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and provide producers with market information. The services shall be performed by the market administrator or an agent engaged by and responsible to the market administrator.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producer as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month, pay such deduction to the cooperative association rendering such services accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

PARTS 1120 AND 1132—[REMOVED AND RESERVED]

2. Parts 1120 and 1132 are removed and reserved for future assignment.

Effective Date: December 1, 1991.

Signed at Washington, DC, on: October 9, 1991.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 91–25099 Filed 10–18–91; 8:45 am]

BILLING CODE 3410–03–M

Animal and Plant Health Inspection Service

9 CFR Part 73

[Docket No. 88–181]

Scabies in Cattle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the scabies in cattle regulations by removing all references to "Deputy Administrator" and replacing them with references to "Administrator." We are also removing certain references to "Veterinary Services" and replacing them with references to "Animal and Plant Health Inspection Service." These changes are warranted so the regulations will accurately reflect that the Administrator of the agency holds the primary authority and responsibility for various decisions under the regulations.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Granville H. Frye, Chief Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301–436–8711.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 73 (referred to below as the regulations) regulate the interstate movement of certain cattle in order to help prevent the spread of cattle scabies. Prior to the effective date of this document, these regulations indicated that the Deputy Administrator, Veterinary Services, of the Animal and Plant Health Inspection Service (APHIS) was the official responsible for various decisions under these regulations. We are revising 9 CFR part 73 to indicate that the primary authority and responsibility for various decisions under these regulations belongs to the Administrator of the agency. We are making similar revisions in all other APHIS regulations. These revisions will be published in separate **Federal Register** documents.

We are removing all references to "Deputy Administrator" and replacing them with references to "Administrator," and removing references to "Veterinary Services" and replacing them with references to "Animal and Plant Health Inspection Service (APHIS)." We are also adding a definition of "Animal and Plant Health Inspection Service." In addition, we are making nonsubstantive wording changes for clarity.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Executive Order 12372

These programs/activities under 9 CFR part 73 are listed in the Catalog of Federal Domestic Assistance under No. 10.025 and are subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 9 CFR Part 73

Animal diseases, Cattle, Mites, Quarantine, Scabies, Transportation.

Accordingly, we are amending 9 CFR part 73 as follows:

PART 73—SCABIES IN CATTLE

1. The authority citation for part 73 continues to read as follows:

Authority: 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 73.1c [Amended]

2. In § 73.1c, the paragraph designations are removed.

3. In § 73.1c, the term "Veterinary Services Inspector." is changed to "APHIS Inspector." In the definition of "APHIS Inspector," the term "Veterinary Services," is changed to "the".

4. In § 73.1c, definitions of "Administrator" and "Animal and Plant Health Inspection Service" are added, in alphabetical order, to read as follows:

§ 73.1c Definitons.

* * * * *

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

* * * * *

§ 73.2 [Amended]

5. In § 73.2, paragraphs (a) and (d), the term "a Veterinary Services" is changed to "an APHIS".

§ 73.3 [Amended]

6. In the first sentence of § 73.3, the term "a Veterinary Services" is changed to "an APHIS", and the term "under Veterinary Services" is changed to "under APHIS" both times it appears.

§ 73.4 [Amended]

7. In § 73.4, the term "a Veterinary Services" is changed to "an APHIS" and the term "from the Deputy Administrator, Veterinary Services:" is changed to "from the Administrator;".

§ 73.5 [Amended]

8. In the first sentence of § 73.5, "a Veterinary Services" is changed to "an APHIS".

9. In the second sentence of § 73.5, the term "Deputy Administrator, Veterinary Services" is changed to "Administrator"; the term "a Veterinary Services," is changed to "an APHIS,"; the term "under supervision of a Veterinary Services or Veterinary Services-approved inspector," is changed to "under supervision of an APHIS or APHIS-approved inspector," and the term "Veterinary Services" is changed to "APHIS".

10. In the third sentence of § 73.5, the term "a Veterinary Services" is changed to "an APHIS".

§ 73.6 [Amended]

11. In § 73.6, the term "a Veterinary Services" is changed to "an APHIS".

§ 73.7 [Amended]

12. In § 73.7, the term "a Veterinary Services" is changed to "an APHIS".

§ 73.8 [Amended]

13. In § 73.8, in the heading for paragraph (b) "Veterinary Services" is changed to "APHIS".

§ 73.9 [Amended]

14. In § 73.9, the term "Veterinary Services" is changed to "APHIS" and the term "a Veterinary Services" is changed to "an APHIS".

§ 73.10 [Amended]

15. In § 73.10, in paragraph (c), "Deputy Administrator, Veterinary Services." is changed to "Administrator."; in paragraphs (a)(2), (b), and (c), "Veterinary Services" is changed to "APHIS"; and in accompanying footnote number 3, the phrase "from the Veterinary Services or a Veterinary Services inspector." is changed to "from the APHIS or an APHIS Inspector.".

§ 73.12 [Amended]

16. In § 73.12, in paragraphs (a), (a)(2), (b), and (b)(3), "a Veterinary Services" is changed to "an APHIS".

Done at Washington, DC, this 15 day of October 1991.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91–25299 Filed 10–18–91; 8:45 am]

BILLING CODE 3410–34–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Regulations; Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of denial of waiver of the "nonmanufacturer rule" for petroleum products.

SUMMARY: This notice advises the public of the Small Business Administration's (SBA) decision not to grant a waiver of the so-called "nonmanufacturer rule" for the nine classes of petroleum products cited in a notice of intent to waive the rule for these products, published in the **Federal Register** on September 4, 1990 (55 FR 35908). This decision to deny a waiver is based on information received in response to that notice indicating that there is greater participation in the Federal procurement market by small refiners than was previously known. Also, a recent statutory change now requires that SBA consider all firms available to participate in the Federal procurement market when rendering decisions regarding waivers of the nonmanufacturer rule. The new information, together with the new statutory language, broadens consideration to small refiners in at least twenty geographical areas, rather than the seven cited in the notice of proposed intent to waive the Rule.

For information purposes only, the public is also advised that waivers of the Nonmanufacturer Rule may now be granted by SBA on individual solicitations after reviewing a determination by a contracting officer that no small business can reasonably be expected to supply a product meeting the specifications (including period of performance) required of an offeror by the solicitation.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: James Fairbairn, Office of Procurement Policy and Liaison, (202) 205–6465.

SUPPLEMENTARY INFORMATION: On November 15, 1988, Public Law 100–656 incorporated into the Small Business Act the previously existing SBA requirement that recipients of supply contracts that are other than the actual manufacturer (nonmanufacturers) set aside for small business or the 8(a) program must provide the products of a small business manufacturer or processor. Section 303(h) of Public Law 100–656 also provided that SBA may waive this requirement for any class of products for which there are no small business manufacturers or processors in the Federal market. In accordance with this provision for waiver, SBA published a notice of proposed intent to waive the nonmanufacturer rule for nine classes of petroleum products in the **Federal Register** on September 4, 1990. The products being considered for waiver included automotive gasoline, burner fuels, diesel fuels, kerosene, military specification type residuals, special and heavy grade fuel and other black (boiler type) fuels, bunker C commercial grade fuels, and illuminating oils. The basis for that intended waiver was that although small manufacturers or processors had provided each of the nine classes to the Federal government, SBA believed that it was reasonable to grant a waiver if it excluded certain geographical market areas in which small refiners had supplied the products. As discussed in the notice, SBA generally considers waivers on a national basis, unless the products are not supplied on a national

basis. In such cases, SBA may consider such factors as perishability of the product, transportation costs relative to the value of the good, and potential entry into a market area by small businesses, before defining a market area on a less than national basis. An SBA review of contract awards for petroleum products during 1987–1989 revealed that only seven small refiners had been awarded direct contracts, and that they supplied their products within limited market areas.

Two comment letters received in response to the notice of intent to issue a waiver raised concerns regarding SBA's definition of "the Federal market". One letter indicated that the Federal market is broader than that which SBA considered in its review. One reason given was the changing nature and competitiveness of the petroleum refining industry makes it difficult to identify the markets in which small businesses participate at any given time. While SBA examined participation of small refiners during the period from 1987–1989, nine additional small refiners that had received Federal contracts during the past ten years either offered on or were awarded contracts in 1990. This point was meant to demonstrate that refiners often enter the market and are not restricted to a limited area. Also, SBA did not consider small refiners that had offered, but not received a contract, as being in the Federal market. If such firms had been included in the review, the number of geographical areas in which small refiners compete would have to be expanded to at least twenty. Another comment letter suggested that SBA's definition of the Federal market should include refiners that have provided petroleum through dealers. It was further suggested that the effect of granting such a waiver would be to allow dealers to provide the products of large refiners on set-aside or 8(a) contracts. This would result in fewer purchases from small refiners, which is opposite of the purpose of the Nonmanufacturer Rule.

Section 210 of Public Law 101–574, enacted on November 15, 1990, amended the language of the Small Business Act to allow for the granting of waivers for classes of products for which there are "*no small business manufacturers or processors available to participate in the Federal procurement market.*" (emphasis added).

The comments have satisfactorily demonstrated to SBA that small refiners are in the Federal market or are available to participate in greater numbers than had been previously realized by SBA. Taking these considerations into account, there are at least twenty geographical areas that would have to be made exempt under a waiver. This number of areas demonstrates the diversity of small refiners available to participate in the Federal market. Also, the demonstrated potential for small refiners to enter the market does not allow the position that stable geographic market areas can be defined. Accordingly, SBA cannot issue a waiver for the nine petroleum products as proposed in the Federal Register on September 4, 1990.

We also received a comment to the notice of intent from several 8(a) dealers. They argued that the proposed waiver should be expanded to include jet fuel. As explained in the notice of intent in the Federal Register, other petroleum products were not included because small refiners supply those products in a national market rather than in one that is geographically restrictive. Waivers may only be granted for classes of products when there are no small business manufacturers or processors available to participate in the Federal market.

While this notice denies a waiver for petroleum products, the public is advised for information purposes only that it is possible that SBA may grant waivers of the nonmanufacturer rule on individual solicitations under certain conditions. Section 210 of Public Law 101–574 now permits SBA to waive the rule on individual solicitations after reviewing a determination by a contracting officer that no small business manufacturer or processor can be reasonably expected to offer a product meeting the specifications (including period of performance) required of an offeror on a specific solicitation.

Dated: October 11, 1991.

Robert J. Moffitt,

Chairman, Size Policy Board.

[FR Doc. 91–25227 Filed 10–18–91; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90–ASW–51]

Establishment of Transition Area: Hugo, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a transition area at Hugo, OK. The development of a new standard instrument approach procedure (SIAP) to the Stan Stamper Municipal Airport utilizing the new Hugo Nondirectional Radio Beacon (NDB), makes this action necessary. The effect of this action is to provide adequate controlled airspace for aircraft executing the new NDB Runway 25 SIAP. This action upgrades the status of the Stan Stamper Municipal Airport from visual flight rules (VFR) operations only to include instrument flight rules (IFR) operations.

EFFECTIVE DATE: 0901 u.t.c., January 9, 1992.

FOR FURTHER INFORMATION CONTACT: Mark F. Kennedy, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone (817) 624–5561.

SUPPLEMENTARY INFORMATION:

History

On November 28, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area at Hugo, OK (55 FR 51430).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G, dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will establish a transition area located at Hugo, OK. The development of a new SIAP (NDB Runway 35) at the Stan Stamper Municipal Airport makes this action necessary. This action will establish a 700-foot transition area around the Stan Stamper Municipal Airport with a radius of 6.5 miles and an arrival extension to the south. The effect of this action will provide adequate controlled airspace for aircraft executing the new NDB Runway 35 SIAP. This action upgrades the status of the Stan Stamper Municipal Airport from VFR only to include IFR operations.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine mater that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Hugo, OK [New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Stan Stamper Municipal Airport (latitude 34°02'05"N., longitude 095°32'30"W.) and within 1.5 miles each side of the 187° bearing of the Hugo NDB (latitude 34°02'27"N., longitude 095°32'21"W.), extending from the 6.5-mile radius area to 7.5 miles south of the airport, excluding that airspace which overlies the Antlers, OK, 700-foot Transition Area.

Issued in Fort Worth, TX, on September 25, 1991.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 91–25233 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 91–ASW–09]

Revision of Transition Area: Muleshoe, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the transition area located at Muleshoe, TX. The Edward Warren Field has been closed and a new airport, Muleshoe Municipal Airport, has been constructed to serve the area. The subsequent development of a new VHF omni-directional radio range/distance measuring equipment, Alpha (VOR/DME–A) standard instrument approach procedure (SIAP) to the new airport makes this action necessary. The effect of this proposal is to provide adequate controlled airspace for aircraft executing the new VOR/DME–A SIAP. This action upgrades the status of the Muleshoe Municipal Airport from visual flight rules (VFR) operations only to include operations under instrument flight rules (IFR).

EFFECTIVE DATE: 0901 u.t.c., January 9, 1992.

FOR FURTHER INFORMATION CONTACT: Mark F. Kennedy, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone (817) 624–5561.

SUPPLEMENTARY INFORMATION:

History

On June 14, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the transition area located at Muleshoe, TX (56 FR 30353).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G, dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will revise the transition area located at Muleshoe, TX. The construction of the new Muleshoe Municipal Airport after the closure of Edward Warren Field and the development of a new VOR/DME–A SIAP to the new airport, makes this action necessary. The effect of this action will provide adequate controlled airspace for all aircraft executing the new VOR/DME–A SIAP. This action revises the status of the Muleshoe Municipal Airport from VFR operations only to include IFR operations.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Muleshoe, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Muleshoe Municipal Airport (latitude 34°11'15"N., longitude 102°39'00"W.)

Issued in Fort Worth, TX, on September 27, 1991.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 91–25234 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 90-ANM-08]

Amendment, Control Zone and Transition Area, Pullman, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Pullman, Washington Control Zone and Transition Area. This action is necessary because a new VHF Omnidirectional Range/Distance Measuring Equipment (VOR–DME–A) approach is being established for the Pullman/Moscow Regional Airport. This will define new controlled airspace that will contain the new procedure and will accurately define the controlled airspace for pilot reference. The changes will be depicted on aeronautical charts.

EFFECTIVE DATE: 0901 u.t.c. November 14, 1991.

FOR FURTHER INFORMATION CONTACT: Bette VanManen, ANM–538, Federal Aviation Administration, Docket No. 90–ANM–08, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2538.

SUPPLEMENTARY INFORMATION:

History

On June 19, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Control Zone and Transition Area, Pullman, Washington (56 FR 28122). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. The Control Zone and Transition Area at Pullman, Washington, have been revised to define the controlled airspace that will contain the new VOR/DME–A approach. Accordingly, the control zone rule is adopted as proposed. The transition area rule is adopted as proposed, except for a correction to ensure that the area coincides with the control zone, in accordance with established FAA policy and historical practice. Sections 71.171 and 71.181 of part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the legal description of the Control Zone and Transition Area at Pullman, Washington. The revision to the Control Zone and Transition Area is necessary to define the controlled airspace that will contain the new VOR/DME–A approach being established for the Pullman/Moscow Regional Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Control zones and Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Pullman, WA [Revised]

Within a 4.8-mile radius of Pullman/Moscow Regional Airport (lat. 46°44'38" N, long. 117°06'31" W) and within 2 miles each side of the Pullman VOR/DME (lat. 46°40'28" N, long. 117°13'21" W) 047° radial extending from the 4.8-mile radius to the VOR/DME, and within 2 miles each side of the 046° radial extending from the 4.8-mile radius to 16 miles northeast of the VOR/DME. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will be continuously published in the Airport/Facility Directory.

§ 71.181 [Amended]

3. Section 71.181 is amended as follows:

Pullman, WA [Revised]

That airpsace extending upward from 700 feet above the surface within a 4.8-mile radius of Pullman/Moscow Regional Airport (lat. 46°44'38" N, long. 117°06'31" W) and within 2 miles each side of the Pullman VOR/DME (lat. 46°40'28" N, long. 117°13'21" W) 232° and 047° radials extending from the 4.8-mile radius to 8 miles southwest of the VOR/DME; and that airspace within a 24-mile radius of the Pullman VOR/DME extending clockwise from the 342° radial to a line 4.8 miles east of and parallel to the 046° radial of the VOR/DME, and that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Pullman VOR/DME 052° and 232° radials extending from 17.5 miles southwest to 7.5 miles northeast of the VOR/DME.

Issued in Seattle, Washington, on September 19, 1991.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division.

[FR Doc. 91–25232 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulation No. 4]

RIN 0960–AB34

Federal Old-Age, Survivors, and Disability Insurance Overpayment Recovery by Offset of Federal Income Tax Refund

AGENCY: Social Security Administration, HHS.

ACTION: Final rules with request for comments.

SUMMARY: These final regulations govern participation of the Social Security Administration (SSA) in the Federal income tax refund offset program established under section 2653 of the Deficit Reduction Act of 1984, Public Law 98–369. Section 5129 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990), Public Law 101–508, amended the statutes that govern the tax refund offset program, 31 U.S.C. 3720A and 26 U.S.C. 6402(d), to permit the recovery of Social Security overpayments through the withholding of amounts due to former Social Security beneficiaries as Federal income tax refunds. Section 5129 also amended section 204(a)(1)(A) of the Social Security Act (the Act) to add the Federal income tax refund offset to the list of overpayment recovery methods available to the Secretary. In these final

rules, we reflect the provisions of these statutes and explain the procedures that we will follow in implementing this legislation. Although these regulations are being published as final rules, we are asking for comments on the regulations from members of the public. After the end of the comment period, we will consider carefully any comments we receive to determine whether any changes are necessary.

DATES: *Effective Date:* October 21, 1991.

Comment Date: Comments must be submitted on or before December 20, 1991.

ADDRESSES: Comments on these final rules should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21235, or delivered to the Office of Regulations, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Lawrence V. Dudar, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (301) 965–1795.

SUPPLEMENTARY INFORMATION: Section 2653 of the Deficit Reduction Act of 1984, codified at 31 U.S.C. 3720A and 26 U.S.C. 6402(d), authorized the Secretary of the Treasury, upon receiving notice from a Federal agency that a named individual owes the agency a past-due, legally enforceable debt, to withhold all or a part of any income tax refund that is due to the debtor and pay the amount withheld to the agency. Section 2653 specifically precluded the use of these procedures to recover overpayments of Social Security benefits paid under title II of the Act (title II overpayments). Section 5129 of OBRA 1990 removed this restriction and provided authority for us to recover certain title II overpayments through the withholding of Federal income tax refunds. Section 5129 also amended section 204(a)(1)(A) of the Act to add the Federal income tax offset to the list of overpayment recovery methods available to the Secretary.

Under 31 U.S.C. 3720A, a Federal agency that is owed a past-due, legally enforceable debt by an individual may notify the Secretary of the Treasury of the debt in accordance with regulations issued by the Department of the Treasury. The applicable Treasury regulations are codified at 26 CFR 301.6402–6T. Before an agency may refer a debt to Treasury, it must, under 31 U.S.C. 3702A, take the following actions: (1) Notify the debtor that the agency proposes to refer the debt for tax refund offset; (2) give the debtor at least 60 days to present evidence that all or part of the debt is not past-due or not legally enforceable; (3) consider all evidence the debtor presents in determining that all or a part of the debt is past-due and legally enforceable; and (4) satisfy any other conditions that the Secretary of the Treasury may prescribe to ensure that the agency's findings are valid and that the agency has made reasonable efforts to obtain the payment of the debt. Section 5129 of OBRA 1990 added several additional conditions to the referral of title II overpayments for offset. These include: (1) The overpaid individual may not be currently entitled to Social Security benefits under title II of the Act; (2) the notice that we send to the overpaid individual concerning our intent to seek the offset must describe the conditions under which we are required to waive recovery of an overpayment under section 204(b) of the Act; and (3) if the overpaid individual requests that we waive recovery of the overpayment within the 60-day period allowed under the program for presenting evidence that the debt is not past due or not legally enforceable, we may not certify the overpayment to Treasury without first issuing a determination on the waiver request. The Federal income tax refund offset statutory provisions, and thus these final rules, apply with respect to tax refunds payable on or before January 10, 1994.

Following enactment of the Deficit Reduction Act of 1984, The Department of Health and Human Services (HHS) published regulations implementing the tax refund offset provisions. See 53 FR 25592 (July 8, 1988). These HHS regulations are codified at 45 CFR part 31. The final rules we are now issuing to reflect section 5129 of OBRA 1990 parallel the provisions of the statute and the HHS and Treasury Department regulations.

Explanation of Changes to Regulations

We are adding a new § 404.520 to our regulations to provide general information about the tax refund offset program and to explain that we may pursue collection of an overpayment through this program if the overpaid individual is not entitled to benefits. The new regulatory section also explains that we will not initiate the tax refund offset to collect an overpayment sooner than 3 months or later than 10 years after our right to collect the overpayment first accrued.

We are adding a new § 404.521 to explain that before we refer an overpayment to the Treasury Department, through the Internal Revenue Service (IRS), we will notify the overpaid individual of our intention to do so. This notice will advise the individual of the amount of the overpayment and the conditions under which we will waive recovery of an overpayment under section 204(b) of the Act. The notice will also explain that unless, within 60 days from the date of our notice, the overpaid individual repays the overpayment, presents evidence that the overpayment is not past due or not legally enforceable, or requests a waiver of the overpayment, we will refer the overpayment to the IRS to offset any tax refund payable to the overpaid individual. The notice additionally will advise the individual of the right to inspect and copy our records related to the overpayment.

The rules in §§ 404.522 and 404.523 explain our procedures for reviewing and making findings when an overpaid individual submits evidence that an overpayment is not past due or not legally enforceable.

The rules in § 404.524 explain our procedures for the overpaid individual who wishes to review our records related to the overpayment.

The rules in § 404.525 explain that if, within 60 days after the date of our notice of intent to seek an offset, an individual presents evidence that the overpayment is not past due or not legally enforceable or asks us to waive collection of the overpayment, we will suspend our referral of the overpayment to the IRS for offset until we issue written findings that affirm that all or a part of the overpayment is past due and legally enforceable and, where appropriate, determine that waiver of the overpayment is unwarranted.

The rules in § 404.526 set out our intention, in cases where a tax refund is insufficient in a tax year to satisfy the amount of the overpayment, to recertify to the IRS in the following year any amount of the overpayment that remains as long as the remainder of the overpayment continues to meet the criteria for referral under the tax refund offset program in the following year.

We are adding to § 404.903 a new paragraph (p) to include in the list of administrative actions that are not initial determinations findings on whether we can collect an overpayment by using the Federal income tax refund offset procedure. Administrative actions that are not initial determinations may be reviewed by us, but they are not subject to the administrative review

process provided by subpart J of our regulations, and they are not subject to judicial review.

Regulatory Procedures

We are publishing these regulations as final rules with a request for comments instead of proposed rules. Even when not required to do so by statute, HHS as a matter of policy, generally follows the Administrative Procedure Act (APA) notice of proposed rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds that there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. In the case of these rules, we have determined that under 5 U.S.C. 553(b)(B), good cause exists for waiving the notice of proposed rulemaking procedures. These rules implement statutory provisions for reporting certain Social Security overpayments to the IRS so that an offset against an income tax refund due the overpaid individual can be effectuated. Since the rules reflect statutory provisions and existing HHS regulations which govern the referral of debts to the IRS for tax refund offset, we believe that using the proposed rulemaking procedures would be unnecessary.

These final regulations differ from the current HHS regulations only to the extent necessary to reflect specific statutory requirements or to conform to existing SSA regulatory or nonsubstantive procedural requirements. The differences required by section 5129 of the Omnibus Budget Reconciliation Act of 1990 are reflected in §§ 404.520 (restriction to overpayments of taxpayers not currently entitled to title II benefits), 404.521(c) (requirement that our notice include a description of the conditions under which we will waive the overpayment); and §§ 404.521(b), 404.522(b), 404.522(c), 404.523 (a)–(c) and 404.525 (requirement that we make a determination on a timely waiver request before referring an overpayment to IRS). Other changes from the HHS regulations are made to reflect nonsubstantive SSA procedures. Publication of final rules with a request for comments will enable us to advise the public of this new statutory authority for recovering Social Security overpayments and also have the benefit of the comments of the public in our regulations.

In addition, as a practical matter, under applicable Department of the Treasury regulations, we must have our own regulations governing the operation of the tax refund offset program in place before we certify any overpayments to the IRS. In order to affect tax refunds issued in 1992, these regulations must be published by December 12, 1991.

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291 because these regulations will not result in any significant costs or otherwise meet the criteria for a major rule. We estimate the administrative costs to be $2 million for fiscal year (FY) 1991, $7 million for FY 1992, $7 million for FY 1993 and $1 million for FY 1994 with estimated savings (recouped overpayments) of $5 million in FY 1991, $49 million in FY 1992, $49 million in FY 1993 and $1 million in FY 1994.

The savings in FY 1991 are expected to be derived from overpaid individuals responding to the notice of intent to collect their overpayment through IRS tax refund offset by paying off the debt or implementing a repayment plan rather than waiting for the tax refund offset which would occur in 1992.

Paperwork Reduction Act

These final regulations impose no recordkeeping or reporting requirements requiring the Office of Management and Budget clearance.

Regulatory Flexibility Act

The Secretary certifies that these final regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in Public Law No. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Programs: No. 93.802 Social Security Disability Insurance; No. 93.803 Social Security Retirement Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-age, survivors and disability insurance.

Dated: June 21, 1991.

Gwendolyn S. King,

Commissioner of Social Security.

Approved: August 15, 1991.

Louis W. Sullivan,

Secretary of Health and Human Services.

Subpart F of Part 404 of chapter III of title 20 of the Code of Federal Regulations is amended to read as follows:

Subpart F—[Amended]

1. The authority citation for part 404, subpart F is revised to read as follows:

Authority: Secs. 204(a)–(d), 205(a), and 1102 of the Social Security Act; 31 U.S.C. 3720A; 42 U.S.C. 404(a)–(d), 405(a), and 1302.

PART 404—[AMENDED]

2. Sections 404.520, 404.521, 404.522, 404.523, 404.524, 404.525, and 404.526 are added to read as follows:

§ 404.520 Referral of overpayments to the Internal Revenue Service for tax refund offset—General.

(a) The standards we will apply and the procedures we will follow before requesting the Internal Revenue Service (IRS) to offset income tax refunds due taxpayers who have an outstanding overpayment are set forth in §§ 404.520 through 404.526. These standards and procedures are authorized by the Deficit Reduction Act of 1984 (31 U.S.C. 3720A), as amended by section 5129 of the Omnibus Budget Reconciliation Act of 1990, and as implemented through Department of the Treasury regulations at 26 CFR 301.6402–6T and Department of Health and Human Services regulations at 45 CFR Part 31.

(b) We will use the IRS tax refund offset procedure to collect overpayments that are certain in amount, past due and legally enforceable, and eligible for tax refund offset under regulations issued by the Secretary of the Treasury. We will use these procedures to collect overpayments only from individuals who are not currently entitled to monthly Social Security benefits under title II of the Act. We will refer an overpayment to the Secretary of the Treasury for offset against tax refunds no sooner than 3 months after our right to collect the overpayment first accrued and no later than 10 years after our right to collect the overpayment first accrued.

§ 404.521 Notice to overpaid individual.

A request for reduction of an IRS tax refund will be made only after we determine that an amount is owed and past due and provide the overpaid individual with 60 calendar days written notice. Our notice of intent to collect an overpayment through IRS tax refund offset will state:

(a) The amount of the overpayment;

(b) That unless, within 60 calendar days from the date of our notice, the overpaid individual repays the overpayment, sends evidence to us at the address given in our notice that the overpayment is not past due or not legally enforceable, or asks us to waive collection of the overpayment under

section 204(b) of the Act, we intend to seek collection of the overpayment by requesting that the IRS reduce any amounts payable to the overpaid individual as refunds of Federal income taxes by an amount equal to the amount of the overpayment;

(c) The conditions under which we will waive recovery of an overpayment under section 204(b) of the Act;

(d) That we will review any evidence presented that the overpayment is not past due or not legally enforceable;

(e) That the overpaid individual has the right to inspect and copy our records related to the overpayment as determined by us and will be informed as to where and when the inspection and copying can be done after we receive notice from the overpaid individual that inspection and copying are requested.

§ 404.522 Review within SSA that an overpayment is past due and legally enforceable.

(a) *Notification by overpaid individual.* An overpaid individual who receives a notice as described in § 404.521 has the right to present evidence that all or part of the overpayment is not past due or not legally enforceable. To exercise this right, the individual must notify us and present evidence regarding the overpayment within 60 calendar days from the date of our notice.

(b) *Submission of evidence.* The overpaid individual may submit evidence showing that all or part of the debt is not past due or not legally enforceable as provided in paragraph (a) of this section. Failure to submit the notification and evidence within 60 calendar days will result in referral of the overpayment to the IRS, unless the overpaid individual, within this 60-day time period, has asked us to waive collection of the overpayment under section 204(b) of the Act and we have not yet determined whether we can grant the waiver request. If the overpaid individual asks us to waive collection of the overpayment, we may ask that evidence to support the request be submitted to us.

(c) *Review of the evidence.* After a timely submission of evidence by the overpaid individual, we will consider all available evidence related to the overpayment. If the overpaid individual has not requested a waiver we will make findings based on a review of the written record, unless we determine that the question of indebtedness cannot be resolved by a review of the documentary evidence. If the overpaid individual has asked us to make a waiver determination and our records do not show that after an oral hearing we had previously determined that he was at "fault" in accepting the overpayment, we will not deny the waiver request without first scheduling an oral hearing.

§ 404.523 Findings by SSA.

(a) Following the hearing or a review of the record, we will issue written findings which include supporting rationale for the findings. Issuance of these findings concerning whether the overpayment or part of the overpayment is past due and legally enforceable is the final Agency action with respect to the past-due status and enforceability of the overpayment. If we make a determination that a waiver request cannot be granted, we will issue a written notice of this determination in accordance with the regulations in subpart J of this part. Our referral of the overpayment to the IRS will not be suspended under § 404.525 pending any further administrative review of the waiver request that the individual may seek.

(b) Copies of the findings described in paragraph (a) of this section will be distributed to the overpaid individual and the overpaid individual's attorney or other representative, if any.

(c) If the findings referred to in paragraph (a) of this section affirm that all or part of the overpayment is past due and legally enforceable and, if waiver is requested, we determine that the request cannot be granted, we will refer the overpayment to the IRS. No referral will be made to the IRS if, based on our review of the overpayment, we reverse our prior finding that the overpayment is past due and legally enforceable or, upon consideration of a waiver request, we determine that waiver of our collection of the overpayment is appropriate.

§ 404.524 Review of our records related to the overpayment.

(a) *Notification by the overpaid individual.* An overpaid individual who intends to inspect or copy our records related to the overpayment as determined by us must notify us stating his or her intention to inspect or copy.

(b) *Our response.* In response to a notification by the overpaid individual as described in paragraph (a) of this section, we will notify the overpaid individual of the location and time when the overpaid individual may inspect or copy our records related to the overpayment. We may also, at our discretion, mail copies of the overpayment-related records to the overpaid individual.

§ 404.525 Suspension of offset.

If, within 60 days of the date of the notice described in § 404.521, the overpaid individual notifies us that he or she is exercising a right described in § 404.522(a) and submits evidence pursuant to § 404.522(b) or requests a waiver under § 404.506, we will suspend any notice to the IRS until we have issued written findings that affirm that an overpayment is past due and legally enforceable and, if applicable, make a determination that a waiver request cannot be granted.

§ 404.526 Tax refund insufficient to cover amount of overpayment.

If a tax refund is insufficient to recover an overpayment in a given year, we will recertify the remainder of the overpayment to the IRS in the following year, assuming that all criteria for certification are met at that time.

Subpart J—[Amended]

Subpart J of part 404 of chapter III of title 20 of the Code of Federal Regulations is amended to read as follows:

1. The authority citation for part 404, subpart J is revised to read as follows:

Authority: Secs. 201(j), 205 (a), (b) and (d)–(h), 221(d), and 1102 of the Social Security Act; 31 U.S.C. 3720A; 42 U.S.C. 401(j), 405 (a), (b) and (d)–(h), 421(d) and 1302.

2. Section 404.903 is amended by adding paragraph (p) to read as follows:

§ 404.903 Administrative actions that are not initial determinations.

* * * * *

(p) Findings on whether we can collect an overpayment by using the Federal income tax refund offset procedure. (See § 404.523).

[FR Doc. 91–25179 Filed 10–18–91; 8:45 am]
BILLING CODE 4190–29–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Regulatory Program; Liability for Subsidence Damage

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of proposed Revised Program Amendment Number 38 to the Ohio

permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment is intended to incorporate rule changes initiated by the State. The amendment specifies the use of agreements between mine operators and surface owners concerning the repair or compensation of subsidence damage. It also limits exemptions concerning the repair or compensation for subsidence damage to only those structures owned by mine operators or permittees, and specifies Ohio's and mine operators' responsibilities if a surface owner prevents the implementation of the operator's plan for repair or compensation of subsidence damage.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Seibel, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232; (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program.
II. Submission of Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982, **Federal Register** (47 FR 34688).

Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Submission of Amendment

By letter dated January 31, 1989 (Administrative Record No. OH-1142), the Ohio Department of Natural Resources, Division of Reclamation (Ohio), submitted proposed Ohio Program Amendment Number 38 to revise the Ohio program at Ohio Administrative Code (OAC) 1501:13-12-03(B), (D)(2) (a) and (b), and (D)(4)(a)(ii) and (D)(4)(b).

OSM announced receipt of the proposed amendment in the March 1, 1989 **Federal Register** (54 FR 8561), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on March 31, 1989.

By letter dated August 10, 1989 (Administrative Record No. OH-1198), Ohio submitted Revised Program Amendment Number 38. Revised Program Amendment Number 38 modifies OAC 1501:13-12-03 paragraphs (D)(2), (D)(2) (a) and (b), (D)(4), and (D)(4) (a) and (b), and creates new paragraphs (E) and (H)(3). The proposed amendment also makes nonsubstantive changes to paragraph letter notations throughout the rule.

OSM announced receipt of proposed Revised Program Amendment Number 38 in the August 28, 1989 **Federal Register** (54 FR 35504), and, in the same notice, opened the public comment period and provided for a public hearing on the adequacy of the proposed amendment. The comment period closed on September 27, 1989. A summary of the comments received and their disposition appears in part IV of this notice. Since no one requested an opportunity to testify at either of the public hearings scheduled during the public comment periods, the hearings were cancelled.

As noted in the Director's findings below, there have been discussions and correspondence between OSM and Ohio concerning the interpretation of the amendment's revisions to OAC 1501:13-12-03.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Ohio program submitted on August 10, 1989, and as clarified by letters dated July 18, 1990, August 24, 1990, and August 1, 1991. Provisions which are not discussed below concern nonsubstantive wording changes or revise cross references and paragraph notations to reflect organizational changes resulting from this amendment.

1. OAC 1501:13-12-03(E) and OAC 1501:13-12-03(D)(2)(b)

Ohio is adding a new paragraph (E) to OAC 1501:13-12-03 which states that any agreement between the operator and a surface owner which addresses the repair or the compensation for subsidence damage to the surface owner's structures shall take precedence over the provisions of OAC 1501:13-12-03 and the provisions of this rule shall not apply to any damage to such structures. Ohio is proposing to delete subparagraph (D)(2)(b) which exempts an operator from the requirement to repair or compensate material damage caused to structures or facilities if the operator clearly demonstrates by property conveyance or agreement that he has been relieved of his liability for subsidence-caused damage. In a letter dated July 18, 1990 (Administrative Record Number OH-1338), Ohio states that the effect of these two revisions is to act as "an incentive for the operator and owner to address the issues of repair or compensation before the fact, rather than in response to a material damage notice." The letter further states that any agreement reached before damage occurs could not fall below the regulatory minimum, that is, repairing the damage or compensating a structure owner for the full amount of the diminution in value resulting from subsidence. If any agreement did so, Ohio would consider the agreement to be the equivalent of no agreement. OSM was concerned that new paragraph (E) may be subject to interpretations different from Ohio's interpretation in its July 18, 1990, response to OSM. Therefore, by letter dated August 24, 1990 (Administrative Record Number OH-1371), Ohio clarified its interpretation by stating that "because it reads and enforces rules in their entirety, paragraphs (E), (F), and (H) taken together with the deletion of former subparagraph (D)(2)(b), would not excuse the operator from liability or from the minimum obligations for repair or compensation, nor would they limit the Chief's authority to enforce the existing provisions of (F) and (H)." In addition, Ohio clarified "that an agreement between a surface owner and an operator could not take precedence over the provisions of paragraph (J). Paragraph (J) very specifically covers features and facilities in which there is a high public interest." See, August 1, 1991, letter (Administrative Record Number OH-1552). Generally, under both Ohio law and 30 CFR 817.121(d), mining is prohibited under structures with a public interest. Ohio's addition of paragraph (E) does not change this protection.

The Federal regulations concerning subsidence control at 30 CFR 817.121(c)(2) state that the operator shall, to the extent required under applicable provisions of State law, either correct material damage to structures or facilities resulting from subsidence or compensate the owners of such structures or facilities. The preamble to the Federal rule at 30 CFR 817.121(c)(2) states that "liability for damage to surface and subsurface structures and facilities under section 507(f) of the Act (SMCRA) is tied to

liability under State law because the Act was not intended to create additional property rights" (52 FR 4863, February 17, 1987). Therefore, the Federal rule allows States to choose whether or not they wish to protect structures from subsidence. The reader is further referred to the Federal rule preamble for a complete discussion of material damage to structures and facilities (52 FR 4860–68). In *National Wildlife Federation* v. *Lujan*, 733 F. Supp. 419 (D.D.C. February 12, 1990), the U.S. District Court remanded this rule to the Secretary with instructions to remove the reference to State law. Subsequently, on March 22, 1991, the U.S. Court of Appeals for the District of Columbia reversed the district court. *National Wildlife Federation* v. *Lujan*, 928 F. 2d 453 (D.C. Cir. 1991). In effect, the court reinstated 30 CFR 817.121(c). As a result, it is up to each State to determine the extent of liability for subsidence-related damage to structures.

Thus, when the intentional deletion of subparagraph (D)(2)(b) is read together with the addition of paragraph (E), it is clear that Ohio has eliminated almost all exemptions to the requirement that an operator must repair or compensate the structure owner for any material damage caused by subsidence. The compensation or repair must, at the minimum, be the equivalent of the full amount of the structure's diminution in value resulting from that subsidence. See, OAC 1501:13–12–03(F). Any agreement between the operator and the owner must meet this minimum. The only exception to this requirement is when the owner of the structure is also the operator. Thus, the Director finds that since 30 CFR 817.121(c)(2) allows the State to determine operator liability based on State law, the two Ohio revisions are not inconsistent with 30 CFR 817.121(c)(2).

2. OAC 1501:13–12–03(F) and OAC 1501:13–12–03(H)

The Ohio rule at OAC 1501:13–12–03(D)(2) has been redesignated as paragraph OAC 1501:13–12–03(F). The word "either" has been deleted from the beginning of the first sentence and replaced by language which reads "If the operator and the owner of the structures have no agreement for repair and compensation, the operator shall . . ." Based on the amendment and Ohio's interpretations, any agreements which fall below the minimum, as discussed above, amount to no agreement. In such situations, and when there was never any agreement to begin with, the operators must repair or compensate the structure owner for subsidence damage to structures or facilities based on the minimum requirements of paragraph (F).

Ohio is amending paragraph OAC 1501:13–12–03(H), formerly subparagraph (D)(4), by adding language which clarifies that the operator is subject to the provisions of OAC 1501:13–12–03(H) if "the operator has not reached an agreement with the owner of the structures or facilities" as is provided for in the proposed new paragraph at OAC 1501:13–12–03(E). Paragraph (H) requires the operator to submit information to the Chief after the operator has been issued a material damage notice.

As stated in Director's Finding No. 1, 30 CFR 817.121(c)(2) allows the States to choose whether or not they wish to protect structures from subsidence. Ohio has exercised this discretion by requiring operators to repair or compensate structure owners according to the minimum requirements of paragraph (F). The Director, therefore, finds that the revised rules at paragraphs (F) and (H) are not inconsistent with the Federal rule.

3. OAC 1501:13–12–03(H)(2) and (H)(3)

Subparagraph OAC 1501:13–12–03(H)(2), formerly subparagraph (D)(4)(b), is amended by deleting the existing language which subjected an operator to the requirements of paragraph (G), formerly subparagraphs (D)(3)(a) to (e), if the Chief determined that the operator was not exempt as the operator had claimed. The amendment also adds language that requires the operator to perform the obligations specified in any plan submitted in accordance with subparagraph (H)(1) of this rule within the time period stated in the plan, provided that the surface owner does not prevent the operator from performing its obligations under the plan.

Further, new subparagraph OAC 1501:13–12–03(H)(3) states that if the surface owner prevents the implementation of the operator's plan for repair or compensation, then the Chief shall take no further action and the surface owner may pursue whatever private rights of action may be available to the surface owner.

In answer to OSM's concern about the implementation of subparagraph (H)(3), Ohio responded by letter dated August 1, 1991 (Administrative Record Number OH–1552) that the Chief will not issue a notice of violation to the operator for failure to repair or compensate if the Chief has determined that the operator has taken all reasonable steps to implement the plan. Ohio does not interpret subparagraph (H)(3) to mean "that the Chief would be restricted in his authority to pursue whatever remedies he determines appropriate—such as legal action against the landowner or regulatory action against the coal operator—prior to determining that the landowner is effectively preventing implementation." Regarding the question of verification, the Chief would continue to require adequate verification that the operator is prevented from implementing the repair plan.

The Director finds, therefore, that subparagraphs (H)(2) and (H)(3), along with Ohio's letter of interpretation, are not inconsistent with the Federal rule at 30 CFR 817.121(c)(2) because Ohio is taking reasonable steps to insure that the intent of 30 CFR 817.121(c)(2) is fulfilled by the operator and as discussed in Finding No. 1.

In addition, the deletion of former subparagraph (D)(4)(b) does not render the Ohio program less effective than the Federal rule at 30 CFR 817.121(c) because Ohio still retains, as discussed in the August 1, 1991, letter the discretion to pursue whatever legal action is necessary against the operator prior to a determination that the landowner is effectively preventing the implementation of the operator's plan.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the March 1, 1989, **Federal Register** (54 FR 8561) closed on March 31, 1989. The public comment period was subsequently reopened and announced in the August 28, 1989, **Federal Register** (54 FR 35504). The public comment period closed on September 27, 1989. The scheduled public hearings were not held as no one requested an opportunity to provide testimony. The following comments opposed to OSM's approval of the proposed amendment were received from the Ohio Mining and Reclamation Association (OMRA) dated March 29, 1989 (Administrative Record Number OH–1183):

1. The Ohio Department of Natural Resources, Division of Reclamation, may not have the authority under Ohio law to adopt the proposed rule changes.

2. The proposed rule changes are inadequate because they do not provide for the right of entry by underground mine operators to enter into properties to repair affected structures.

3. The proposed rule changes violate both Ohio and Federal case law in that the deletion of subsidence liability

waivers previously accomplished through agreements with owners interferes with contractual rights as determined by Ohio and Federal courts.

4. Because the proposed rule interferes with contractual rights as determined by Ohio courts, the proposed rule, is therefore, unconstitutional.

5. Existing Ohio law at Ohio Revised Code section 1503.07(E)(2)(iii) does not authorize the Chief of the Division of Reclamation to adjudicate property right disputes. Disputes between owners and mine operators should be settled in the court system.

OMRA questioned Ohio's authority to amend the Ohio rules in the manner in which it has proposed. Section 1513.02 of the Ohio Revised Code authorizes the Chief of the Division of Reclamation to adopt, amend, and rescind rules to implement the reclamation of lands affected by coal mining and to attain "those objectives in the interest of the public health, safety and welfare to which these reclamation requirements are directed."

OMRA's second comment is that the rule does not give the operator any authority to enter land that needs to be repaired, if the landowner refuses entry to the operator for such repairs. OMRA then goes on to say that because of a landowner's recalcitrance, an operator would be forced to compensate the structure owner for any damage instead of repairing it. While the Ohio rule does not specifically give such authority, an affirmatively imposed statutory duty, such as reclaiming mined or subsided areas, necessarily carries with it implicit authority to carry out the required act. This would include any area mined off the original permit area for which a right of entry was required. However, operators who are prevented from performing repairs by property owners are adequately protected in those instances because the Ohio rule at OAC 1501:13–12–03(H)(3) states that the Chief will not pursue enforcement actions when the operator has made reasonable attempts to repair the damage.

With respect to OMRA's third and fourth comments, OMRA maintains that the amendment cannot be approved because under Ohio law operators have the right to subside and surface owners can release operators from any liability to repair or compensate for material damage caused by subsidence. OMRA concludes that to allow otherwise is an unconstitutional interference with both contractual and property rights that have been established by Federal and Ohio case law. The essence of this comment was reasserted in OMRA's subsequent comment dated September 25, 1989 (Administrative Record Number OH–1216) regarding Ohio's revised amendment. The Director disagrees with the OMRA comment.

The U.S. Supreme Court in *Keystone Bituminous Coal Association* v. *DeBenedictis,* 480 U.S. 470, 107 S.Ct. 1232, 94 L.Ed.2d 472 (1987), upheld a Pennsylvania law which requires *inter alia,* repair or compensation for structures damaged by subsidence. In the event the operator fails to repair or compensate the owner, the operator's permit will be revoked or suspended. See, 52 Pa. Cons. Stat. 1406.6. The plaintiffs in *Keystone* argued that this provision violated the Contracts Clause of the Constitution because the Pennsylvania statute prohibited the operators from holding the surface owners to their contractual waiver of liability for surface damage. *Id.* at 502. The Court upheld the statute because it was amply justified by the public purposes that it served. *Id.* at 506. Thus, in some respects the Ohio amendment is similar to the Pennsylvania law found constitutional by the Court.

The fifth OMRA comment concerns the possible conflict with ORC 1503.07(E)(2)(iii). OMRA claims that the Chief will be adjudicating property rights. The Chief is not determining who owns the mineral rights of a specific property but rather enforcing an operator's responsibilities to repair or compensate a structure owner for material damage caused by subsidence.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Ohio Program. The U.S. Environmental Protection Agency responded that they had no comments on the proposed amendment. The U.S. Department of Labor, Mine Safety and Health Administration, responded that liability for subsidence-caused damage is an area that is outside their jurisdiction. No other comments were received.

V. Director's Decision

Based on the above findings, the Director is approving Ohio Revised Program Amendment Number 38, originally submitted by Ohio as Program Amendment Number 38 on January 31, 1989, and revised and submitted by letter dated August 10, 1989. It was later clarified by letters dated July 18, 1990, August 24, 1990, and August 1, 1991.

The Federal regulations at 30 CFR part 935 codifying decisions concerning the Ohio program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage states to bring their programs in conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no such provisions and that EPA concurrence is, therefore, unnecessary.

VI. Procedural Determinations

National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 11, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation for part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 935.15, a new paragraph (zz) is added to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(zz) The following amendment to the Ohio regulatory program, as originally submitted by letter dated January 31, 1989, later revised and submitted by letter dated August 10, 1989, and clarified on July 18, 1990, August 24, 1990, and August 1, 1991, is approved effective October 21, 1991: Revised Amendment Number 38 which consists of revisions to the Ohio Administrative Code (OAC) at Section 1501:13–12–03 concerning subsidence control.

[FR Doc. 91–25277 Filed 10–18–91; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AE98

Claims Based on Exposure to Herbicides Containing Dioxin (PCT/Chloracne)

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its regulations which govern the adjudication of claims for service-connected disability compensation based on exposure to a herbicide containing dioxin. The amendments will (1) extend, from three to nine months, the period during which chloracne must appear following exposure to a herbicide containing dioxin in order to establish service connection, and (2) provide that there is no significant statistical association between exposure to a herbicide containing dioxin and porphyria cutanea tarda (PCT). These changes are necessary to implement our determinations based on a review of scientific and medical studies. The intended effect is to establish a rule for making determinations regarding service connection for chloracne and PCT for all veterans who were exposed to herbicides containing dioxin during military service.

EFFECTIVE DATE: The amendment to § 3.311a(d) is effective September 25, 1985. The amendment to § 3.311a(c) is effective October 21, 1991.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 19, 1991 (56 FR 11536–11537), VA published a proposal to amend 38 CFR 3.311a in order to extend the period during which chloracne must appear following exposure to a herbicide containing dioxin in order to establish service connection, and to codify the Secretary's decision that there is no significant statistical association between exposure to a herbicide containing dioxin and PCT. Interested persons were invited to submit written comments, suggestions or objections on or before April 18, 1991. We received one comment from the American Legion.

The commenter submitted a report concerning a person with PCT who had been exposed to TCDD which had been published in the Morbidity Mortality Weekly Report of March 2, 1984, saying he was not aware whether the Veterans Advisory Committee on Environmental Hazards (VACEH) had considered the case. VACEH met on May 23, 1991, and reviewed the report. Due to a number of factors, including the subject's exposure to a number of chemical compounds plus his history of chronic alcohol ingestion, which has been reported to result in PCT, the report does not warrant a change in the previous determination that there is no significant statistical association between exposure to a herbicide containing dioxin and PCT.

The commenter also submitted for consideration by VACEH a copy of an article from the spring edition of New Solutions, Journal of Occupational and Environmental Health concerning the American Legion's Agent Orange Scientific Task Force Report.

At its meeting of May 16–17, 1990, VACEH had conducted its own review of the Agent Orange Scientific Task Force Report and found that from a scientific standpoint, the conclusions of the Task Force represent an over-interpretation of inconclusive data and an oversimplification of a complex biological process. VACEH further found that the Task Force presented only a selective review of the literature and its review appeared to be generally uncritical and lacking of any discussion of the strengths and weaknesses of particular studies. The article submitted by the commenter is essentially a summary of the Task Force Report and its conclusions, and it contains no new evidence or insights which would warrant a change in either VACEH's assessment of the Task Force Report or VA's previous determination that there is no significant statistical association between exposure to a herbicide containing dioxin and PCT.

The commenter also noted that the National Institute for Occupational Safety and Health (NIOSH) Registry of Dioxin Workers, which was partially reported in the January 24, 1991, issue of the New England Journal of Medicine, will offer a further opportunity to study the relationship between dioxin and PCT, and suggested that VA defer publishing the final rule until the complete NIOSH study is available for review.

Since the body of currently available scientific and medical literature does not support a finding that there is a significant statistical association between exposure to a herbicide containing dioxin and subsequent development of PCT, delaying publication of the final rule based on speculation as to what one future study might indicate would serve no useful purpose. Should future scientific or medical studies warrant a change in the Secretary's determination, the regulation will be amended accordingly.

The Secretary finds good cause for the assigned effective dates for these regulatory amendments. Because in *Nehmer* v. *United States Veterans Administration*, 712 F. Supp. 1404 (N.D. Cal. 1989), the court invalidated VA's original service connection determinations in 38 CFR 3.311a(d) *ab initio*, and because those determinations were the original regulatory response to the mandate in section 5(a)(1) of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98–542, 98 Stat. 2735 (1984), we are making the amendment to § 3.311a(d) effective retroactive to September 25, 1985, the original effective date of the section. Since § 3.311a(d) serves as a substitute for a void regulation, this effective date is appropriate.

We are making the amendment to § 3.311a(c) effective the date of publication of the final rule. The Secretary finds good cause for doing so since the extension of the manifestation period for chloracne from three to nine months following exposure to a herbicide containing dioxin relieves a restriction and will not work to the detriment of any claimant. This decision is fully consistent with VA's longstanding policy to administer the law under a broad interpretation for the benefit of veterans and their dependents (38 CFR 3.102).

VA appreciates the comment submitted in response to the proposed rule, which is now adopted without amendment.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.101, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pension, Veterans.

Approved: September 13, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 210, unless otherwise noted.

2. In § 3.311a(c)(1), remove the word "three" where it appears and insert, in its place, the word "nine".

3. Section 3.311a is amended by adding a new paragraph (d) and revising the authority citation at the end of the section to read as follows:

§ 3.311a Claims based on exposure to herbicides containing dioxin.

* * * * *

(d) *Diseases not associated with exposure to herbicides containing dioxin.* Sound scientific and medical evidence does not establish a significant statistical association between exposure to herbicides containing dioxin and porphyria cutanea tarda.

* * * * *

(**Authority:** Sec. 5, Pub. L. 98–542, 98 Stat. 2725, 2727 (38 U.S.C. 354 note); 38 U.S.C. 501(a))

[FR Doc. 91–24842 Filed 10–18–91; 8:45 am]

BILLING CODE 8320–01–M

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38 CFR Part 17

RIN 2900–AC70

Transportation of Claimants and Beneficiaries

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Department of Veterans Affairs (VA) hereby adopts, as final regulations, a proposed regulation which was published in the **Federal Register** on Friday, February 1, 1991, at 56 FR 4025. The proposed regulations amended the Transportation of Claimants and Beneficiaries regulations (38 CFR, part 17, § 17.100) concerning the provision of beneficiary travel reimbursement to specified categories of eligible veterans.

This action was taken in accordance with the Veterans' Benefits and Services Act of 1988, Public Law 100–322, section 108, which restores in large part, VA travel reimbursement benefits.

EFFECTIVE DATE: These regulations are retroactively effective July 1, 1988, as required by law.

FOR FURTHER INFORMATION CONTACT: Stuart E. Mount, Medical Administration Program Specialist, Policies and Procedures Division (161B2), Medical Administration Service, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 535–7660.

SUPPLEMENTARY INFORMATION: The Veterans' Benefits and Services Act of 1988, Public Law 100–322, section 108, significantly modified the authority of VA to pay travel benefits. It requires that, if VA provides any beneficiary travel reimbursement under section 111 in any given fiscal year, then payments must be provided in that year in the cases of travel for health-care services for all the categories of beneficiaries specified in the statute. In order to limit the overall cost of this program, the law imposes a $3 one-way deductible applicable to all travel except for veterans otherwise eligible for beneficiary travel reimbursement who are traveling by special modes of transportation, or to receive a compensation and pension examination. In order to limit the overall impact on veterans whose clinical needs dictate frequent travel for VA medical care, an $18 per calendar month cap on the deductible would apply for those veterans who are pre-approved as needing to travel on a frequent basis. The regulations contain several provisions intended to clarify the meaning of terms used in the law. They define the term "unable to defray the expenses of travel" to include service-connected veterans rated at least 30 percent, and veterans traveling in connection with treatment of a service-connected disability. That will assure that those veterans are able to receive the same benefit that nonservice-connected veterans can receive to travel by a special mode of transportation, such as an ambulance, when necessary. The regulations also clarify the meaning of severe financial hardship for purposes of waiving the deductible. They state that hardship will result when loss of employment, illness or disability cause income to drop below the maximum level of VA pension, which in 1990 was $10,824 for a single veteran. Finally, the regulations clarify which persons in addition to veterans are eligible to receive beneficiary travel payments, including attendants when it has been determined in advance that the beneficiary's physical or mental condition requires the presence of an attendant.

On Friday, February 1, 1991, VA published a proposed regulation in the **Federal Register** at 56 FR 4025, amending the Transportation of Claimants and Beneficiaries regulations (38 CFR part 17, § 17.100) to incorporate the Veterans' Benefits and Services Act

of 1988, Public Law 100–322, section 108, to restore, in large part, VA travel reimbursement benefits.

Written comments were solicited for 30 days after publication in the **Federal Register**, and the regulation was scheduled for review so that any amendment made necessary by public comment could be published in the **Federal Register** as quickly as possible. No comments were received, therefore, the proposed regulation is hereby adopted as a final regulation.

These regulatory amendments are considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. They will not have an annual effect on the economy of $100 million or more; they will not result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will they have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of the Department of Veterans Affairs hereby certifies that these regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. These regulations concern the provision of beneficiary travel reimbursement to specified categories of eligible veterans. No paperwork, administrative or other regulatory burdens are imposed upon small entities.

The Catalog of Federal Domestic Assistance number is 64.001.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs-health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: September 3, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 210, unless otherwise noted.

2. In § 17.100, the introductory text and its authority citation, paragraphs (e), (h), (i), and (m), and the authority citations at the end of paragraphs (e) and (m) are removed; paragraphs (a) through (d), and (f), (g), (j), (k), (l) are redesignated as paragraphs (f) through (n), respectively; and new paragraphs (a) through (e) and authority citations at the end of paragraphs (a) and (e) are added to read as follows:

§ 17.100 Transportation of claimants and beneficiaries.

(a) Each fiscal year, the Secretary shall determine whether VA will pay beneficiary travel in that year. If travel will be provided, it shall be paid in accordance with this section.

(Authority: 38 U.S.C. 111)

(b) Transportation at Government expense shall be authorized for the following categories of VA beneficiaries, subject to the deductible established in § 17.101, "Limitations":

(1) A veteran or other person traveling in connection with treatment for a service-connected disability (irrespective of percent of disability).

(2) A veteran with a service-connected disability rated at 30 percent or more, for treatment of any condition.

(3) A veteran receiving VA pension benefits.

(4) A veteran whose annual income, as determined under 38 U.S.C. 503, does not exceed the maximum annual rate of pension which would be payable if the veteran were eligible for pension, or who is unable to defray the expenses of travel.

(c) Transportation at Government expense shall be authorized for the following VA beneficiaries without their being subject to the deductible established in § 17.101, "Limitations":

(1) A veteran traveling in connection with a scheduled compensation or pension examination.

(2) A veteran or other person traveling by a specialized mode of transportation such as an ambulance, ambulette, air ambulance, wheelchair van, or other vehicle specially designed to transport disabled individuals provided:

(i) A physician determines that the special mode of travel is medically required;

(ii) The person is unable to defray the expenses of the travel; and

(iii) The travel is authorized in advance or was undertaken in connection with a medical emergency such that delay to obtain authorization would be hazardous to the person's life or health.

(3) Patient is in receipt of VA pension (or has annual income that does not exceed the pension rate).

(d) For the purposes of this section, the term "other person" refers to:

(1) An attendant when it has been determined in advance that the beneficiary's physical or mental condition requires the presence of an attendant.

(2) A dependent or survivor receiving care in a VA facility under 38 U.S.C. 613.

(3) Members of the veteran's immediate family, the veteran's legal guardian, or the individual in whose household the veteran certifies an intention to live, when the veteran is receiving services under 38 U.S.C. 601(6)(B).

(e) A veteran or other person shall be considered unable to defray the expenses of travel if:

(1) Annual income for the year immediately preceding the application for benefits does not exceed the maximum annual rate of pension which would be payable if the person were eligible for pension; or

(2) The person is able to demonstrate that due to circumstances such as loss of employment, or incurrence of a disability, income in the year of application will not exceed the maximum annual rate of pension which would be payable if the person were eligible for pension; or

(3) The person has a service-connected disability rated at least 30 percent; or

(4) The person is traveling in connection with treatment of a service-connected disability.

(Authority: 38 U.S.C. 111)

* * * * *

§ 17.100 [Amended]

3. In newly designated paragraph (h) the last sentence is removed.

4. In newly designated paragraph (k)(1), remove the words "exception defined in paragraph (h)(1) of this section" and add, in its place, the words "limitations described in § 17.101, 'Limitations' ".

5. In newly designated paragraph (k)(2), remove the words "exceptions defined in paragraph (h) of this section" and add, in its place, the words "limitations described in § 17.101, 'Limitations' ".

§§ 17.101 and 17.102 [Redesignated as §§ 17.102 and 17.103].

6. Sections 17.101 and 17.102 are redesignated as §§ 17.102 and 17.103, respectively, and a new § 17 101 is added to read as follows:

§ 17.101 Limitations.

(a) VA shall deduct from amounts payable to persons under § 17.100(b), an amount equal to $3 for each one-way trip to a VA facility, up to a maximum of $18 in any calendar month. Persons required to make more than six one-way visits per calendar month will receive full travel reimbursement after the $18 cap is met.

(b) The provisions of paragraph (a) of this section may be waived when imposition of the deductible would cause severe financial hardship. Loss of employment, or sudden illness or disability causing the beneficiary's income in the year of application to fall below the maximum level of VA pension, shall be deemed to constitute severe financial hardship.

(c) Transportation will not be authorized for the cost of travel by taxi or a hired car for visually impaired veterans (as a special mode), or by privately owned vehicle in any amount in excess of the cost of such travel by other forms of public transportation unless public transportation is not reasonably accessible or would be medically inadvisable.

(d) Transportation will not be authorized for the cost of travel in excess of the actual expense incurred by any person as certified by that person in writing.

(Authority: 38 U.S.C. 111)

[FR Doc. 91-24843 Filed 10-18-91; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI-3-5159; FRL-4021-9]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of final rulemaking.

SUMMARY: USEPA is disapproving three site-specific revisions to the Michigan State Implementation Plan (SIP) for ozone for Enamalum Corporation in Oakland County, Extrusion Painting in Wayne County, and General Aluminum Products in Eaton County. The revisions concern volatile organic compound (VOC) emissions from surface coating operations, and compliance date extensions. USEPA is disapproving these revisions because they do not meet USEPA's policy requirements on compliance date extensions, and because Michigan has not demonstrated that the extensions will not interfere with attainment and maintenance of the ozone National Ambient Air Quality Standard (NAAQS) or with reasonable further progress (RFP).

DATES: This final rulemaking becomes effective on November 20, 1991.

ADDRESSES: Copies of the SIP revision request and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Charles C. Hatten, at (312) 886-6031, before visiting the Region V office.) U.S. Environmental Protection Agency, Region V, Air Toxics and Radiation Branch (5AT-26), 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Charles C. Hatten, Air Toxics and Radiation Branch (5AT-26), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On January 12, 1988, the Michigan Department of Natural Resources (MDNR) submitted to USEPA proposed site-specific SIP revisions in the form of Consent Orders. These proposed revisions were for the Enamalum Corporation (Consent Order No. 9-1987) in Oakland County, Extrusion Painting (Consent Order No. 8-1987) in Wayne County, and General Aluminum Products (Consent Order No. 7-1987) in Eaton County. All three facilities are located in areas designated as nonattainment for ozone.

The proposed SIP revisions involve the use of high performance architectural coatings applied to miscellaneous metal parts and products at these three facilities. The coating operations are regulated within the Michigan SIP by rule 336.1621. The SIP revisions request seeks an extension of compliance dates for these sources.

Proposed Rulemaking Action

On June 19, 1990, USEPA proposed to disapprove three site-specific revisions to the Michigan SIP for the Enamalum Corporation, Extrusion Painting, and General Aluminum Products.[1] USEPA did not receive any comments during the public comment period on this notice of proposed rulemaking to disapprove these SIP revisions.

[1] For a discussion of the history of the current Michigan SIP requirements, the emission limits contained in Consent Orders (nos. 7-1987, 8-1987, 9-1987), USEPA's compliance date extension criteria, and USEPA's evaluation of the SIP revisions, please refer to the June 19, 1990 (55 FR 24897) Federal Register.

Final Rulemaking Action

USEPA is disapproving the requested SIP revisions for the following reasons (as detailed in the June 19, 1990, Federal Register notice):

(1) The revisions do not meet USEPA's policy requirements for compliance date extensions.

(2) The State did not demonstrate that the proposed compliance schedules are as expeditious as practicable and that the extensions will not interfere with the attainment and maintenance of the ozone NAAQS or RFP.

Subsequent to USEPA'S proposed disapproval of the Michigan SIP revisions, Congress enacted the Clean Air Act of 1990, on November 15, 1990. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. These amendments do not affect USEPA's denial of Michigan's SIP revision request. Although the amendments extend the time for nonattainment areas to attain the NAAQS, they have no effect on past progress that has been made or that should have been made by nonattainment areas. The extended time frame cannot be used to justify a SIP relaxation just because the relaxation affects only an earlier period. The new RACT provisions and the savings clause in the amended Act support this reasoning.

First, the amendments expressly preserve the requirement of the previous Act that the SIP provide for the implementation of RACT as expeditiously as practicable. Section 172(c)(1). In the case of these three facilities, December 31, 1983, was the date for application of RACT that was "as expeditiously as practicable." Since the compliance-date extension would allow these facilities to avoid implementing RACT as expeditiously as practicable, it interferes with the RACT requirement under the amended Act. The amendments prohibit USEPA from approving control requirements that interfere with RACT. See section 110(l). Moreover, all classified nonattainment areas must correct or add RACT that was required under the pre-amended Act. Section 182(a)(2)(A). The RACT provision is evidence that Congress did not intend to override the RACT requirements of the pre-amended Act, but rather to insure they are in place and that more stringent requirements are implemented in the future.

The savings clause, which is essentially an antibacksliding provision, states that no control requirement that was in effect on the date the amendments were enacted may be modified unless it insures "equivalent or

greater emissions reductions." Section 193. Congress failed to define the term "equivalent." USEPA, therefore, interprets this term to mandate that the SIP provide, at a minimum, for the same amount of reductions during the same time frame in which it would have been reasonable for such reductions to have been achieved in the area governed by the SIP—but no later than the date USEPA act on the SIP revision. The proper time period for Michigan to have achieved those reductions would have been by December 31, 1983, since these three facilities reasonably could have achieved the relevant reductions during that time period.

The savings clause also preserves the RFP requirements in the Michigan SIP. Id. Section 193 provides that any regulation or rule issued by USEPA prior to the enactment of the 1990 amendments will remain in effect unless inconsistent with the terms of the amended Act. Although the amendments provide new RFP requirements, these have no effect prior to enactment of the amendments. Nothing in the amended Act expressly or impliedly affects the RFP requirements that applied through existing SIPs to nonattainment areas prior to the 1990 Amendments.

Today's action makes final the action proposed at June 19, 1990, (55 FR 24897). As noted elsewhere in this notice, USEPA received no public comment on the proposed action. This action has been classified as a Table Two action by the Regional Administrator under the processing procedures established at 54 FR 2214. On January 6, 1989, the Office of Management and Budget (OMB) waived Table Two and Table Three SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of 2 years. USEPA has submitted a request for a permanent waiver for Table Two and Table Three SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 20, 1991. Filing a petition for reconsideration by the Administrator of this final rule does not effect the finality of this rule for the purpose of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbon, Intergovernmental relations, Ozone.

Dated: October 3, 1991.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 91-25026 Filed 10-18-91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6896

[OR-943-4214-10; GP1-332; OR-22352 (WASH)]

Revocation of the Secretarial Order dated May 29, 1908; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in its entirety a Secretarial order which withdrew 24.10 acres of land for use by the United States Forest Service in connection with the Reflector Bar Ranger Station. The land is no longer needed for the purpose for which it was withdrawn. The land is included in another existing withdrawal and remains closed to surface entry, mining, and mineral leasing.

EFFECTIVE DATE: November 20, 1991.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-280-7171.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated May 29, 1908, which withdrew the following described land, is hereby revoked in its entirety:

Willamette Meridian

T. 38 N., R. 14 E., unsurveyed,
Secs. 30 and 31, those portions of said sections 30 and 31 located adjacent to the Skagit River as more particularly identified and described in the official records of the Bureau of Land Management, Oregon State Office.

The area described contains approximately 24.10 acres in Whatcom County.

2. The land is located within the boundary of the Ross Lake National Recreation Area and remains closed to operation of the public land laws generally, including location and entry under the United States mining laws (30 U.S.C. Ch. 2) and applications and offers under the mineral leasing laws.

Dated: October 16, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-25326 Filed 10-18-91; 8:45 am]

BILLING CODE 4310-33-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-385; RM-7220, RM-7541]

Radio Broadcasting Services; Trade, Tennessee, and Beech Mountain, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Joe A. Copley (RM-7541), allots Channel 272A to Beech Mountain, North Carolina. Channel 272A can be allotted to Beech Mountain in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for the allotment of Channel 272A to Beech Mountain, North Carolina, are North Latitude 36-15-48 and West Longitude 81-48-26. The proposal filed by Trade Communications of Mountain City, Tennessee, (RM-7220), see 55 FR 35326, August 29, 1990, requesting the allotment of Channel 272A to Trade, Tennessee, is denied because Trade is not a community for allotment purposes. With this action, this proceeding is terminated.

DATES: Effective Date: November 25, 1991.

The window period for filing applications will open on November 26, 1991, and close on December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-385, adopted September 30, 1991, and released October 11, 1991. The full text

of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by adding Channel 272A, Beech Mountain.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–25202 Filed 10–18–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 91–161; RM–7701]

Radio Broadcasting Services; Jasper, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of James M. Lout, allots Channel 297A to Jasper, Texas, as the community's third local FM transmission service. See 56 FR 28129, June 19, 1991. Channel 297A can be allotted to Jasper in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.5 kilometers (0.9 miles) north of the community to avoid a short-spacing to the vacant allotment of Channel 297C3, Lake Arthur, Louisiana. The coordinates for Channel 297A at Jasper are North Latitude 30–56–13 and West Longitude 93–59–47.

DATES: Effective Date: November 25, 1991.

The window period for filing applications will open on November 26, 1991, and close on December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–161, adopted September 30, 1991, and released October 11, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73–[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, under Texas, is amended by adding Channel 297A at Jasper.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–25201 Filed 10–18–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–580; RM–6977, RM–7177, RM–7446]

Radio Broadcasting Services; Elkins, WV; Mountain Lake Park and Westernport, MD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission substitutes Channel 255B1 for Channel 257A at Elkins, West Virginia, and modifies the license of Station WDNE(FM) to specify operation on the higher powered channel; substitutes Channel 239A for Channel 255A at Mountain Lake Park, Maryland, and modifies the construction permit of Station WKHJ(FM) to specify operation on the new frequency in order to permit the upgrade at Elkins, as requested by Marja Broadcasting Corporation (RM–6977). Additionally, Channel 283A is substituted for Channel 224A at Westernport, Maryland, and the construction permit of Station WWPN(FM) modified to specify operation on the new channel in order to increase its power to 6 kW to serve a larger area and population, as requested by Ernest F. Santmyire (RM–7177). A counterproposal filed by Roger Lee Ruff to substitute Channel 255B1 for Channel 255A at Mountain Lake Park is denied (RM–7446). *See* 54 FR 53658, December 29, 1989. See also Supplemental Information, *infra.*

EFFECTIVE DATE: November 25, 1991.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–580, adopted September 30, 1991, and released October 11, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street NW., Washington, DC 20036.

Channel 255B1 can be allotted to Elkins in compliance the Commission's minimum distance separation requirements with a site restriction of 0.9 kilometers (0.6 miles) west at the site of Station WDNE(FM). The coordinates for Channel 255B1 at Elkins are North Latitude 38–55–25 and West Longitude 79–51–33. Channel 239A can be allotted to Mountain Lake Park at the current site of Station WKHJ(FM), at coordinates North Latitude 39–24–37 and West Longitude 79–17–15. Channel 283A can be allotted to Westernport with a site restriction of 7.3 kilometers (4.5 miles) northeast at the site of petitioner. The coordinates for Channel 283A at Westernport are North Latitude 39–31–22 and West Longitude 78–58–26. Since Elkins is located within the protected areas of the National Radio Astronomy Observatory "Quiet Zone" at Green Bank, West Virginia, Marja will be required to comply with the notification requirement of § 73.1030(a) of the Commission's Rules. With this action, this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Maryland, is amended by removing Channel 255A and adding Channel 239A at Mountain Lake Park;

and by removing Channel 224A and adding Channel 283A at Westernport.

3. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by removing Channel 257A and adding Channel 255B1 at Elkins.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-25200 Filed 10-18-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 76

[MM Docket No. 90-4, DA 91-1250]

Cable Service; Effective Competition Standard for Cable Basic Service Rates

AGENCY: Federal Communications Commission.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Commission through this public notice hereby gives confirmation that the rules adopted in the Report and Order in MM Docket No. 90-4 (56 FR 33387, July 22, 1991) will become effective on October 25, 1991.

EFFECTIVE DATE: October 25, 1991.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman, Policy and Rules Division, Mass Media Bureau (202) 632-5414.

SUPPLEMENTARY INFORMATION:

New Definition of Effective Competition and Standards for Basic Cable Rate Regulation Effective October 25, 1991

[MM Docket No. 90-4]

On June 13, 1991, we adopted a Report and Order and Second Further Notice of Proposed Rule Making (Order) in MM Docket No. 90-4 (6 FCC Rcd 4545 (1991)) redefining "effective competition" and establishing new rate-setting standards for the regulation of basic cable service rates. In that Order, we stated that the new rules would become effective on October 25, 1991, pending approval by the Office of Management and Budget (OMB). OMB approved the new rules on September 26, 1991. Accordingly, they will become effective on October 25, 1991.

Dated: October 4, 1991.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-25255 Filed 10-18-91; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 525 and 552

[Acquisition Circular AC-90-2, Supplement 1]

General Services Administration Acquisition Regulation; Deviation to FAR Buy American Act—Trade Agreements Act—Balance of Payments Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation; extension of effective date.

SUMMARY: This supplement to the General Services Administration Acquisition Regulation, Acquisition Circular AC-90-2 extends the expiration date to October 29, 1992. The intended effect is to extend the policies and procedures established in AC-90-2, which revised part 552 of the regulation, to provide a provision and clause for use which are consistent with the ruling of the General Services Administration Board of Contract Appeals (GSBCA) in the protest of the *International Business Machines Corporation,* GSBCA No. 10532-P, May 18, 1990.

DATES: Effective date: October 30, 1991. Expiration date: October 29, 1992.

FOR FURTHER INFORMATION CONTACT: Edward McAndrew, Office of GSA Acquisition Policy (VP), (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Determination to Issue a Temporary Regulation

A determination was made to issue the regulation in GSAR as a temporary rule. This action is necessary to authorize a class deviation from an existing FAR provision and clause consistent with the GSBCA's ruling. However, pursuant to Public Law 98-577 and FAR 1.501, public comments are solicited and will be considered in formulating a final rule.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

This temporary rule is not expected to have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* because it authorizes a deviation from a FAR provision and clause that will resolve an inconsistency with the current FAR provision and clause based upon the GSBCA's ruling. Therefore, an Initial Regulatory Flexibility Analysis has not been prepared.

D. Paperwork Reduction Act

This temporary rule does not contain information collection requirements that require approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

List of Subjects in 48 CFR Parts 525 and 552

Government procurement.

1. The authority citation for 48 CFR parts 525 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR parts 525 and 552 are amended by the following supplement to Acquisition Circular AC-90-2:

General Services Administration Acquisition Regulation Acquisition Circular AC-90-2: Supplement 1

To: All GSA Contracting Activities

Subject: Deviation to FAR Buy American Act—Trade Agreements Act—Balance of Payments Program

1. *Purpose.* This supplement extends the expiration date of the General Services Administration Acquisition Regulation Acquisition Circular AC-90-2.

2. *Effective date.* October 30, 1991.

3. *Expiration date.* Acquisition Circular AC-90-2 and this supplement will expire on October 29, 1992, unless canceled earlier.

Dated: October 8, 1991.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 91-25125 Filed 10-18-91; 8:45 am]

BILLING CODE 6860-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 910507-1107]

Snapper-Grouper Fishery of the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Advance notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) announces that the fishery for wreckfish in the exclusive economic

zone off the South Atlantic coastal states will be closed when the current annual quota of 2 million pounds (907,194 kilograms) is reached. Accordingly, the additional quota of 1 million pounds (453,597 kilograms) that had been potentially available October 16, 1991, will not be added to the quota during the current fishing year. The date of closure of the wreckfish fishery will be announced in the **Federal Register** when the 2-million-pound quota is reached or is projected to be reached. The intended effect of this action is to protect the wreckfish resource.

EFFECTIVE DATE: October 16, 1991.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, (813) 893–3161.

SUPPLEMENTARY INFORMATION: Snapper-grouper species, including wreckfish, are managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP), prepared by the South Atlantic Fishery Management Council (Council), and its implementing regulations at 50 CFR part 646, under the authority of the Magnuson Fishery Conservation and Management Act.

In accordance with procedures approved in Amendment 3 to the FMP, the Council recommended and NMFS published proposed and final rules changing the wreckfish annual quota (56 FR 14496, April 10, 1991, and 56 FR 21960, May 13, 1991). The wreckfish quota for the 1991 fishing year, which commenced April 16, 1991, was set in increments of 1 million pounds for each of three fishing quarters, with the third million pounds available if analysis of current data indicates that it is the appropriate harvest level for the resource. The third quarter of the fishing year commences on October 16, 1991. As stated in the preamble to the proposed rule, "If the data indicate the wreckfish resource is in danger of being overfished, the Secretary will close the fishery for the remainder of the fishing year at the two million pound harvest level by notice in the **Federal Register**."

Analysis of current wreckfish data indicates a decline in catch per unit of effort (CPUE), a slight increase in mean size, and a significant decline in overall landings from last year. As of October 7, 1991, only 1.24 million pounds of wreckfish had been landed. In contrast, by August 8, 1990, the entire 2-million-pound quota had been landed, and the fishery was closed. It is unlikely that any significant portion of the third increment would be landed if it were made available.

Relatively little is known about the wreckfish resource. The decline in CPUE and overall landings may well be indicators that the wreckfish resource is in danger of being overfished. The Council and the Secretary agree that a conservative approach to the management of this resource is appropriate in light of the limited information available. Accordingly, the Secretary is closing the wreckfish fishery when the 2-million-pound quota is reached, and no additional quota will be made available. The date of the closure will be announced in the **Federal Register**.

Other Matters

This action is authorized by 50 CFR 646.24(a)(3) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 16, 1991.

Joe P. Clem,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91–25276 Filed 10–16–91; 2:16 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 56, No. 203
Monday, October 21, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 979

[Docket No. FV-91-436]

Melons Grown in South Texas; Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures under Marketing Order No. 979 for the 1991–92 fiscal period. Authorization of this budget would permit the South Texas Melon Committee (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Comments must be received by October 31, 1991.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone 202–447–2020.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 156 and Order No. 979 (7 CFR Part 979), regulating the handling of melons grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 27 handlers of South Texas melons under this marketing order, and approximately 27 producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of South Texas melon producers and handlers may be classified as small entities.

The budget of expenses for the 1991–92 fiscal period was prepared by the South Texas Melon Committee, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of South Texas melons. They are familiar with the committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget.

The committee, in a mail vote which was completed on September 19, 1991, unanimously recommended a 1991–92 budget of $93,187 for personnel, office, and travel expenses, the same as last year. The assessment rate and funding for the research and promotion projects will be recommended at the committee's organization meeting later this year. Funds in the reserve at the beginning of the 1991–92 fiscal period, estimated at $307,039, were within the maximum permitted by the order of two fiscal periods' expenses. These funds would be adequate to cover any expenses incurred by the committee prior to the approval of the assessment rate.

Since no assessment rate is being recommended at this time, no additional costs would be imposed on handlers. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

This action should be expedited because the committee needs to have approval to pay its expenses which are incurred on a continuous basis. The 1991–92 fiscal period for the program began on October 1, 1991. Therefore, it is found and determined that a comment period of 10 days is appropriate because the budget approval for this program needs to be expedited.

List of Subjects in 7 CFR Part 959

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 979 be amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 979.214 is added to read as follows:

§ 979.214 Expenses.

Expenses of $93,187 by the South Texas Melon Committee are authorized for the fiscal period ending September 30, 1992. Unexpended funds may be carried over as a reserve.

Dated: October 16, 1991.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–25298 Filed 10–18–91; 8:45 am]

BILLING CODE 3410–02–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 102

Freedom of Information; Disclosure of Information

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the Agency's regulations implementing the Freedom of Information Act (FOIA). The changes bring the regulations in conformance with changes in FOIA law and Executive Order 12600 on the release of Business Information.

DATES: Comments must be received on or before November 20, 1991.

ADDRESSES: Comments may be mailed to Chief, Freedom of Information/ Privacy Acts Office, Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Beverly Linden, Chief, FOI/PA, (202) 653–6460.

SUPPLEMENTARY INFORMATION: These amendments to SBA's FOIA regulations address a number of issues which have arisen in the course of SBA's administration of the FOIA. The regulations also implement the procedures for handling requests for business information mandated by Executive Order 12600.

Section 102.2(b)

The change to this section would clarify that the provisions of FOIA apply to requests for information by participants in SBA programs, and that SBA's regulations on the disclosure of information are applicable to all requests for information.

Section 102.3

Paragraph (b)(2)(vi) would be removed from this section. This subsection presently states that SBA would not release the names of participating lenders without their consent. However, withholding this information cannot be justified under current FOIA law. Therefore, the proposed rule deletes this subsection.

Further, this proposed rule would amend paragraph (j) of this section. Currently, this section states that SBA would not release mailing lists. However, recent court decisions in FOIA cases on mailing lists have required their release except where withholding them could be justified under FOIA's Exemption six, which protects against clearly unwarranted invasions of personal privacy. Therefore, while SBA would continue to withhold the names and addresses of individuals, when deemed appropriate, the Agency would no longer refuse requests for names and addresses of organizations under §102.3(j).

Section 102.4

This amendment would omit paragraph (e), as it refers to forms no longer in use. It also amends the newly redesignated paragraph (e)(2), to provide that the Notice of Denial of a request will inform a requester that he or she has 45 days within which to file an appeal of the denial. This time limit provides a reasonable amount of time for a requester to make an appeal, but it does not leave the process open-ended with no time limit. Other agencies operate under similar regulations.

Section 102.5

This new section would implement the requirements of Executive Order 12600, 52 FR 23781 (1987). It establishes procedures to ensure that business information submitted to SBA shall not be disclosed unless the submitter has first had notice of the pending disclosure. In addition, it would give the submitter an opportunity to object to disclosure and to demonstrate how that disclosure could cause the submitter substantial competitive harm.

The section would define "business information" as information which is arguably protected by Exemption four of FOIA, and "submitters" as any entity which submits information to SBA. It also provides examples of those entities most likely to be submitters. An "Office" would be the SBA office responding to the request.

If an office is about to disclose information which has been designated by a submitter as proprietary or which the office believes may be protected from disclosure by Exemption four, it would be required to give notice to the submitter of the proposed disclosure. The notice would contain copies of the proposed disclosure or give a complete description of it.

The submitter would have five business days from the date of the notice to object to the disclosure and to provide an explanation of their objections. Though this is a short time period, it is necessary to comply with the statutorily imposed 10 day time limit within which the Agency must respond to a FOIA request. However, the Agency may extend the five-day time period in individual cases where the Agency determines that the complexity or volume of the subject information necessitates such an extension. The submitter must show that it would suffer substantial competitive harm as a result of the disclosure. If the office determines that the information should be disclosed, it must send a notice of that decision to the submitter at least five business days prior to the proposed disclosure. The notice shall describe the information to be released, the reasons for disclosure and the proposed disclosure date. This notice is intended to give the submitter an opportunity to file a "reverse FOIA" lawsuit to prevent disclosure, while preserving the statutory disclosure time limit.

SBA is seeking comments suggesting a method in which to provide submitters an adequate time period in which to respond to matters concerning business information while still meeting the statutory deadline. The Executive Order requires the Agency to provide submitters with a reasonable time period in which to object to disclosure, as well as to receive notice of the Agency's intent to disclose. SBA chose to provide five days in both instances. The Agency requests public comments whether such periods are reasonable; whether one or both periods could be briefer; and how to better provide for the legitimate needs of the submitters who have requested confidentiality while complying with the statutory time period.

If the information is not disclosed, and the requester brings suit to compel the disclosure, then the office must notify the submitter.

This proposed regulation would also advise all submitters of confidential business information of their right to make reasonable designations of information deemed proprietary, although these designations do not bind the agency. This designation would expire ten years after the submission unless the submitter requests, and provides reasonable justification for, a designation period of greater duration.

The predisclosure notice requirements would not apply if the office is either going to withhold the information or determines that the submitter's designation of the information as protected is frivolous. However, if the latter is true the office would still notify the submitter of a decision to disclose prior to disclosing.

The purpose of these provisions is to protect the rights of submitters of business information. The submitters would have a voice in the decision to disclose business information they have submitted to the government and a chance to make an argument as to why their business information should be protected. However, the final decision

and disclosure remains with the government.

Section 102.6

This section, formerly § 102.5, would be amended to provide that appeals from an initial denial must be filed within 45 calendar days of the notice of denial. The notice of denial is the denial from the Agency of the request at the initial level. This time limit does not leave the process entirely open-ended yet provides ample time for a requester to appeal an initial denial to the FOI/PA. Current paragraph (d) on the Nature of the Appeal would be dropped as it would become redundant. Finally, the Agency's new address would be included.

Section 102.7

This section, formerly § 102.6, would be amended in paragraph (b)(6) to state that all fees at $8.00 or under will be waived in the public interest. This replaces the previous provision that all fees equal to or greater than the cost of collecting them shall be waived, with the FOI/PA determining whether this is so, with a simple provision that fees less than $8.00 are to be waived. This is because the Agency has determined that $8.00 is the approximate cost of collecting fees. This section provides that the office processing a request is the office responsible for assessing fees. This insures that SBA offices know when processing a request that they must assess the fees upon the requester, unless a fee waiver is justifiably requested and granted.

Section 102.8

This section, formerly § 102.7, would revise the procedures for agency officials' responses to subpoenas. The proposed regulation would clearly state that it applies to all subpoenas, civil or criminal, state or Federal. The Chief, FOI/PA is presently the source of advice on all subpoenas, but as a practical matter that office relies upon advice from the Associate General Counsel for Litigation in civil cases, and the Inspector General in criminal cases. This is because these offices have the expertise in the respective fields to evaluate the requests. Also, the Associate General Counsel for Litigation would be aware of any problems with Agency civil litigation that might arise from the request, and the Inspector General would know if a criminal subpoena touched upon any of their investigations. Under the proposed regulations, the Associate General Counsel for Litigation would directly advise on civil subpoenas. The Chief, FOI/PA would continue to give advice on criminal subpoenas, but the regulation would be amended to require that it be with the advice of the Inspector General, so as to formalize this valuable source of advice, and insure coordination of Agency investigations with other criminal proceedings.

Compliance With Regulatory Flexibility Act, Executive Orders 12291 and 12612 and the Paperwork Reduction Act

SBA certifies that this proposed rule would not, if promulgated in final form, have a significant economic impact on a substantial number of small entities. SBA states that this is because the rule is one of agency organization, procedure and practice.

SBA certifies that this proposed rule, if promulgated as final, would not constitute a major rule for purposes of Executive Order 12291, because it is unlikely to have an annual economic impact of over $100 million. The impact will be solely on the agency's handling of FOIA requests, and SBA does not expect that this will entail greater costs for any requesters.

SBA certifies that this proposed rule, if promulgated as final, would pose no new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

SBA also certifies that this proposed rule, if promulgated as final, would not have federalism implications warranting preparation of a Federalism Assessment in accordance with Executive Order 12612.

List of Subjects is 13 CFR Part 102

Disclosure of information, Freedom of information.

For the reasons set forth above, title 13, chapter I, part 102, subpart A of the Code of Federal Regulations is proposed to be amended to read as follows:

PART 102—[AMENDED]

1. The authority citation for part 102, subpart A—Disclosure of Information, is revised to read as follows:

Authority: The Freedom of Information Act (5 U.S.C. 552), as amended; the Paperwork Reduction Act (44 U.S.C. 35); the Privacy Act of 1974 (5 U.S.C. 552a); 18 U.S.C. 4203 (a)(1); the Budget and Accounting Act of 1921 (31 U.S.C. 1 *et seq.*); the Budget and Accounting Procedures Act (31 U.S.C. 67 *et seq.*); Executive Order 12600, 52 FR 23781 (1987).

2. Section 102.2(b) is revised to read as follows:

§ 102.2 Scope.

* * * * *

(b) Moreover, this part deals with the availability of information to the public, including parties involved in litigation affecting the agency.

3. Section 102.3, Information and records available to the public and exempt from disclosure, is amended by: Removing paragraph (b)(2)(vi); redesignating paragraphs (b)(2)(vii) through (b)(2)(ix) as (b)(2)(vi) through (b)(2)(viii), respectively; and revising paragraph (j) to read as follows:

§ 102.3 Informaiton and records available to the public and exempt from disclosure.

* * * * *

(j) *Mailing lists.* The Agency considers exempt form public disclosure as an unwarranted invasion of personal privacy the names and addresses of individuals included in mailing lists of its clientele, employees, advisory councils, and other persons and organizations involved with or dealing with the Agency. The Agency will not distribute, sell, or otherwise make available the names and addresses of such individuals for purposes of commercial or other solicitation not clearly in the public interest.

* * * * *

4. Section 102.4, Pubic access to information and records, is amended by:

(a) Removing paragraph (e), redesignating paragraph (f) as paragraph (e); and

(b) Revising newly redesignated paragraph (e)(2) as follows:

§ 102.4 Public access to information and records.

* * * * *

(e) * * *

(2) *Notice of denial of request.* A denial of a request or any part thereof under this paragraph must be in writing, and must advise the requester of a right to appeal to the Chief, Freedom of Information/ Privacy Acts Office, (Chief, FOI/PA), Small Business Administration, 409 Third Street, SW., Washington, DC 20416. The notice of denial must contain the names and titles or positions of each person responsible for the denial of the request. The notice of denial shall also state that an appeal must be submitted no later than 45 calendar days after the date of the notice of denial, and must be made by letter or other written communication containing a description of the information requested, the name and place of employment of the SBA official or employee who denied the request, the reason, if any, given for the denial, and such other pertinent facts as the requester deems appropriate.

§§ 102.5 through §§ 102.7 [Redesignated as §§ 102.6 through §§ 102.8]

5. Sections 102.5 through 102.7 are redesignated as §§ 102.6 through 102.8, and the following new § 102.5, *Business Information*, is added, to read as follows:

§ 102.5 Business information.

(a) *General.* Business information provided to the Small Business Administration by a submitter shall not be disclosed pursuant to a Freedom of Information Act request except in accordance with this section.

(b) *Definitions.* The following definitions are used in reference to this section:

Business information is a trade secret, or commercial or financial information provided to the SBA by a submitter that arguably is protected from disclosure under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4).

Office refers to the particular office within SBA which receives and responds to a FOIA request at the initial level.

Submitter is any person or entity who provides business information, directly or indirectly, to the SBA. The term includes, but is not limited to, participating lenders, SBA borrowers, SBA program participants, corporations, state governments, and foreign governments.

(c) *Notice to submitters.* An office shall, to the extent permitted by law, provide a submitter with prompt written notice of a Freedom of Information Act request or administrative appeal encompassing its business information whenever required under paragraph (d) of this section, except as provided for in paragraph (i) of this section, in order to afford the submitter an opportunity to object to disclosure pursuant to paragraph (f) of this section. Such written notice shall either reasonably describe the business information requested or provide copies of the records or portions thereof containing the business information.The requester also shall be notified that notice and opportunity to object are being provided to a submitter.

(d) *When notice is required.* Notice shall be given to a submitter whenever an office intends to disclose information and (1) the information has been designated reasonably and in good faith by the submitter as information deemed protected from disclosure by Exemption 4; or (2) the office has reason to believe that the information may be protected from disclosure under Exemption 4. No notice to the submitter is necessary when an office determines that it will not disclose the information.

(e) *Designation of business information.* Submitters of business information shall use reasonable, good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, those portions of their submissions which the believe to be protected from disclosure under Exemption 4. Such designations shall be deemed to have expired ten years after the date of submission unless the submitter requests, and provides reasonable justification for, a designation period of greater duration.

(f) *Opportunity to object to disclosure.* Through the notice described in paragraph (c) of this section, an office shall afford a submitter a period of five business days from the date of the said notice within which to provide the office with a detailed written statement of any objection to disclosure. The Agency may extend the five-day time period in individual cases where the Agency determines that the complexity or volume of the subject information necessitates such an extention. Such statement shall specify all grounds for withholding any of the information under any exemption of the Freedom of Information Act and, in the case of Exemption 4, shall demonstrate why the information is contended to be a trade secret or commercial or financial information that is privileged or confidential, by showing how substantial competitive harm could result from disclosure. Whenever possible, the submitter's claim of confidentiality should be supported by a statement or certification by an officer or authorized representative of the submitter. Information provided by a submitter pursuant to this paragraph may itself be subject to disclosure under FOIA.

(g) *Notice of intent to disclose.* An office shall consider carefully a submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information. Whenever an office decides to disclose business information over the objection of a submitter, the office shall forward to the submitter a written notice which shall include:

(1) A statement of the reasons for not sustaining the submitter's disclosure objections;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date.

Such notice of intent to disclose shall be forwarded to the submitter at least five business days prior to the specified disclosure date and the requester shall be notified likewise.

(h) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of business information, the office shall promptly notify the submitter.

(i) *Exceptions to notice requirements.* The notice requirements of paragraph (c) of this section shall not apply if:

(1) The office determines that the information should not be disclosed;

(2) The information has been published lawfully or has been officially made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The designation made by the submitter in accordance with paragraph (e) of this section is frivolous; except that, in such case, the office shall provide the submitter with written notice of any final administrative decision to disclose business information at least five days prior to a specified disclosure date.

6. In newly redesignated § 102.6, paragraphs (a) through (e)(1) are revised as follows:

§ 102.6 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied may submit a written appeal to the Agency. A failure by the Agency to act on a request within the time limit imposed by § 102.4(e) of this part shall be deemed a denial for purposes of appeal.

(b) *When an appeal must be submitted.* An appeal from a notice of denial of a request for information or records must be submitted no later than 45 calendar days after the date of the notice of denial.

(c) *Form of appeal.* While no particular form is prescribed, the letter or other written statement utilized for such purpose shall contain a description of the information or record requested, the name and place of employment of the SBA official or employee who denied the request, the reason, if any given for the denial, and such other pertinent facts and statements as the appellant may deem appropriate. SBA may request additional details where the information submitted is insufficient to support a decision.

(d) *Where to appeal.* Appeals shall be addressed to the Chief, Freedom of Information/Privacy Acts Office, (Chief, FOI/PA), Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

(e) *Agency decision*—(1) *Who decides.* Final agency decisions on appeals from refusals to disclose information shall be made by the Chief, FOIA/PA, who shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notice of decision.

* * * * *

7. Newly redesignated § 102.7(b)(6) is revised to read as follows:

§ 102.7 Fees.

* * * * *

(b) * * *

(6) *Restrictions on assessing fees.* The Agency office processing a FOIA request shall be responsible for assessing the fees on that request. With the exception of requesters seeking documents for commercial use, section 4(a)(iv) of the Freedom of Information Act, as amended, requires SBA to provide the first 100 pages of duplication and the first two hours of search time without charge. Moreover, this section prohibits SBA from charging fees to any requesters, including commercial use requesters, if the cost of collecting the fee would be equal to or greater than the fee itself. These provisions, read together, mean that except for commercial use requesters, SBA would not begin to assess fees until after it had provided the free search and reproduction. For example, for a request that involved two hours and ten minutes of search time and resulted in 105 pages of documents, SBA would determine the cost of only ten minutes of search time and only five pages of reproduction. All fees assessed at $3.00 or under will be waived.

* * * * *

8. Newly redesignated § 102.8 is revised to read as follows:

§ 102.8 Appearances and testimony by SBA officers and employees.

Whenever an officer or employee of SBA is served with a subpoena, whether state or federal, including grand jury subpoenas, demanding the disclosure of the information or the production of files, documents and records described in this part, or is requested by any court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the Associate General Counsel for Litigation in the Office of General Counsel or his designee if the matter is a civil case, or the Chief, FOI/PA, when the matter is criminal in nature. Such officer or employee shall appear before the court, committee or body and, if the Associate General Counsel for Litigation or the Chief, FOI/PA, after consultation with the Agency's Inspector General, has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents and records demanded or requested, basing such refusal upon this part.

Dated: June 21, 1991

Patricia Saiki,

Administrator.

[FR Doc 91-25230 Filed 10-18-91; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-185-AD]

Airworthiness Directives; Aerospatiale Model ATR42-200, -300, and -320 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR42-200, -300, and -320 series airplanes, which would require a one-time inspection of the hinge pins on the nose landing gear (NLG) leg and drag braces to detect cracks, and replacement of the hinge pins, if necessary. This proposal is prompted by a recent report of two cracked hinge pins on the drag brace assembly of the NLG. This condition, if not corrected, could result in collapse of the NLG.

DATES: Comments must be received no later than December 12, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-185-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Standardization Branch, ANM-113; telephone (206) 227-1112. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-185-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Générale de l'Aviation Civile (DGAC) which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain Aerospatiale Model ATR42-200, -300, and -320 series airplanes. During a recent sampling check, cracks were found on two hinge pins from the same batch on the drag brace assembly of the nose landing gear (NLG). A metallurgical examination performed on these pins revealed that the cracks were due to incorrect heat treatment which occurred during manufacturing. This condition, if not corrected, could result in collapse of the NLG.

Aerospatiale has issued Service Bulletin ATR42-32-0039, Revision 1, dated August 1, 1991, which describes procedures to perform a one-time dye penetrant inspection of the four hinge pins on the NLG leg and drag braces to detect cracks, and replacement of the

hinge pins, if necessary. The French DGAG has classified this service bulletin as mandatory, and has issued French Airworthiness Directive 91–157–041(B) addressing this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require a one-time dye penetrant inspection of the four hinge pins on the NLG leg and drag braces to detect cracks, and replacement of the hinge pins, if necessary, in accordance with the service bulletin previously described. Variances in the strength of the hinge pins that were incorrectly heat treated have not consistently weakened all of the hinge pins in the affected batch. The FAA has determined that hinge pins that are not cracked when inspected at the threshold required by this AD are sufficient in strength to withstand loads until required to be replaced in accordance with the operator's FAA-approved maintenance program.

It is estimated that 10 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,200.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Aerospatiale: Docket No. 91–NM–185–AD.

Applicability: Model ATR42–200, –300, and –320 series airplanes; Serial Number 16, 17, 19, 20, 22 through 34, 36 through 39, 41 through 45, 47 through 49, 54, 59, and 107; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent collapse of the nose land gear (NLG), accomplish the following:

(a) Perform a dye penetrant inspection to detect cracks of the four hinge pins of the left-hand and right-hand NLG leg and drag braces, and accomplish emergency extension functional tests, in accordance with Aerospatiale Service Bulletin ATR42–32–0039, Revision 1, dated August 1, 1991, at the applicable time specified below:

(1) For airplane serial number 17, 19, 22, 23, 24, 26, 28, 30, 31, 33, 37, 39, 41, 44, 45, 47, 48, and 59: Within 30 days after the effective date of this AD, or prior to the accumulation of 250 hours time-in-service, whichever occurs first.

(2) For airplane serial numbers 16, 20, 25, 27, 29, 32, 34, 36, 38, 42, 43, 49, 54, and 107: Within 60 days after the effective date of this AD, or prior to the accumulation of 500 hours time-in-service, whichever occurs first.

(b) If a cracked hinge pin is found as a result of the inspection required by paragraph (a) of this AD, replace it with a new hinge pin or with a hinge pin that previously has been inspected and found to be free of cracks, in accordance with Aerospatiale Service Bulletin ATR42–32–0039, Revision 1, dated August 1, 1991.

(c) As of the effective date of this AD, no hinge pin shall be installed on any airplane unless that hinge pin is new or has been inspected in accordance with Aerospatiale Service Bulletin ATR42–32–0039, Revision 1, dated August 1, 1991, and found to be free of cracks.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then sent it to the Manager, Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on October 10, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–25235 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–193–AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which would require the installation of an Auxiliary Power Unit (APU) pneumatic duct restraint. This proposal is prompted by two reports of APU pneumatic duct ruptures adjacent to a coupling, which allowed a vertical section of the ducting to separate, pivot, and make contact with an elevator control rod. This condition, if not corrected, could result in damage to the elevator control rod or complete jamming of the elevator system, which could result in a reduced ability to control the pitch of the airplane.

DATES: Comments must be received no later than December 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–193–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport

Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy J. Dulin, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM–130S; telephone (206) 227–2675. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–193–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

There have been two reports indicating that the Auxiliary Power Unit (APU) pneumatic duct on two Boeing Model 747 series airplanes ruptured adjacent to a coupling, which allowed a vertical section of the ducting to separate, pivot, and make contact with an elevator control rod. This contact resulted in a 30 degree bend in the elevator control rod in one case, and a jammed elevator system in the other case. Both of these incidents occurred on the ground. However, in the case in which the elevator control rod was bent, the condition was not noticed until the airplane was airborne. The potential exists for similar incidents to occur in flight, since Model 747–100, –200, and –300 airplanes are certified for APU operation up to 20,000 feet pressure altitude and Model 747–400 airplanes are certified for APU operation up to 15,000 feet pressure altitude. Ruptures of the APU pneumatic duct could result in damage to the elevator control rod or complete jamming of the elevator; this condition could then result in a reduced ability to control the pitch of the airplane.

Both of the duct rupture incidents described above occurred at a duct weld. The FAA previously had issued AD 91–15–24, Amendment 39–7089 (56 FR 37140, August 5, 1991), which requires penetrant inspection, proof pressure testing, and stress relieving of the duct assemblies to prevent future duct weld ruptures. However, due to the criticality of an APU duct rupture at this one location and the potential for a coupling failure, which AD 91–15–24 does not address, the FAA considers that more immediate and positive action is required to protect the elevator control system.

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–36A2087, dated June 6, 1991, which describes procedures for installing an APU pneumatic duct restraint. This duct restraint consists of two support brackets on the forward side of the APU firewall, a clamp assembly on the APU pneumatic ducting and two cables connecting the clamp assembly to the new brackets. Addition of this restraint to a vertical section of the APU pneumatic ducting will prevent the duct from contacting the elevator control rods in the event of a duct rupture.

Since this condition is likely to exist or develop on other airplanes of this same type design, the AD is proposed which would require installation of an APU pneumatic duct restraint in accordance with the service bulletin previously described.

There are approximately 854 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 232 airplanes of U.S. registry would be affected by this AD, that it would take approximately 26 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. It is estimated that the parts required to accomplish this modification would cost $439 per airplane. Based on these figures the total cost impact of the AD on U.S. operators is estimated to be $433,608.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket No. 91–NM–193–AD.

Applicability: Model 747 series airplanes; line numbers 1 through 856 except line numbers 679 and 685; certificated in any category.

Compliance: Required within one year after the effective date of this AD, unless previously accomplished.

To prevent an Auxiliary Power Unit (APU) pneumatic duct from contacting the elevator control rod in the event of a duct rupture, which could damage the elevator control system and result in a reduced ability to control the pitch of the airplane, accomplish the following:

(a) Install an APU pneumatic duct restraint in accordance with Boeing Alert Service Bulletin 747–36A2087, dated June 6, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601, Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on October 9, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-25238 Filed 10-18-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-191-AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which would require the inspection and repair or replacement, if necessary, of certain side-of-body floor panels. This proposal is prompted by reports of disbonded one-piece inserts in the side-of-body floor panels. This condition, if not corrected, could result in the side-of-body floor panels breaking away during an emergency landing.

DATES: Comments must be received no later than December 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-191-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplanes Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 277-2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-191-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

Inspection of Boeing Model 757 series airplanes has indicated that certain side-of-body floor panels, made by Hexcel, had disbonded one-piece inserts. Testing has shown that the disbonded one-piece inserts had shear strength below what is necessary for a 9g forward load event. A 9g load transmitted by the seat tracks to side-of-body floor panels with disbonded one piece inserts could cause those floor panels with the seats attached to break away.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-53A0060, dated August 8, 1991, which describes procedures for the inspection, and replacement or repair, of side-of-body floor panels made by Hexcel that are subject to disbonded one-piece inserts.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require the inspection for the installation of certain Hexcel side-of-body floor panels, and replacement or repair of those panels, if necessary, in accordance with the service bulletin previously described.

There are approximately 193 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 113 airplanes of U.S. registry would be affected by this AD, that it would take approximately 18 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $111,870.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket No. 91–NM–191–AD.

Applicability: Model 757 series airplanes, listed in Boeing Alert Service Bulletin 757–53A0060, dated August 8, 1991, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent side-of-body floor panels from breaking away from the floor beams during a 9g forward load emergency landing, accomplish the following:

(a) Within the next 18 months of the effective date of this AD, examine the identification placards of each side-of-body floor panel to determine the manufacturer and date of manufacture of the panel, as specified in Figure 1 of Boeing Alert Service Bulletin 757–53A0060, dated August 8, 1991.

(1) If the panel was made by Hexcel, accomplish the following:

(i) If the Hexcel panel was manufactured prior to January 7, 1991, prior to further flight, repair or replace all one-piece inserts in accordance with Boeing Alert Service Bulletin 757–53A0060, dated August 8, 1991.

(ii) If the Hexcel panel was *not* manufactured prior to January 7, 1991, no further action is necessary.

(2) If the panel was not made by Hexcel, no further action is required.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on October 9, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–25236 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–192–AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which would require modifications of the soft bulkhead support structure at body station (BS) 1640 and replacement of the lining with a new lining containing blowout vents. This proposal is prompted by an evaluation indicating that large pressure loads will occur if there is a sudden decrease in air pressure aft of the bulkhead lining. This condition, if not corrected, could result in damage to the floor beam at BS 1640, hydraulic system components, and flight controls.

DATES: Comments must be received no later than December 12, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANN–103, Attention: Airworthiness Rules Docket No. 91–NM–192–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 227–2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–192–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

When a Model 757 series airplane is pressurized, a large pressure load will occur on the Body Station (BS) 1640 soft bulkhead lining. The FAA has determined that, in the event of a sudden decrease in air pressure aft of the soft bulkhead lining at BS 1640, damaging loads could occur to the floor beams at BS 1640 on certain Boeing Model 757 airplanes. This condition, if not corrected, could result in damage to the floor beam at BS 1640, hydraulic system components, and flight controls.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757–25A0112, dated July 18, 1991, which describes the modifications to the soft bulkhead structure at BS 1640 and the installation of a new soft bulkhead lining. The modifications prevent damage to the floor beam at BS 1640 by transmitting pressure loads to two new stanchions and to the support structure. The new lining has two blowout vents that are designed to open if there is a difference in air pressure; this will lessen the pressure loads on the bulkhead lining and the support structure.

Since this condition is likely to exist on other airplanes of this same type design, an AD is proposed which would require modification of the soft bulkhead support structure at BS 1640 and installation of a new lining in accordance with the service bulletin previously described.

There are approximately 368 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 226 airplanes of U.S. registry would be affected by this AD, that it would take approximately 27

manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. Modification kits are available from the manufacturer at no charge. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $335,610.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket No. 91–NM–192–AD.

Applicability: Model 757 series airplanes, listed in Boeing Alert Service Bulletin 757–25A0112, dated July 18, 1991, certificated in any category.

Compliance: Required within the next 18 months after the effective date of this AD, unless previously accomplished.

To prevent damage to the floor beams at body station (BS) 1640, hydraulic system components, and flight control functions in the event of a sudden decrease in air pressure aft of the bulkhead lining, accomplish the following:

(a) Modify the soft bulkhead support structure at BS 1640 and replace the bulkhead lining in accordance with Boeing Alert Service Bulletin 757–25A0112, dated July 18, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on October 10, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–25237 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–166–AD]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain British Aerospace Model ATP series airplanes, which would require the installation of modified earthing arrangements to the pilot static and stall warning systems and overhead stowage units, modification of the roof and sidewall light wiring, and a standby compass check. This proposal is prompted by reports of standby compass deviations exceeding the required tolerance when certain airplane electrical equipment is turned on or off. This condition, if not corrected, could result in inaccurate navigation when using the standby compass.

DATES: Comments must be received not later than December 12, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–166–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. The applicable service information may be obtained from British Aerospace, PLC. Librarian for Service Bulletins, P.O. Box 17414. Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch. ANM–113; telephone (206) 227–2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW.. Renton. Washington 98055–4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received..

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–166–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with

existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain British Aerospace Model ATP series airplanes. There have been recent reports of standby compass deviations exceeding the ±10 degree type design tolerance when certain airplane electrical equipment is turned on or off. The Excessive deviation of the standby compass is caused by electromagnetic fields associated with operation of certain electrical equipment installed on the airplane. This condition, if not corrected, could result in inaccurate navigation when using the standby compass.

British Aerospace has issued Service Bulletin ATP–24–34, dated April 25, 1991, which describes procedures for the installation of modified earthing arrangements to the pitot static and stall warning systems (Modification 10194A) to reduce standby compass deviation error; and the installation of modified earthing arrangements to the overhead stowage units. (Modification 10194B) to prevent stud overloading. The United Kingdom CAA has classified this service bulletin as mandatory.

British Aerospace has also issued Service Bulletin ATP–33–8, Revision 2, dated April 11, 1991, which describes a modification of the roof and sidewall light wiring (Modification 35113A) to use earth connections at the main transformer rectified unit (TRU) earths and thereby reduce E2B standby compass deviations. The United Kingdom CAA has approved this service bulletin but has not classified it as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require installation of modified earthing arrangements to the pitot static and stall warning systems and overhead stowage units, and modification of the roof and sidewall light wiring, in accordance with the service bulletins previously described.

It is estimated that 8 airplanes of U.S. Registry would be affected by this AD, that it would take approximately 229 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. The estimated cost for required parts is $1,523 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $112,944.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Docket No. 91–NM–166–AD.

Applicability: Model ATP series airplanes; as listed in British Aerospace Service Bulletins ATP–24–34, dated April 25, 1991, and ATP–33–8, Revision 2, dated April 11, 1991; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent inaccurate navigation when using the standby compass, accomplish the following:

(a) Within 8 months after the effective date of this AD, accomplish the following:

(1) Modify the earthing arrangements to the pitot static and stall warning systems (Modification 10194A) and to the overhead stowage units (Modification 10194B), as applicable, in accordance with British Aerospace Service Bulletin ATP 24–34, dated April 25, 1991.

(2) Modify the roof and sidewall light wiring (modification 35113A) in accordance with British Aerospace Service Bulletin ATP–33–8, Revision 2, dated April 11, 1991.

(3) Accomplish a compass swing of the standby compass in accordance with British Aerospace Service Bulletin ATP–24–34, dated April 25, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on October 10, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–25239 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 91–ASW–22]

Proposed Establishment of Transition Area: Los Alamos, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a transition area at Los Alamos, NM. A special instrument approach procedure has been developed to provide services to the Los Alamos Airport, NM, under contract from the Department of Energy. This proposal would provide an operational advantage allowing air traffic control to provide service to approved operators executing the new special instrument approach procedure (VOR/DME–A) and benefit the commerce and welfare at this location. The proposal would provide adequate controlled airspace for approved operators executing the new

special instrument approach procedure. If adopted, this proposal would upgrade the status of the Los Alamos Airport (private) from visual flight rules (VFR) operations only to include operations under instrument flight rules (IFR).

DATES: Comments must be received on or before December 3, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 91–ASW–22, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Mark F. Kennedy, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ASW–22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR part 71) to establish a 700-foot transition area located at Los Alamos, NM. The development of a new special instrument approach procedure (VOR/DME–A) to the Los Alamos Airport, NM, has necessitated this proposal. This proposal would provide adequate controlled airspace for approved operators executing the new special instrument approach procedure and change the status of the Los Alamos Airport, NM, from VFR operations only to include IFR operations. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Los Alamos, NM [New]

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Los Alamos Airport (latitude 35°52'47"N., longitude 106°16'07"W.), excluding that airspace within restricted area R–5101.

Issued in Fort Worth, TX on September 27, 1991.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 91–25241 Filed 10–18–91; 8:45 an]

BILLING CODE 4910–13–M

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14 CFR Part 73

[Airspace Docket No. 91–AWP–9]

Proposed Amendment to Time of Designation for Restricted Area R–2530 Sierra Army Depot, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the time of designation for Restricted Area R–2530 Sierra Army Depot, CA. The current published time of designation is "0800 to 1800 PST, Monday to Friday." The U.S. Army's munitions disposal workload has increased to the point where the existing time designation does not allow sufficient time for this mission to be accomplished. This proposal would add the provision "other times by NOTAM" to the existing time to enable the Army to temporarily extend the restricted area hours in order to accommodate the increased workload.

DATES: Comments must be received on or before November 29, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AWP–500, Docket No. 91–AWP–9, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

The informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Linda Ullom, Military Operations Program Office (ATM–420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–7683.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–AWP–9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 73.25 of part 73 of the Federal Aviation Regulations (14 CFR part 73) to amend the time of designation of R–2530 Sierra Army Depot, CA, by adding the "other times of NOTAM" provision to the existing time of designation of "0800–1800 PST, Monday to Friday." The U.S. Army's munitions disposal workload has increased to the point where the existing time designation does not allow sufficient time for this mission to be accomplished. The "other times by NOTAM" provision is necessary to enable the Army to temporarily extend the restricted area hours in order to accommodate the increased workload. Furthermore, adding the "other times by NOTAM" provision would provide the operational flexibility needed to meet future requirements for timely munitions disposal. Section 73.25 of part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Exective Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is no minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 73 of the Federal Aviation Regulations (14 CFR part 73) as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510, 1522, Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 73.25 [Amended]

2. Section 73.25 is amended as follows:

R–2530 Sierra Army Depot, CA [Amended]

By removing the existing Time of designation and substituting the following:

Time of designation. 800–1800 PST. Monday to Friday; other times by NOTAM.

Issued in Washington, DC, on October 8, 1991.

Harold W. Becker,

Manager, Airspace-Rules and Aeronatical Information Division.

[FR Doc. 91–25240 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 928 and 932

[Docket No. 910815–1215]

RIN 0648–AD09

Implementing the Coastal Zone Act; Reauthorization Amendments of 1990; Phase One

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting for notice of proposed rulemaking (NPRM).

SUMMARY: On October 18, 1991, the National Oceanic and Atmospheric Administration (NOAA) published a notice of proposed rulemaking (NPRM) for Phase I of the implementation of certain provisions of Public Law 101–508, the Coastal Zone Act Reauthorization Amendments of 1990 (1990 Reauthorization), which amended the Coastal Zone Management Act (CZMA). Phase I includes regulations to implement the new Coastal Zone Enhancement Grants Program (new section 309), revised procedures for conducting reviews of performance under section 312, and new authority for interim sanctions under section 312(c) of the CZMA. A public meeting has been scheduled to solicit additional comments from interested parties.

DATES: Wednesday, November 20, 1991, 1–3 p.m.

ADDRESSES: U.S. Department of Commerce, Herbert C. Hoover Building, room 1412, 14th Street and Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Vickie Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Avenue, NW., suite 701, Washington, DC 20235 (tel. 202/606–4100).

SUPPLEMENTARY INFORMATION: See the proposed rule section of the **Federal Register** for Friday, October 18, 1991. This informational meeting will be informal. NOAA anticipates that the meeting will provide an opportunity for exchange of information and viewpoints. Commenters may make oral presentations for the record. The oral presentations may be limited to allow the opportunity for all interested parties to speak.

NOAA will accept written material for the record at this meeting and until the close of the public comment period for the NPRM. Interested parties who wish to provide comments are encouraged to do so in writing.

Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration.

Dated: October 15, 1991.

John J. Carey,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 91–25284 Filed 10–18–91; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 780, 784, 816, and 817

RIN 1029–AB40

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Performance Standards; Permanent and Temporary Impoundments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Reopening of the public comment period.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) published a proposed rule in the **Federal Register** on Friday, June 28, 1991 (56 FR 29774). The proposed rule would govern the design, construction, and inspection requirements of permanent and temporary impoundments at surface and underground mining operations.

The OSM is reopening the comment period on the proposed rule to coincide with the comment period on a petition that is being published simultaneously with this notice. OSM is seeking comments on the petition to incorporate the statutory distinction between temporary and permanent impoundments as it pertains to the incorporation of standards issued under Public Law 83–566 (16 U.S.C. 1006).

The original comment period for the proposed rule announced in the **Federal Register** on June 28, 1991 (56 FR 29774), closed on August 27, 1991. On September 6, 1991 (56 FR 44049), the comment period was reopened and extended until October 7, 1991. The comment period reopened by this notice will close on November 20, 1991.

DATES: The public comment period will close on November 20, 1991.

ADDRESSES: Written comments on the issues addressed at 56 FR 29774 may be hand-delivered to the Administrative Record, Office of Surface Mining, room 5131, 1100 L Street, NW., Washington, DC; or mailed to the Administrative Record, Office of Surface Mining, room 5131–L, 1951 Constitution Avenue, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Robert A. Wiles, P.E., Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: 202–343–1502 (Commercial or FTS).

Dated: October 10, 1991.

Brent Wahlquist,

Assistant Director, Reclamation and Regulatory Policy.

[FR Doc. 91–25279 Filed 10–18–91; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Parts 701, 780, 784, 816, and 817

RIN 1029–AB40

Availability of Petition To Initiate Rulemaking; Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Performance Standards; Permanent and Temporary Impoundments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of a petition to initiate rulemaking and request for comment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the United States Department of the Interior (DOI) seeks comments concerning the rule change suggested in a petition, submitted pursuant to the Surface Mining Control and Reclamation Act (SMCRA or the Act), to amend OSM's regulations governing temporary and permanent impoundments. The petition suggests that OSM amend its rules to incorporate the statutory distinction between temporary and permanent impoundments as it pertains to the incorporation of standards issued under Public Law 83–566 (16 U.S.C. 1006) including Technical Release Number 60 (TR–60) published by the Soil Conservation Service (SCS). OSM is requesting comments on the merits of the petition and the rule changes suggested in the petition. Such comments will assist the Director of OSM in making the decision whether to grant or deny the petition.

DATES: OSM will accept written comments on the petition until 5 p.m. Eastern time on November 20, 1991. The comment period on this petition will coincide with the comment period for the proposed rule on permanent and temporary impoundments issued June 28, 1991 (56 FR 29774), which will be extended in a separate notice.

ADDRESSES: Mail comments to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, room 5131–L, 1951 Constitution Avenue, NW., Washington, DC 20240; or hand-deliver the comments to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, room 5131, 1100 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert A. Wiles, P.E., Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: 202–343–1502 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background and Substance of Petition
III. Procedural Matters

I. Public Comment Procedures

Written Comments

Written comments on the suggested change should be specific, should be confined to issues pertinent to the proposed revision, and should explain the reason for the comment. Where practicable, commenters should submit three copies of their comments. Comments received after the close of the comment period (see **DATES**) or delivered to an address other than those listed (see **ADDRESSES**) may not

necessarily be considered or included in the Administrative Record on the petition.

Availability of Copies

Additional copies of the petition, copies of 30 CFR parts 701, 780, 783, 816, and 817, and copies of the proposed rule dated June 28, 1991 (56 FR 29774), are available for inspection and may be obtained at the location listed under **ADDRESSES.**

Public Hearing

OSM will not hold a public hearing on the proposed revision, but OSM personnel will be available to meet with the public during business hours, 9 a.m. to 5 p.m. during the comment period. In order to arrange such a meeting, call or write to the person identified under **FOR FURTHER INFORMATION CONTACT.**

II. Background and Substance of Petition

OSM received a letter on September 12, 1991, from Stuart A. Sanderson, senior Counsel, and Harold P. Quinn, Jr., Vice President and Counsel, representing the Joint NCA/AMC Committee on Surface Mining Regulations, Coal Building, 1130 17th St., NW., Washington, DC, as a petition for rulemaking. The petitioners requested that the agency propose for comment a rulemaking which will incorporate the statutory distinction between temporary and permanent impoundments as it pertains to the incorporation of standards issued under Public Law 83–566 including TR–60. The petition was included in the comments received from the Joint NCA/AMC Committee on a proposed rule to amend portions of the permanent program regulations governing permanent and temporary impoundments published June 28, 1991 (56 FR 29774). The text of the petition appears at the end of this notice.

Under section 201(g) of SMCRA, any person may petition the Director of OSM to initiate a proceeding for the issuance, amendment, or repeal of any of the regulations implementing SMCRA. Under the applicable regulations for rulemaking petitions, 30 CFR 700.12, this notice seeks public comment on the merits of the petition and on the rule changes suggested in the petition.

At the close of the comment period, a decision will be made whether to grant or deny the petition. Under 30 CFR 700.12, the Director shall issue a written decision either granting or denying the petition within 90 days of the date of its receipt. Soon thereafter, notice of that decision will be published in the **Federal Register**. If the petition is granted, rulemaking proceedings will be initiated in which public comment will again be sought before a final rulemaking notice appears. If the petition is denied, no further rulemaking action will occur pursuant to the petition.

III. Procedural Matters

Publication of this notice of the receipt of the petition for rulemaking is a preliminary step in the rulemaking process. If a decision is made to grant the petition, a formal rulemaking process will be initiated. Thus, no regulatory flexibility analysis is needed at this stage, nor is a regulatory impact analysis necessary under Executive Order 12291.

Publication of this notice does not constitute a major Federal action having a significant effect on the human environment for which an environmental impact statement under the National Environmental Policy Act, 44 U.S.C. 4322(a)(C), is needed.

List of Subjects

30 CFR Part 701

Law Enforcement, Surface mining, Underground mining.

30 CFR Part 780

Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 784

Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 816

Envirionmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Dated: October 14, 1991.

Harry M. Snyder,

Director.

Appendix

The text of the petition dated August 26, 1991 (received September 12, 1991), from the Joint NCA/AMC Committee, is as follows:

This letter comprises the comments of the Joint NCA/AMC Committee on Surface Mining Regulation on the proposed changes to rules applicable to permanent and temporary impoundments. The proposed rule illegally applies SCS criteria to temporary impoundments in that SMCRA specifically applies that criteria only to permanent impoundments. Moreover, the proposal goes well beyond the stated purpose in the preamble to clarify that certain requirements apply to both SCS class B and C dams. We do not believe the additional changes have been accompanied by an adequate legal or technical justification. Moreover, the unnecessary revisions contained in this proposal will only lead to additional confusion in the field.

I. Applicability of SCS Standards to Temporary Impoundments

The provision of SMCRA which references Public Law 83–566, pertains to permanent impoundments of water. Section 515(b)(8). Temporary impoundments used as siltation structures are governed by a separate provision, Section 515(b)(10), which contains no reference to Public Law 83–566. This purposeful distinction has been removed improperly in the rules by applying the SCS standards issued under Public Law 83–566 to virtually all impoundments regardless of their character, *ie* permanent *vs* temporary. We request under 30 CFR 700.12 that the agency reevaluate and propose for comment a rulemaking which will incorporate the statutory distinction between temporary and permanent impoundments as it pertains to the incorporation of standards issued under Public Law 83–566 including TSR–60. We submit as a basis for this petition the following considerations:

1. TSR–60 and other guidance issued under Public Law 83–566 is intended for permanent dams, whereas temporary impoundments or siltation structures are not permanent and will be removed in the course of reclamation. Moreover, temporary impoundments are subject to periodic inspections and maintenance under SMCRA and the Mine Safety Act so as to alleviate and address concerns with respect to safety and property damage. On the other hand, permanent impoundments will be no longer subject to such protections after mining has ceased under the Mine Safety Act, or after bond release under the state program approved under SMCRA. Accordingly, for these permanent dams it makes sense to have them constructed under the specifications established for permanent dams under Public Law 83–566. On the other hand, the same rationale is absent for temporary siltation structures which will be removed in the course of reclamation. Finally, the SCS requirements will lead to greater environmental disturbance to conform temporary impoundments to standards designed for permanent structures.

2. Since the adoption of the SCS criteria for both temporary and permanent impoundments, the appropriate interpretation of SMCRA has been further clarified by the United States Court of Appeals for the District of Columbia Circuit. In *NWF* v. *Lujan* 839 F. 2d 694 (D.C. Cir., 1988), the court, on several occasions, emphasized that Congress acted purposefully in providing distinct standards. For example, the Appeals Court noted that for coal mine waste piles not used as an impoundment or dam are not subject to the detailed design mandated under section 515(f) which incorporates the Army Corps of Engineers criteria for flood control structures. 839 F. 2d at 732–733 (because non-impounding waste piles are not used as dams, section 515(f) is inapplicable).

Similarly, the court also held that the ubiquitous requirement to eliminate highwalls does not apply to permanent impoundments, since Section 515(b)(8) provides a distinct grading requirement. Accordingly, the appeals court held that "Congress included requirements precisely in those provisions where it meant to do so." 839 F. 2d at 760, citing *Russello* v. *United States*, 464 U.S. 16, 23 (1983) (where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is presumed that Congress acts intentionally and purposefully in the disparate inclusion or exclusion). *See also NWF* v. *Lujan*, 839 F. 2d at 764 (Strong presumption that Congress expresses its intent through language it chooses—therefore, cannot imply that AOC variance applies beyond steep slope provisions).

Plainly, the manner in which OSM has removed the statutory distinction for requirements applicable to permanent and temporary impoundments has no basis in SMCRA. We request that OSM publish for public comment a proposed rule to remove from the standards applicable to temporary impoundments references to Public Law 83–566 and the SCS classification system and related standards.

Note: The remaining text from the letter of the Joint NCA/AMC Committee is not represented here because it contains comments on the proposed permanent and temporary impoundment rule published June 28, 1991 (56 FR 29774).

Sincerely,

Stuart A. Sanderson,

Senior Counsel.

Harold P. Quinn, Jr.,

Vice President & Counsel.

[FR Doc. 91–25280 Filed 10–18–91; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, 74, and 90

[Gen. Docket No. 85–171; FCC 91–275]

Technical Flexibility in the Mobile Communications Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Order Terminating Proceeding.

SUMMARY: The Commission terminated Gen. Docket No. 85–171 and incorporated the record of that proceeding, as it pertains to licensees under part 90 of its rules, into the record of PR Docket No. 91–170. This was done because the Notice of Inquiry in PR Docket No. 91–170 examines issues similar to those raised in Gen. Docket No. 85–171 in an extremely broad context.

FOR FURTHER INFORMATION CONTACT: Doron Fertig, Policy and Planning Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION:

In the Matter of Technical Flexibility in the Mobile Communications Services, Rules Parts 2, 22, 74, and 90.

Order Terminating Proceeding

Adopted: September 9, 1991.

Released: October 2, 1991.

By the Commission:

1. In the Notice of Inquiry and Proposed Rule Making (Notice) and Further Notice of Proposed Rule Making (Further Notice) the Commission requested comments on a new form of equipment testing and authorization entitled "Alternative Type Acceptance" (ATA).[1] ATA would permit the introduction of new spectrum efficient equipment and technology into existing land mobile radio bands in more efficient manner.

2. We have recently initiated a new proceeding, PR Docket No. 91–170,[2] containing many of the issues raised in the Notice and Further Notice. The new Notice of Inquiry examines technical flexibility for the private land mobile radio services, in the bands primarily below 470 MHz, in an extremely broad context. The new Notice of Inquiry is intended to consider the issues involved in introducing new spectrum efficient equipment and technology into the existing private land mobile radio bands.[3] Thus, we have incorporated the record of this proceeding, as it pertains to licensees under part 90 of our rules, into the record of PR Docket No. 91–170.

3. Accordingly, *It is ordered* That under the authority contained in sections 4(i) and 33 of Communications Act of 1934, as amended, this proceeding *Is terminated* without further action.

Federal Communications Commission.

Donna Searcy,

Secretary.

[FR Doc. 91–25254 Filed 10–18–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Parts 61, 69

[CC Docket No. 91–141; FCC 91–309]

Expanded Interconnection With Local Telephone Company Facilities

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is seeking comment on the appropriate level of distance sensitivity in the special access rates of all local exchange carriers. The Commission recently sought comment on the distance sensitivity of switched access rates in its Transport proceeding, MTS and WATS Market Structure, CC Docket No. 78–72 and Transport Rate Structure and Pricing, CC Docket No. 91–213, (released August 30, 1991). The intended effect of this action is to provide the Commission with information with which to evaluate special access rates. This proceeding originated with a Notice of Proposed Rulemaking and Notice of Inquiry, 56 FR 34159 (July 26, 1991).

DATES: Comments are to be filed by November 5, 1991, and replies are to be filed by November 26, 1991.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, (202) 632–9342, or Claudia Pabo, (202) 632–4047, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Supplemental Notice of Proposed Rulemaking in CC Docket No. 91–141, adopted September 27, 1991, and released October 4, 1991. The full text of this document is available for inspection and copying during normal business hours in the Dockets Reference Room (room 230), 1919 M Street, NW., Washington, DC. The complete text of this document may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1114 21st Street, NW., suite 140, Washington, DC, (202) 452–1422.

Summary of Order

On June 6, 1991, the Commission issued a Notice of Proposed Rulemaking and Notice of Inquiry (the Expanded Interconnection proceeding) proposing to require that Tier I local exchange carriers provide expanded interconnection for interstate special access to all third parties, and beginning an inquiry concerning expanded interconnection for the provision of interstate local transport. That Notice also sought comment on certain aspects of local exchange carrier special access pricing.

In comments filed in another Commission proceeding dealing with transport pricing, the Competitive Telecommunications Association (CompTel) argued that both transport and special access prices of the local exchange carriers reflect an arbitrary and excessive degree of distance sensitivity that seriously disadvantages

[1] Notice of Inquiry and Proposed Rule Making, Gen. Docket No. 85–171, 50 FR 25274 (1985), and Further Notice of Proposed Rule Making, Gen. Docket No. 85–171, 3 FCC Rcd 1655 (1988).

[2] Notice of Inquiry, PR Docket No. 91–170, FCC No. 91–187 (1991).

[3] The vast majority of licensees who could benefit from ATA are private land mobile radio licensees eligible under part 90.

the smaller interexchange carriers. A number of local exchange carriers challenged CompTel's analysis of distance sensitivity issues.

The Commission concluded that the distance sensitivity issue merited consideration and requested comment in the Transport proceeding on the extent to which transport rates should be distance sensitive. The Commission is including the issue of special access distance sensitivity in the Expanded Interconnection proceeding, and has expanded the scope of that proceeding to request comment on the extent to which rates for special access should be distance sensitive. Any new requirements or policies concerning distance sensitivity may be applied to all LECs, not just Tier 1 LECs.

Ex Parte Rules

This is a non-restricted notice and comment rulemaking. *Ex parte* presentations are permitted, except during the Sunshine period, provided they are disclosed as provided in the Commission's rules. See generally, 47 CFR 1.1202, 1.1203, and 1.1206(a).

Regulatory Flexibility Requirements

Pursuant to the Regulatory Flexibility Act, the Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because the proposed rule amendments, if promulgated, would not have a significant economic impact on a substantial number of small business entities, as defined in section 601(3) of the Regulatory Flexibility Act. Carriers providing interstate transport services directly subject to the proposed rule amendment do not qualify as small businesses since they are dominant in their field of operation. The Commission will, however, take appropriate steps to ensure that the special circumstances of the smaller local exchange carriers are carefully considered in resolving these issues.

Ordering Clauses

Accordingly, *it is ordered* that *notice is hereby given* of regulatory changes in the special access rate structure described above, and that *comment is invited* on these issues.[1]

List of Subjects in 47 CFR Parts 61 and 69

Communications common carriers, Reporting and record-keeping requirements, Telephone.

[1] These actions are taken pursuant to sections 1, 4(i) and (j), 201–205, 218, 220, and 403 of the Communications Act as amended, 47 U.S.C. 151, 154(i) and (j), 201–205, 218, 220, and 403.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–25259 Filed 10–18–91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91–299, RM–7812]

Television Broadcasting Services; Tamuning, Guam

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Guahan Airwaves, Inc., proposing the allotment of Television Channel 20 to Tamuning, Guam, as that community's second local television service. The allotment can be made in compliance with the Commission's minimum distance separation requirements without a site restriction. The coordinates for this proposed allotment are North Latitude 13–29–02 and West Longitude 144–46–36. This proposal is not affected by the freeze on television allotments or applications.

DATES: Comments must be filed on or before December 2, 1991, and reply comments on or before December 17, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Michael J. Hirrel, 1300 New York Avenue, suite 200–E, Washington, DC 20005 (Attorney for Guahan Airwaves, Inc.)

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91–299, adopted October 3, 1991, and released October 11, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–25198 Filed 10–18–91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

Department of Defense, Federal Acquisition Regulation Supplement, Foreign Acquisition

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Acquisition Regulations (DAR) Council is proposing changes to the Defense Federal Acquisition Regulation Supplement (DFARS) to add a new section implementing part of a reciprocal agreement between the Department of Defense and the United Kingdom (U.K.). This rule addresses case-by-case waivers of Commercial Exploitation Levies assessed by the U.K. Government.

Note: This rule amends the 1991 edition of the DFARS which was published July 31, 1991 (56 FR 36280).

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before December 20, 1991, to be considered in the formulation of the final rule. Please cite DAR Case 91–027 in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, ATTN: Mrs. Alyce Sullivan, DAR Council, OUSD(A)DP(DARS), Room 3D139, The Pentagon, Washington, DC 20301–3000.

FOR FURTHER INFORMATION CONTACT: Mrs. Alyce Sullivan, DAR Council, (703) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

This rule implements policy disseminated to defense activities by the Deputy Assistant Secretary of Defense for Procurement memorandum of September 30, 1988. Based on comments from the Military Services and Defense Security Assistance Agency, the policy was revised to include a clause, similar to one used by the British. The clause requires contractors to provide information on levies. It also puts contractors on notice regarding the U.S./U.K. policy and advises that DoD reserves the right to reduce the contract price commensurate with the levy amount waived.

B. Regulatory Flexibility Act

An initial Regulatory Flexibility Analysis has not been performed because the proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq because it is limited to U.K. prime contractors and contracts with subcontracts over $1 million in value. Comments are invited from small businesses and other interested parties. Comments from small entities concerning this rule will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DAR Case 91–610 in correspondence.

C. Paperwork Reduction Act

The proposed rule adds information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et seq. Accordingly, a request for clearance has been forwarded for approval.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Claudia L. Naugle,

Executive Editor, Defense Acquisition Regulations System.

Therefore, it is proposed that 48 CFR parts 225 and 252 be amended as follows:

1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and FAR subpart 1.3.

PART 225—FOREIGN ACQUISITION

2. Sections 225.873, 225.873–1, 225.873–2 and 225.873–3 are added to read as follows:

225.873 Waiver of United Kingdom commercial exploitation levies.

225.873–1 Policy.

DoD and the Government of the United Kingdom (U.K.) have agreed to waive U.K. commercial exploitation levies and U.S. nonrecurring cost charges on a reciprocal basis. In order for these levies to be waived, they must be identified and a waiver must be requested before award of the contract or subcontract under which the levies are charged.

225.873–2 Procedures.

(a) Waiver of these levies must be approved by the Government of the U.K. When an offeror or contractor identifies a levy included in an offered or contract price, the contracting office shall provide written notification to the Office of the Secretary of Defense, Defense Security Assistance Agency, Operations Management Division, Room 4–B–740, The Pentagon, Washington, DC 20301–2800, telephone (703) 697–8108, which will request a waiver of the levy from the Government of the U.K. The notification shall include:

(1) Name of the U.K. firm;

(2) Prime contract number;

(3) Description of item for which waiver is being sought;

(4) Quantity being acquired; and

(5) Amount of levy. (b) Waiver may occur after contract award. Where levies are waived before contract award, the offer will be evaluated without the levy. Where levies are identified but not waived before contract award, the offer will be evaluated inclusive of the levies.

225.873–3 Contract clause.

Use the clause at 252.225–XXXX, Waiver of United Kingdom Commercial Exploitation Levies, in all solicitations and contracts for supplies:

(a) Where U.K. firms are expected to participate as offerors/prime contractors; or

(b) If a subcontract over $1 million with a U.K. firm is anticipated.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 252.2—Texts of Provisions and Clauses

3. Section 252.225–XXXX is added to read as follows:

252.225–XXXX Waiver of United Kingdom commercial exploitation levies.

As prescribed in 225.873–3, use the following clause:

Waiver of United Kingdom Commercial Exploitation Levies (XXX 1991)

(a) Offered prices for contracts and subcontracts with United Kingdom (U.K.) firms may contain commercial exploitation levies assessed by the Government of the U.K. The Offeror shall identify to the Contracting Officer all levies included in the offered price by describing: (1) The name of the U.K. firm;

(2) The item to which the levy applies, and quantity; and

(3) The amount of levy plus any associated indirect costs and profit or fee.

(b) If, after award of the prime contract, the Contractor contemplates award of a subcontract over $1 million to a U.K. firm, the Contractor shall identify any levy before award of the subcontract and shall provide the following information to the Contracting Officer:

(1) Name of the U.K. firm;

(2) Prime contract number;

(3) Description of item to which levy applies;

(4) Quantity being acquired; and

(5) Amount of levy plus any associated indirect costs and profit or fee.

(c) The Offeror/Contractor can obtain assistance in identifying levies from the Director of Procurement, U.K. Defense Procurement Office, British Embassy, 3100 Mass. Ave. NW., Washington, DC 20008, (202) 898–4480.

(d) The U.S. Government may attempt to obtain a waiver of levies pursuant to the U.S./U.K. reciprocal waiver agreement of September 1988.

(1) Where levies are waived before contract award, the offer will be evaluated without the levy.

(2) Where levies are identified but not waived before contract award, the offer will be evaluated inclusive of the levies.

(3) Where a waiver of the levy is obtained after award, the U.S. Government reserves the right to reduce the contract price by the amount of the levy waived plus associated indirect costs, profit or fee.

(e) The Contractor agrees to insert the substance of this clause, including this paragraph (e), in any subcontract for supplies where a lower tier subcontract over $1 million with a U.K. firm is anticipated.
(End of clause)

[FR Doc. 91–25211 Filed 10–18–91; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 245

[FRA Docket No. RSUF–1, Notice No. 4]

RIN 2130–AA62

Railroad User Fees; Open Meeting

AGENCY: Federal Railroad Administration, Department of Transportation.

ACTION: Notice of open meeting.

SUMMARY: On September 30, 1991, the Federal Railroad Administration (FRA) published an interim final rule establishing the railroad user fee program which is applicable to the collection of user fees for fiscal year 1991 only. FRA indicated in the interim final rule its intention to reopen the user fee proceeding early in fiscal year 1992 to consider other user fee allocation criteria. Accordingly, as a first step in this process, FRA will hold an informal open meeting on November 8, 1991, in Washington, DC. The meeting will be open to any interested persons who wish to attend at either participants or observers.

DATES: The open meeting will be held on Friday, November 8, 1991 at 9 a.m.

ADDRESSES: The open meeting will be held in room 6244, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gail L. Payne, Senior Program Analysis, Industry Operations and Safety Analysis Division, Office of Policy, (RRP–12), FRA, Washington, DC 20590 (Telephone: 202 366–0384); or William R. Fashouer, Deputy Assistant Chief Counsel, Office of Chief Counsel, (RCC–10), FRA, Washington, DC 20590 (Telephone: 202–366–0616).

SUPPLEMENTARY INFORMATION: On September 30, 1991, FRA published an interim final rule establishing the railroad user fee program mandated by section 216 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 *et seq.*) as enacted in section 10501 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101–508, 104 Stat. 1388–399). FRA's interim final rule bases the collection of railroad user fees for fiscal year 1991 on two criteria: train miles and road miles. As noted in FRA's Notice of Proposed Rulemaking ("NPRM") (45 FR 21216 (May 7, 1991)). FRA selected these criteria because they equitably allocated user fees across the railroad industry, they represent data the industry was already maintaining and therefore imposed only a limited additional reporting burden on the industry, they represented data that FRA could verify, and they allowed FRA to complete the interim rulemaking process in fiscal year 1991. A number of entities commenting on the NPRM noted that the fiscal year 1991 rulemaking schedule did not afford them sufficient time to evaluate and propose alternative criteria. These commenters requested FRA to reopen the proceeding early in fiscal year 1992 in order to examine other factors upon which to allocate the user fees for fiscal years 1992 through 1995. FRA agreed to this request.

Individuals and groups commenting on the NPRM offered a number of alternative criteria, however, the limited time involved precluded the development and presentation of detailed analysis supporting the proffered options. The purpose of the open meeting will be to explore user fee criteria and options for fiscal year 1992–1995 assessments. The criterion or criteria must satisfy at least two essential requirements: fairly and equitably allocate the total user fees to be collected across all railroads, and be based on data that are readily available to and verifiable by FRA. Since the statute requires FRA to assess and collect use fees before the end of each fiscal year, the data upon which the assessments will be based must be available to FRA early enough in the fiscal year to allow the billing process to be completed before the end of the fiscal year.

Participants are requested to come prepared to describe and support alternative bases upon which FRA would collect the user fees mandated by Congress. Persons or groups desiring to actively participate are encouraged to notify either of the individuals identified above in advance of the meeting. In addition, in the interest of facilitating the exchange of information, participants are requested to bring written outlines or descriptions of their proposals for distribution to other participants.

Issued in Washington, DC, on November 15, 1991.

Gilbert E. Carmichael,

Federal Railroad Administrator.

[FR Doc. 91–25247 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking; Hydraulic Brakes

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for rulemaking.

SUMMARY: Dr. Christoper G. Shapley petitioned NHTSA to amend Federal Motor Vehicle Standard No. 105, *Hydraulic Brakes,* to include a test of the adequacy of the power source in braking system power assist units. NHTSA is denying the petition because the agency has concluded that there is no demonstrated safety need for this type of test.

FOR FURTHER INFORMATION CONTACT: Mr. Vernon Bloom, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–5277).

SUPPLEMENTARY INFORMATION: NHTSA received a petition for rulemaking from Dr. Christopher G. Shapley, dated June 5, 1991. He requested that NHTSA amend Standard No. 105, *Hydraulic Brakes,* to include a test of the adequacy of the power source used in braking system power assist units. Specifically, he requested that a vehicle with power brakes not show any sign of "hard pedal" under the following test conditions:

Minimum source capacity
Maximum master cylinder stroke
Brake pedal cycling from zero to the equivalent of 0.7g, repeated once per second for thirty seconds.

Dr. Shapley stated that "hard pedal" is the condition where the booster is unable to provide any further amplification of pedal effort. In such a case, the pedal seems to become hard. The petitioner believes that the test he recommends is necessary because drivers often interpret a "hard pedal" condition as a complete loss of braking.

NHTSA has decided to deny the petition. NHTSA has concluded that an amendment to Standard No. 105 to require a power source capability evaluation is not necessary. NHTSA does not believe that "hard pedal" conditions in motor vehicles are a significant safety problem. NHTSA is not convinced that safety problems would necessarily occur even if some drivers interpreted "hard pedal" as a complete loss of braking. Those drivers would likely take appropriate action (e.g., driving to the side of the road) until they determined that the "hard pedal" did not represent a loss of braking. In addition, NHTSA has concluded that the test advocated by the petitioner is not representative of the conditions that are likely to be encountered in actual driving. The petitioner advocates a test which consists of cycling from a zero load to the equivalent of 0.7g braking force load, at one second intervals, for 30 seconds. However, NHTSA believes that the drivers of most vehicles would not approach a cycling rate of one cycle per second, when applying high pressure to the brake pedal in combination with long pedal travel. Further, NHTSA believes that the 0.7g equivalent brake

force is an unrealistic test condition. Such a brake force would generally result in wheel lockup on all but the highest-coefficient-of-friction dry road surfaces.

(15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority of 49 CFR 1.50.)

Issued on October 15, 1991.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 91-25245 Filed 10-18-91; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB66

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant Isoetes louisianensis (Louisiana quillwort)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list a plant, *Isoetes louisianensis* (Louisiana quillwort), as an endangered species under the authority contained in the Endangered Species Act (Act) of 1973, as amended. *Isoetes louisianensis* is currently only known from a localized portion of the Mill Creek drainage, and a single site in Miller Creek, Washington Parish, Louisiana. These two populations are threatened by timber harvest, gravel mining, or any other activity that would affect the hydrology or stability of the streams in which the plant occurs. This proposed rule, if made final, will extend the Act's protection to *Isoetes louisianensis*. The Service seeks data and comments from the public on this proposed rule.

DATES: Comments from all interested parties must be received by December 20, 1991. Public hearing requests must be received by December 5, 1991.

ADDRESSES: Comments and materials concerning this proposal should be sent to the U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul Hartfield at the above address (601/965-4900 or FTS 490-4900).

SUPPLEMENTARY INFORMATION:

Background

Isoetes louisianensis is a small, grasslike, aquatic herb in the quillwort family. Quillworts are seedless vascular plants which reproduce by spores and are closely related to ferns. Their slender quill-like leaves arise from a short fleshy stem (corm) that is shallowly rooted in the substrate. The leaves are rounded, hollow and swollen at their base. The sporangia (spore-containing structures) are embedded in the broadened bases of the leaves. Quillworts are heterosporous producing both megasporangia and microsporangia. Megaspore morphology and habitat preference are primary characters for the identification of *Isoetes* species (Taylor *et al.* 1989).

Isoetes louisianensis was described in 1973 from Thigpen Creek, a tributary of Mill Creek in the Bogue Chitto drainage, Washington Parish, Louisiana (Landry and Thieret 1973). Distinctive characters on which the species was based included brown-spotted sporangial walls and megaspores with high reticulate ridges producing a spiny effect. The leaves are numerous, varying in length from 15 to 40 centimeters (6-16 inches) depending on water depth (Kral 1983). *Isoetes louisianensis* has been reported to sporulate twice a year, producing megaspores in the spring and microspores in the fall (Landry and Thieret 1973).

In 1982, Brian Boom reduced the specific status of the Thigpen Creek population of *Isoetes* to a hybrid. He considered the population's distinctive characters (sporangial wall coloration, megaspore ornamentation, sporulation frequency) to be intermediate between *I. engelmannii* and *I. melanopoda*, although these two species are not known to co-occur. Luebke and Taylor (1986) questioned the hybrid parentage proposed by Boom for this as well as other purported hybrid crosses. They noted the absence of the putative parents from the hybrid localities; a lack of cytological evidence supporting the proposed crosses; and the uniformity of spore morphology in the putative hybrids and their viability. Hybrid spores are typically abortive and are not normal in appearance, and primary laboratory produced *Isoetes* hybrids are usually sterile.

Taylor *et al.* (1989) treat *Isoetes louisianensis* as a distinct species in an unpublished manuscript for the Flora of North America project. They acknowledge that while *I. louisianensis* may be of hybrid origin (it is tetraploid, $2n=44$) with *I. engelmannii* as one of its parents, the species' spores are uniform in size and texture and readily germinate in culture. Based on the lack of information supporting Boom's hybrid concept, and Taylor *et al.*'s recognition of the taxon, the Service recognizes the taxonomic validity of *Isoetes louisianensis*.

Isoetes louisianensis is a semi-aquatic plant known from only four small streams in the Bogue Chitto River drainage, Washington Parish, Louisiana. A report of the species from Worth County, Georgia (Bruce *et al.* 1980) was in error (Snyder *in litt.* 1988). The plant is found in a 1.25 km (0.75 mile) reach of Thigpen Creek, an 0.5 km (0.3 mile) reach of Clearwater Creek and in a 1.0 km (0.6 mile) reach of Mill Creek in the Mill Creek drainage, and at a single site in Miller Creek (McInnis 1991). These streams are typically small to medium sized, shallow and with clear, tannic acid colored water, running through narrow riparian forest communities. Substrates are stable mixtures of silt, sand and gravel.

Isoetes louisianensis occurs predominately on sand and gravel bars on accreting sides of streams and in moist over flow channels. The species is found less commonly on low sloping banks near, and occasionally below, the low water level. Plants are regularly inundated as much as 50 cm (20 inches) following rains, and may be inundated for long periods in wet seasons. Corm depth has been found as great as 3 cm (1.2 inches), indicating a tolerance for deposition of material. Plants can be found singly or in numbers of several hundred in the Mill Creek drainage. Only four plants are known from Miller Creek. Close herbaceous associates are *Viola primulifolia, Scirpus divaricatus, Justicia lanceolata, Hypoxis leptocarpa, Xyris* sp., *Carex* sp., and the liverwort *Pallavicinia lyellii*.

It is possible that the species was once more widespread. However, numerous small stream riparian habitats with similar physiognomy and vegetational composition have been searched in the Bogue Chitto River drainage in Louisiana and Mississippi, and in other drainages across south Mississippi without finding *Isoetes louisianensis* (Rosso 1987, McInnis 1991). McInnis (1991) noted that the numerous small streams that were unsuccessfully searched differed from known localities in type or stability of substrate, steepness of banks, absence of sand or gravel bars, seasonal lack of flow, or habitat alteration that has resulted in siltation, erosion, pollution, etc. Other wetland habitats surveyed without result included bottomland hardwood forests, pitcher plant seeps, large stream riparian zones, edges of

ponds and gravel pits, ditches, mudholes, and wet areas along roadsides and utility rights-of-ways.

Federal actions involving *Isoetes louisianensis* began with Section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2), now section 4(b)(3)(A), of the Act and of its intention thereby to review the status of those plants. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. *Isoetes louisianensis* was included in the Smithsonian petition and the 1976 proposal. General comments received in relation to the 1976 proposal were summarized in an April 26, 1976 **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1–year grace period was given to proposals already over 2 years old. In the December 10, 1979, **Federal Register** (44 FR 70796), the Service published a notice of withdrawal of the June 16, 1976, proposal, along with four other proposals that had expired. *Isoetes louisianensis* was included as a category 2 species in a revised list of plants under review for threatened or endangered classification published in the December 15, 1980, **Federal Register** (45 FR 82480). This species was maintained in category 2 in the Service's updated plant notices of September 27, 1985 (50 FR 39526) and February 21, 199O (55 FR 6184). Category 2 species are those for which there is some evidence of vulnerability, but for which there are not enough data to support listing proposals at this time. The Service funded a status survey for this plant species in 1990. Field surveys were conducted during the summer and early fall of that year. A final report was received and approved by the Service in early 1991. This report (McInnis 1991) and other information support the proposed listing.

Section 4(b)(3) of the Endangered Species Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Isoetes louisianensis* because of the acceptance of the 1975 Smithsonian report as a petition. In October of 1983, and succeeding years, the Service found that the petitioned listing of *Isoetes louisianensis* was warranted, but that listing this species was precluded due to other higher priority listing actions and additional data were being gathered. Publication of the present proposal constitutes the final 1-year finding that is required.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Isoetes louisianensis* Thieret (Louisiana quillwort) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The primary threats to *Isoetes louisianensis* are activities that would affect the hydrology or stability of the streams in which the plant occurs. Thigpen and Clearwater Creeks converge to form Mill Creek. Any natural or human disturbance that would affect either tributary would also impact the Mill Creek portion of the population.

Timber removal can lead to an increase in surface runoff and contributes to stream erosion and/or siltation. All known stream habitat supporting this species is associated with a well developed stream canopy. Canopy removal would alter the light regime under which the species is currently known to exist. Timber harvest has occurred at various locations along all streams supporting the taxon (McInnis 1991). Extensive clearcuts have been made along portions of Clearwater Creek. Portions of the bayhead forests in the headwaters of Thigpen and Clearwater Creeks are currently being clearcut and replanted with pine seedlings.

Isoetes louisianensis is generally associated with stable coarse sand and gravel substrates. Although the plants are occasionally found in finer soils in overflow channels, the substrate is always firm and stable (McInnis 1991). Sand and gravel mining along Clearwater Creek is affecting the hydrology, water quality and substrate stability of that stream and Mill Creek. Portions of Clearwater Creek have been completely cleared, channelized or re-routed by sand and gravel mining activities (McInnis 1991). The headwaters of Thigpen and Clearwater Creek have been ditched to direct surface drainage away from the mining operation.

An application for a permit to discharge produced waters from a natural gas compressor station into the upper Thigpen Creek is currently under review by the Louisiana Department of Environmental Quality (McInnis 1991). The nature and amount of discharge, and the potential effects to *Isoetes louisianensis* are unknown.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Due to the limited distribution and easily accessed habitat of *Isoetes louisianensis*, indiscriminate collecting of any nature could seriously affect this species and perhaps result in its extinction. Overcollecting is not known to occur at this time.

C. Disease or Predation

This plant species is not known to be threatened by disease or predation.

D. The Inadequacy of Existing Regulatory Mechanisms

This species is not recognized by any existing Federal or State regulation. Without listing, it would not be considered during project impact evaluation under other environmental laws.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Isoetes louisianensis is extremely vulnerable because of its restricted range and limited population size. Only 2.75 km (1.65 miles) of continuous habitat for the species exists in the lower portions of Thigpen and Clearwater Creeks and the upper portion of Mill Creek. Only four plants are known from a single site in the Miller Creek drainage. This restricted range makes the species vulnerable to any loss of individuals from its limited gene pool.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this

species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Isoetes louisianensis* as endangered. Endangered status is appropriate due to the plants small populations, restricted range, and continuing threats to its habitat. An endangered species, as defined by the Act, is threatened with extinction throughout all or a significant portion of its range. Critical habitat is not being designated for reasons discussed in the following section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that the designation of critical habitat is not presently prudent for this species. As discussed under Factor B in the Summary of Factors Affecting the Species, *Isoetes louisianensis* is potentially threatened by taking. It is not protected by any existing State regulation. In addition, take is regulated by the U.S. Endangered Species Act with respect to plants only in cases of (1) removal and reduction to possession of endangered plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, or damaging or destroying in knowing violation of any State law or regulation, including State criminal trespass law. The two known populations of this species are located only on private land. Therefore, if this species is listed under the Act, it will not receive protection from taking. While listing under the Act increases the public's awareness of the species' plight and conservation needs, it can also increase the desirability of a species to collectors. *Isoetes louisianensis* is a rare and unusual species, existing in only two populations. Publication of critical habitat descriptions and maps in the **Federal Register** and local newspapers would considerably increase the vulnerability of *Isoetes louisianensis* to collectors.

As discussed above, it would not now be prudent to designate critical habitat for *Isoetes louisianensis.* All involved parties, including Federal and State agencies and principal landowners, have been notified of the location and importance of protecting this species'habitat. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Federal involvement may include the following agencies: the Environmental Protection Agency through the Clean Water Act's provisions for pesticide registration and waste management actions, the Corps of Engineers relative to wetlands permits, and the Federal Highway Administration in case of impacts from federally funded bridge and road construction. Continuing urban development within the drainage basins where the plant occurs may also involve the Farmers Home Administration and their loan programs.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances.

It is anticipated that few trade permits would ever be sought or issued because the species is not common in cultivation or in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358–2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into

consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to Complex Field Supervisor (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

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Author

The primary author of this proposed rule is Paul Hartfield (see **ADDRESSES** section) 601/965–4900 or FTS 490–4900.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Isoetaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
ISOETACEAE—Quillwort family:						
*	*	*	*	*	*	
Isoetes louisianensis	Louisiana quillwort	U.S.A. (LA)	E		NA	NA
*	*	*	*	*	*	

Dated: September 3, 1991.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 91–25221 Filed 10–18–91; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

RIN 1018–AB66

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant Clematis morefieldii (Morefield's Leather Flower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list a plant, *Clematis morefieldii* (Morefield's leather flower), as an endangered species under the authority contained in the Endangered Species Act (Act) of 1973, as amended. *Clematis morefieldii* is currently believed extant at only five sites in Madison County, Alabama. Three historical populations have been destroyed and two of the remaining sites are imminently threatened by residential development. The continued existence of this species is also jeopardized due to its limited range, small populations, and reduced vigor at sites that are excessively shaded. This proposed rule, if made final, will extend the Act's protection to *Clematis morefieldii*. The Service seeks data and comments from the public on this proposed rule.

DATES: Comments from all interested parties must be received by December 20, 1991. Public hearing requests must be received by December 5, 1991.

ADDRESSES: Comments and materials concerning this proposal should be sent to the U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Cary Norquist at the above address or telephone 601/965–4900 or FTS 490–4900.

SUPPLEMENTARY INFORMATION:

Background

Clematis morefieldii is a perennial vine in the buttercup family (Ranunculaceae) and is a north Alabama endemic. It was first collected by Morefield in the early 1980's from Round Top Mountain in Madison County, Alabama, and later described by Kral (1987). This species is a member of the *Viornae* subsection of *Clematis*, which is noted for its narrow endemics (Kral 1987). *Clematis* in this subsection are distinguished by urn-shaped flowers which occur singly, or in few-flowered groups, in leaf axils. Their primary flower stalks (peduncles) are subtended by leafy bracts. *Clematis morefieldii* is closely related to *C. viorna*, a more variable species, but *C. morefieldii* has

dense white hairs on the shoot, velvety lower leaf surfaces, and stouter, usually shorter (15–25 millimeters (mm) or 0.6 to 1.0 inch long) peduncles with sessile to nearly sessile bracts at the base (Kral 1987). *Clematis morefieldii* attains heights up to 5 meters (16 feet) and its compound leaves may attain lengths of 2 decimeters (8 inches). Leaves have 9 to 11 leaflets and the terminal 1 to 3 leaflets form tendrils. The flowers are pinkish and 20 to 25 mm (0.8 to 1.0 inch) long. Fruits are clusters of achenes. *Clematis morefieldii* flowers from late May to early July.

Extensive surveys have been conducted for *C. morefieldii*. Currently, it is known from only five locations in Madison County, Alabama. The vines are rooted in basic clay-loam soils in rocky limestone woods on the south and southwest facing slopes of mountains. Plants often sprawl over shrubs and boulders or climb understory shrubs (Kral 1987). *Clematis morefieldii* occurs locally near seeps within a juniper-hardwoods community with *Cotinus obovatus* (smoketree) as the principal indicator species. Other associate hardwoods include *Carva ovata*, oaks (*Quercus shumardii, Q. muhlenbergia, Q. alba, Q. stellata*), *Ulmus*, and *Fraxinus americana*.

Four of the five populations are within 0.3 to 1.7 kilometers (km) (0.2 to 1.1 miles) of one another on the Huntsville—Monte Sano Mountain complex. A single vine is on one site, two sites have approximately 20 plants, and the fourth site has several hundred vines. The fifth site (on Keel Mountain) is disjunct, approximately eight km (six miles) from the other sites, and has an estimated 300 vines. On all sites, the plants are clustered within a small area (0.1 hectare (0.25 acre) or less) (Weber 1991). Two populations are located on public land currently owned by the city of Huntsville. The other sites are on private property.

Of the total eight reported populations (including historic and extant sites), three populations are believed to have been destroyed, and two of the remaining five extant sites, are imminently threatened by residential development. The continued existence of this species is also jeopardized due to its limited range, small population sizes, and reduced vigor at sites which are heavily shaded. Management may be necessary to maintain appropriate habitat.

Federal actions involving *Clematis morefieldii* began with field surveys in 1989, after the Service had been alerted to a newly described species of *Clematis* which appeared to be rare and facing imminent threats. In the February 21, 1990, publication of a notice of review for native plants in the **Federal Register** (50 FR 6184), *Clematis morefieldii* was included as a category 2 species (the specific name was misspelled in the notice). Category 2 species are those for which listing as endangered or threatened species may be warranted but for which substantial data on biological vulnerability and threats are not currently known or on file to support a proposed rule. The Service contracted for additional surveys in 1990 to further assess this species' rarity and threats to its existence. The contractor submitted a final report on this species' status in 1991. This report (Weber 1991) and other information support the proposed listing. The data demonstrate a limited distribution and continuing threats to the species.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Clematii morefieldii* Kral (Morefield's leather flower) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

This species' range is currently recognized as limited to five sites in northern Alabama, all in Madison County. While surveying potential habitat for additional populations, it was noted that residential development had destroyed or adversely modified similar habitats. Residential development on mountains in the Huntsville area is increasing. Two of the existing populations are imminently threatened due to their precarious location on lots in a residential area. Clearing has already impacted habitat and individuals on these sites. Destruction of these two sites would result in a 55 percent loss of total known individuals. At this time, only two of the five sites (respectively, 22 and 300 plants) appear to be secure. Within the last few years, three populations have been destroyed by road building, clearing, and herbicide use associated with residential development (Weber 1991).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

This recently discovered species is currently not known to be a significant component of the commercial wildflower trade; however, it is attractive and has horticultural potential. Publicity from its listing could generate an increased demand. Taking and vandalism pose threats because of its visibility when flowering and the accessibility of many of the sites. Over-collecting for any purposes could extirpate populations, especially the sites with only a few plants.

C. Disease or Predation

Seed predation by insects was noted in several populations (Weber 1991) and requires further investigation.

D. The Inadequacy of Existing Regulatory Mechanisms

Although it is considered endangered in Alabama (Gunn, Alabama Heritage Program, pers. comm., 1991), there are no State or Federal laws protecting *Clematis morefieldii* or its habitat. Two populations (totalling <25 plants) occur on public land (city of Huntsville) and are currently protected. However, ownership, thus protection, for one of these sites is tenuous. There is a possibility that public ownership will revert to private landowners if sufficient funds are not available to complete payment (Weber 1991). The Act would strengthen existing protection, provide additional protection and encourage active management for *Clematis morefieldii* (see "Available Conservation Measures").

E. Other Natural or Manmade Factors Affecting Its Continued Existence

This species is extremely vulnerable because it has a limited range and low numbers of plants at many of the sites. One population has one plant, two have approximately 20 plants, and all sites occupy less than a 0.1 hectare (0.25 acre) in area. A single unnatural or natural disturbance could destroy a significant percentage of the known populations. In addition, the small number of individuals at three sites may indicate a limited gene pool and, without infusion of gene flow, it is questionable if these smaller populations can survive.

Clematis morefieldii appears to have restricted ecological requirements. Plants are locally distributed and seem to require areas where shale forms seeps which are moist for a good part of the year (Weber 1991). One population, located under a closed canopy, appeared to be stressed. Individuals

were smaller and fewer flowers were observed, when compared to populations where the canopy was somewhat "open". This species may require habitat management to curtail succession.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Clematis morefieldii* as endangered. Endangered status is appropriate due to the species' restricted range and imminent threats facing several populations. An endangered species, as defined by the Act, is threatened with extinction throughout all or a significant portion of its range. Critical habitat is not being designated for reasons discussed in the following section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the same time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat presently is not prudent for this species. This recently discovered *Clematis* occurs in limited numbers at only five locations, three of which are easily accessible. Publication of critical habitat maps in the **Federal Register** and local newspapers would increase public interest and possibly lead to additional threats for this attractive species.

Take is regulated by the Act with respect to endangered plants only in cases of (1) removal and reduction to possession from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, damaging, or destroying these plants in knowing violation of any State law or regulation, including State criminal trespass law. However, the known populations of *Clematis morefieldii* are located only on private and city land. Although the species is listed as endangered by the State, the State law provides no protection from collecting or vandalism. While listing under the Act increases the public's awareness of the species' plight, it can also increase the desirability of a species to collectors. As stated previously, this *Clematis* is an attractive vine which may be attractive to the wildflower trade or novelty collectors. Discovery and elimination of even one population would compromise the survival of the species. It also could be adversely affected by increased visits to, and associated trampling of, occupied sites as a result of critical habitat designation.

As discussed above, it would not now be prudent to determine critical habitat for *Clematis morefieldii*. All involved parties, including appropriate City and State agencies, and key private landowners, have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will be addressed through the recovery process and through the Section 7 consultation process.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

All presently known populations are located on private or city-owned land. The only currently known activity to be authorized, funded, or carried out by a Federal agency that would affect *Clematis morefieldii* is consideration of this species by the Environmental Protection Agency relative to pesticide (herbicide) registration.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances.

It is anticipated that few trade permits would ever be sought or issued because the species is not common in cultivation or in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358–2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical

habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to Complex Field Supervisor (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Kral, R. 1987. A new "Viorna" *Clematis* from northern Alabama. Ann. Missouri Bot. Gard. 74:665–669.

Weber, S.F. 1991. Status report on *Clematis morefieldii*. Unpublished report to U.S. Fish and Wildlife Service, Southeast Region, Jackson, Mississippi. 10 pp. + appendix.

Author

The primary author of this proposed rule is Cary Norquist (see **ADDRESSES** section) 601/965–4900 or FTS 490–4900.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Ranunculaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Ranunculaceae—Buttercup family:						
*	*	*	*	*	*	*
Clematis morefieldii	Morefield's leather flower	U.S.A. (AL)	E		NA	NA
*	*	*	*	*	*	*

Dated: September 3, 1991.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 91–25222 Filed 10–18–91; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

RIN 1018–AB

Endangered and Threatened Wildlife and Plants; Notice of Public Meeting on California Candidate Plant Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notion of public meeting.

SUMMARY: As part of the settlement of litigation over the Fish and Wildfish Service's (Service) progress in proposing for listing as endangered or threatened species approximately 159 California plants designated as "category 1" listing candidates, the Service is holding a public meeting. the meeting will provide a forum for discussing issues related to proposing the plants for listing under the Endangered Species Act (16 U.S.C. 1531–1544).

DATES: The public meeting will be held from 9 a.m. to 12 noon on Wednesday, November 6, 1991, in Sacramento, California.

ADDRESSES: The public meeting will be held at the Federal Building, 2800 Cottage Way, room W–1140, Sacramento, California.

FOR FURTHER INFORMATION CONTACT: Wayne S. White, Field Supervisor, U.S. Fish and Wildlife Service, 2800 Cottage Way, rooms E–1803 and 1823, Sacramento, California 95825 (telephone) 916/978–4866 or FTS 8–460–4866).

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1991, the U.S. District Court for the Eastern District of California approved a settlement of a lawsuit brought by the California Native Plant Society to challenge delays by the Service in proposing to list 159 species of California plants as endangered or threatened. Under the terms of the settlement approved by the court, the Service is holding a public meeting to discuss the Service's progress in proposing the plants for listing as well as other issues related to development of listing proposals for the plants. The meeting will be held in Sacramento, California on November 6, 1991 at the time and place specified above.

Author

The primary author of this notice is Leslie Propp, Staff Biologist, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE. 11th Avenue, Portland, Oregon 97232 (telephone 503/231–6131 or FTS 429–6131).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.)

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, and Transportation.

Dated: October 11, 1991.

William E. Martin,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 91–25246 Filed 10–18–91; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 56, No. 203
Monday, October 21, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 91-147]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that three applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR Part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in Room 1141, South Building, United States Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under "**FOR FURTHER INFORMATION CONTACT,**".

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Specialist, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application number	Applicant	Date received	Organism	Field test location
91-253-01	University of Hawaii at Manoa	09-10-91	Papaya plants genetically engineered to express the coat protein gene of papaya ringspot virus (PRV).	Oahu County, Hawaii.
91-268-01	Calgene, Incorporated	09-25-91	Tomato plants genetically engineered to express the antisense polygalacturonase (PG) gene.	Riverside County, California.
91-268-02, renewal of permit 90-353-01, issued on 04-18-91.	Ciba-Geigy Biotechnology Corporation.	09-25-91	Tobacco plants genetically engineered to express a synthetic *Bacillus thuringiensis* (Bt) delta-endotoxin gene.	Franklin County, North Carolina.

Done in Washington, DC, this 15th day of October 1991.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-25302 Filed 10-18-91; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Intent To Prepare an Environmental Impact Statement; Eldorado National Forest, CA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service is preparing an environmental impact statement to analyze future management options for the recently acquired Echo Summit Ski area facilities on the Eldorado National Forest, Placerville Ranger District, together with the surrounding 115 acres of Forest Service land previously leased to the operator. Facilities include a 9,000 square foot building (former ski lodge), two ski lifts, and maintenance buildings. A portion of the parking at the site has been allocated to continuing operation of a Sno-park site in the winter months by the State of California Department of Recreation.

The agency invites written comments and suggestions on the scope of the analysis. The agency also gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Two public scoping meetings will be held. One will be held November 7, 1991 at 7 p.m. at the Eldorado National Forest Supervisor's Office, 100 Forni Road, Placerville, CA. The second will be held November 13, 1991 at 7 p.m., at Valhalla, Tallac Historic Site, South Lake Tahoe, CA.

FOR FURTHER INFORMATION CONTACT: Written comments and suggestions about the EIS or questions about the proposed action may be addressed to

Diana Erickson, Project Coordinator; Eldorado National Forest; 100 Forni Road; Placerville, California 95667; phone (916) 622–5061. For consideration in the draft EIS, comments should be received no later than January 15, 1992.

SUPPLEMENTARY INFORMATION: In preparing the EIS, the Forest Service will identify and consider a range of alternatives for management of the Echo Summit site. One of these alternatives is no action. Other alternatives will consider a variety of summer and winter recreation activities, educational activities, and related uses. Removal of the facilities and/or restoration of all or a portion of the site will be considered as well. Public participation will be especially important at several points throughout the environmental analysis process. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft EIS. The scoping process includes:

1. Defining the scope of the analysis and nature of the decision to be made.
2. Identifying the issues and determining the significant issues for consideration and analysis within the EIS.
3. Determining the proper interdisciplinary team.
4. Determining the effective use of time and money in conducting the analysis.
5. Identifying the potential environmental, technical, and social impacts of the alternatives.
6. Determining potential cooperating agencies.
7. Identifying groups or individuals interested or affected by the decision.

The District Ranger, Placerville Ranger District, is the responsible official.

Upon completion of the draft EIS, the Forest Service will publish a notice of availability of the draft in the **Federal Register.**

The comment period on the draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.** It is very important that those interested in future management of the Echo Summit site participate at that time. Comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merit of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stages may be waived if not raised until after completion of the final EIS, *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

After the comment period on the draft EIS ends, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. In the final EIS, the Forest Service is required to respond to the comments and responses received (40 CFR 1503.4). The responsible official will consider the comments; responses; environmental consequences discussed in the draft EIS; and applicable laws, regulations, and policies in making a decision. The responsible official will document the decision and reasons for the decision in the Record of Decision. The decision is subject to appeal pursuant to 36 CFR Part 217.

Dated: October 10, 1991.

Gary A. Bilyeu,

Acting Forest Supervisor, Eldorado National Forest.

[FR Doc. 91–25142 Filed 10–18–91; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1992 Census of Service Industries.

Form Number(s): Various.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 1,185,000 hours.

Number of Respondents: 1,480,000.

Avg Hours Per Response: 48 minutes.

Needs and Uses: The Census Bureau will conduct the census of service industries as part of the 1992 Economic Censuses. The economic censuses are the primary source of facts about the structure and functioning of the Nation's economy. They provide essential information for government, business, and the public. In particular, census results serve as part of the framework for the national accounts; furnish sampling frames and benchmarks for economic surveys; and provide detailed, comprehensive information for use in policy making, planning, and program administration.The 1992 Census of Service Industries will use a mail canvass, supplemented by data from Federal administrative records, to measure the economic activity of approximately 9.2 million establishments classified in Standard Industrial Classification Division I. This sector is comprised mainly of establishments engaged in providing a wide variety of services for individuals, businesses, government, and other organizations. It includes hotels and other lodging places; establishments providing personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations; and other miscellaneous services.

Affected Public: State or local governments, Businesses or other for–profit organizations, Non–profit institutions, Small businesses or organizations.

Frequency: Every five years.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 15, 1991.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 91–25303 Filed 10–18–91; 8:45 am]

BILLING CODE 3510–07–F

Foreign-Trade Zones Board

[Order No. 537]

Approval for Expansion of Foreign-Trade Zone 25 Broward County, Florida

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

Whereas, the Port Everglades Authority, Grantee of Foreign-Trade Zone No. 25, has applied to the Board for authority to expand its general-purpose zone to include an additional site in Broward County, Florida, within the Port Everglades Customs port of entry;

Whereas, the application was accepted for filing on March 1, 1991, and notice inviting public comment was given in the **Federal Register** on March 15, 1991 (Docket 13–91, 56 FR 11177);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to improve and expand zone services in the Broward County area; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby orders:

That the Grantee is authorized to expand its zone in accordance with the application filed on March 1, 1991. The grant does not include authority for manufacturing operations, and the Grantee shall notify the Board for approval prior to the commencement of any manufacturing or assembly operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the Army District Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, DC, this 10th day of October, 1991.

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

[FR Doc. 91–25315 Filed 10–18–91; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A–351–605]

Frozen Concentrated Orange Juice From Brazil; Final Results and Termination in Part of Antidumping Duty Administrative Review; Revocation in Part of the Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of final results and termination in part of antidumping duty administrative review; revocation in part of the antidumping duty order.

SUMMARY: On June 19, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on frozen concentrated orange juice from Brazil. The review covers five producers and/or exporters of this merchandise to the United States and the period May 1, 1989 through April 30, 1990. We determine the weighted-average dumping margins for all respondents during this period to be zero or *de minimis*. Because Branco Peres Citrus S.A. and Citro-Pectina S.A. withdrew their requests for review, we are terminating the review with respect to those firms.

We gave interested parties an opportunity to comment on our preliminary results. We received comments from the petitioner and five respondents. After consideration of all comments and corrections of clerical and minor programming errors, the final results of review remain unchanged from those presented in our preliminary results. Because Cargill Citrus Limitada, Citrosuco Paulista, Coopercitrus Industrial Frutesp S.A. and Montecitrus Trading S.A. have three consecutive years of sales at not less than foreign market value, and it is not likely that they will sell the subject merchandise at less than foreign market value in the future, the Department is revoking the antidumping duty order with respect to these firms upon publication of these final results.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Philip Pia or Barbara Tillman, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On June 19, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 28138) the preliminary results of its administrative review of the antidumping duty order on frozen concentrated orange juice from Brazil (52 FR 16426; May 5, 1987). In May 1990, seven respondents, Cargill Citrus Ltda., Citrosuco Paulista S.A., Coopercitrus Industrial Frutesp S.A., Montecitrus Trading S.A., Frutropic S.A., Citro Pectina S.A., and Branco Peres Citrus S.A., requested an administrative review of the order. A timely request for revocation of the antidumping duty order, accompanied by the required certification, was submitted by Cargill Citrus Ltda., Citrosuco Paulista S.A., Coopercitrus Industrial Frutesp S.A., and Montecitrus Trading S.A. Because Citro-Pectina S.A. and Branco Peres Citrus S.A. subsequently withdrew their requests for review, the Department is terminating the review of their sales for this period. The Department has now conducted the review for the remaining companies in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of frozen concentrated orange juice (FCOJ) from Brazil. The merchandise is currently classifiable under item 2009.11.00 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period May 1, 1989 through April 30, 1990 and five producers and/or exporters of Brazilian FCOJ to the United States: Cargill Citrus Ltda., Citrosuco Paulista S.A., Coopercitrus Industrial Frutesp S.A., Frutropic S.A., and Montecitrus Trading S.A. A timely request for withdrawal was submitted by Citro-Pectina, S.A. and Branco Peres Citrus S.A., therefore, the review of this period with respect to Citro-Pectina S.A. and Branco Peres Citrus S.A. is terminated.

The Department has revoked the antidumping duty order with respect to four firms: Cargill Citrus Ltda., Citrosuco Paulista S.A., Coopercitrus Industrial Frutesp S.A. and Montecitrus Trading S.A. These four firms have demonstrated three consecutive years of sales at not less than foreign market value, and it is not likely that these firms will sell subject merchandise at less than foreign market value in the future. The additional respondent who submitted a revocation request, Frutropic S.A., is not eligible for revocation as provided in § 353.25(a) of the Department's regulations because it failed to meet the requirement of having

sold the merchandise at not less than foreign market value for three consecutive years. As required by § 353.25(c) of the Department's regulations, the Department conducted a verification of all factual information submitted by those firms eligible for revocation.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results and held a public hearing. We received timely comments from the petitioners, Florida Citrus Mutual, Alcoma Packing Co., Berry Citrus Products, Inc., Citrus Belle, Inc., B & W Canning Co., Caulkins Indiantown Citrus Co., and Citrus World, Inc., and five respondents, Cargill Citrus Ltda. (Cacitrus), Citrosuco Paulista S. A. (Citrosuco), Coopercitrus Industrial Frutesp S. A. (Frutesp), Montecitrus Trading S. A. (Montecitrus), and Frutopic S.A.

Comment 1: Petitioners argue that it would be improper for the Department to revoke the antidumping duty order on Brazilian FCOJ regardless of the final results of this review. Partial revocation of an antidumping duty order is controlled by § 353.25(a)(2) of the Department's regulations, which states:

> The Secretary may revoke an order in part if the Secretary concludes that: (i) One or more producers or resellers covered by the order have sold the merchandise at not less than foreign market value for a period of at least three consecutive years; (ii) It is not likely that those persons will in the future sell the merchandise at less than foreign market value;

Petitioners claim that no reasonable basis exists from which to conclude that respondents "will in the future sell the merchandise at not less than foreign market value." The Department must examine thoroughly the objective factors currently influencing (a) the juice industries of both countries and (b) price tends in the United States and Brazil throughout the history of this antidumping order. The Department has not complied with § 353.25(c)(2)(iii) of its regulations by failing to provide an explanation of the criteria applied and results attained in reaching its decision to publish a preliminary notice of intent to revoke.

FCOJ prices are at their lowest since the original dumping petition was filed in this case. The three consecutive administrative reviews which are now being used as the basis for the tentative revocation were conducted during times of rising and relative high FCOJ prices. If the price of FCOJ had been below $1.20 a pound as it is now, and as it was when the original investigation was conducted, it is likely that dumping margins would be found. In addition, a United States Department of Agriculture (USDA) study concludes that the Brazilian FCOJ industry continues to expand domestic processing capacity, export capacity and foreign storage capacity. Thus, while price trends show a decline, Brazilian capacity continues to expand. These factors will create pressure on the Brazilian FCOJ industry to increase exports, something that they can only achieve in an era of low prices through dumping.

Respondents claim that petitioner's logic is faulty when it claims that relatively low prices and planned expansion of Brazilian orange juice producing capacity will result in future dumping. Sharp price fluctuations are frequent occurrences in the FCOJ industry, and as the Department has confirmed in its administrative reviews, they have not triggered dumping. Petitioner cites as "evidence" of future dumping the USDA study on increases in Brazilian FCOJ production capacity. Any link between increasing capacity and future dumping is nonprobative and speculative. Furthermore, to the extent that the study is relevant at all, it contradicts petitioner's reasoning. The USDA study itself states that the planned increase in Brazilian capacity is intended for projected demand from East Europe and the western Pacific Rim countries, not the United States.

Department's Position: We conclude from the evidence in the record that there is no likelihood of future sales at less than foreign market value (LTFMV) by Cacitrus, Citrosuco, Frutesp and Montecitrus. We have examined the evolution of FCOJ prices, current and projected trends in production, company-specific pricing behavior, and other information on general market conditions relevant to our decision to revoke the order with respect to the four companies. In our preliminary determination, we met the requirements of § 353.25(c)(2)(iii) in that we included the "Secretary's decision whether there is a reasonable basis to believe that the requirements for revocation * * * are met."

We find no causal relationship between FCOJ futures contracts prices and the likelihood of future sales at LTFMV. Futures prices for agricultural commodities are inherently volatile. Among other factors, the course of prices are influenced by freezes, droughts, infestation, commercial forces affecting the cash price, technical positions of trading houses, producers and users of the commodity, and the speculating public. Short-term and seasonal price movements are rapid and dependent, for the most part, on outside forces. Currently, the facts are that the prospect of adequate supplies of FCOJ are weighing on the market. Florida orange groves have benefited from excellent growing conditions throughout the summer, and new crop fruit has progressed well, with next season's Florida crop expected to be a good one. The information in the record from independent sources, such as the USDA reports cited by both the petitioners and the respondents, confirms that the recent downward trend in prices is a result of sharp increases in U.S. production in 1990/91 and the constraints of an economic recession on consumer demand. We have reviewed three years of sales data encompassing similar downward and upward price movements without finding a correlating trend of dumping by Brazilian producers. The suggestion that relatively low prices caused by fundamental market factors will in some way lead to future dumping is not supported by evidence drawn from previous reviews.

More importantly, though, the sales data examined throughout the life of this order, confirm the fact that FCOJ cash prices in Brazil, the United States, and various third country markets move in tandem. We have made comparisons of United States prices with prices in all of the major markets for Brazilian FCOJ for three consecutive years. During that period we found no evidence of LTFMV sales by any Brazilian producer. The market for FCOJ is a global one, and when prices in the United States increase or decrease, prices in comparison markets increase or decrease as well.

As for the expansion of Brazilian processing capabilities, forecasts of the USDA's World Agricultural Outlook Board show a six percent decrease in Brazilian production and exports for the 1990/91 season. In the event that any planned expansion becomes a reality, the information in the record suggests that the United States market will be of decreasing importance to Brazilian producers as the quota restrictions on Japanese imports of FCOJ are lifted in accordance with the U.S.-Japan Beef and Citrus Agreement of 1988, beginning in April 1992. The opening of the Japanese and East European markets are likely to continue to dominate the future planning of the Brazilian FCOJ industry.

For these reasons, we conclude that that there is no likelihood of LTFMV sales in the future by Cacitrus, Citrosuco, Frutesp, and Montecitrus. Therefore, we have revoked, in part, the antidumping duty order with respect to these four firms.

Comment 2: Petitioners claim that three years at zero or *de minimis* margins cannot be the basis for the Department satisfying the requirement that future sales at least less than foreign market value are unlikely. In order for the Department to conclude that it is unlikely that dumping will occur in the future, the Department is required to update sales data and compare United States price and foreign market value for the period between the end of the third consecutive review year period and the date of the tentative revocation (the "gap period"). The court of appeals has upheld this proposition in its decisions in *Freeport Minerals Co.* v. *United States* 776 F.2d 1029 (Fed. Cir. 1985), *UST, Inc.* v. *United States*, 831 F.2d 1028, 1032 (Fed. Cir. 1987), and *Matsushita El. Inc. Co.* v. *United States*, 823 F.2d 505, 507 (Fed. Cir. 1987). Therefore, the Department must complete a review of all sales by all respondents and all new shippers between April 30, 1990 (the end of the review period) and the date of publication of its notice of intent to revoke in part published on June 19, 1991.

Conversely, respondents contend that they have fulfilled the standards for revocation of the antidumping duty order. The need for the Department to examine the gap period has been eliminated. The Department indicated in its consideration of the adoption of its current regulations that it would no longer examine the gap period because it was changing its rules to require three years of no sales at less than foreign market value and was uniformly making the end of the three-year period the effective revocation date. The court decisions cited by petitioners apply to the law, practice and regulations of the Department prior to adoption of the current regulations, and are, therefore, not controlling. The Department has found no sales at less than foreign market value for three consecutive years, and this satisfies the current regulations governing revocations.

Department's Position: We agree with the respondents. The preamble to 19 CFR 353.25(a) and (b) states, "[in] cases in which the Department has issued tentative revocations prior to the effective date of these regulations, it will complete the revocation procedure under the existing regulations. In all other cases, the new regulations will apply." (54 FR 12758.) The adoption of a three-year period for revocation is clear in part 353 which is effective April 27, 1989 (a date prior to publication of our determination of intent to revoke in this proceeding). Prior to adoption of the current regulations, it was the Department's practice to examine sales data of about two years and nine months, *i.e.*, the required two-year period and the period between the end of the two-year period and the date of the tentative revocation or termination. The adoption in § 353.25(c)(3) of the day after the three-year period as the effective revocation date eliminates the need for an examination of the gap period.

Comment 3: Frutropic argues that the Department's refusal to revoke the antidumping duty order as it applies to Frutropic is wrong, both as a matter of fact and as a matter of law. The Department's stated reason for refusing to revoke the order for Frutropic was that "Frutropic failed to meet the requirement of having sold the merchandise at not less than foreign market value for three consecutive years." Frutropic claims this is incorrect because it has demonstrated that it has not sold FCOJ at less than foreign market value for three years (having *de minimis* margins in the first and third annual reviews), and there is no evidence that Frutropic has ever sold FCOJ at LTFMV. Therefore, a revocation is appropriate.

The Department has never found evidence of LTFMV sales by Frutropic in the history of this antidumping duty case. Even in the original investigation Frutropic was not found to have made LTFMV sales, because it was not covered by the original investigation. The absence of LTFMV sales is confirmed specifically by the first and third reviews. (Frutropic withdrew from the second review because the expense and effort of a review were not justified for the small amount of duties to be refunded.) The Department's regulation on revocation, 19 CFR 353.25(a)(2), does not require the Department to have conducted a review of all of the sales made by an exporter during three consecutive years. It requires only that the "Secretary conclude * * * that one or more producers * * * have sold the merchandise at not less than foreign market value for a period of at least three consecutive years * * *" Indeed, where reviews on either end of a three-year period have specifically confirmed that Frutropic did not make LTFMV sales, it is reasonable for the Secretary to conclude that no such sales were made during the entire three-year period.

The only conceivable basis for the Department to conclude that Frutropic made LTFMV sales during the second annual review period is that Frutropic paid estimated antidumping duty deposits on entries during that period, *i.e.*, Frutropic's entries were liquidated at the duty deposit rate in effect from the original investigation. These duty deposits had nothing to do with Frutropic's actual sale practices, rather they were based upon the sales practices of some other exporter covered in the original investigation. The question of sales above or below foreign market value cannot be answered by reference to whether duty deposits were paid on the merchandise.

Since there is nothing in the Department's regulation that requires participation in three consecutive annual reviews before revocation, and since the Secretary has discretion regarding revocation, such a requirement should only be imposed if it is sound policy to do so. To the extent that policy considerations enter into the Secretary's decision, the better policy is not to require exporters to undertake administrative reviews in each of the three years set forth in the regulation. If the Department insists on reading into the regulation a requirement of three administrative reviews for revocation, it is essentially putting subject exporters on notice that they must submit to the considerable legal expense and administrative effort of participating in a review even where there is no economic justification for such a review. This is setting a price tag on revocation: Three years legal fees and administrative costs. The effect is to make the antidumping law another nontariff barrier, making it more expensive to export to the United States. Finally, requiring administrative reviews every year contradicts the thrust of section 611(a)(2)(A) of the Trade and Tariff Act of 1984, which made administrative reviews permissive, rather than mandatory. In fact, one of the comments considered by the Department in response to the proposed section of its regulations on revocation discusses the concern of unnecessarily increasing the burden on the Department for conducting section 751 reviews.

Conversely, petitioners argue that Frutropic's assertion that three years of sales at not LTFMV exist both on the record and as a matter of fact should continue to be rejected by the Department. The antidumping statute provides a single mechanism by which to determine companies are dumping: the administrative review. Absent a review, or participation in a review by specific respondents, it is impossible for the Department to demonstrate whether dumping is occurring. If there is no record concerning the existence of dumped imports, any decision to revoke

or partially revoke an order would be unreasonable.

Department's Position: The applicable statutes and regulations grant the Department broad discretion in determining whether to revoke an antidumping finding. The only relevant statutory provision states: "The administering authority may revoke, in whole or in part, a countervailing duty order or an antidumping duty order * * * after a review under this section." 19 U.S.C. section 1675(c) (emphasis supplied). Therefore, except for the requirement for conducting an administrative review, Congress has not specified any procedure that the Department must follow or any criteria that it must consider in determining whether to revoke a particular antidumping duty order. The applicable Commerce regulation, contained in 19 CFR 353.25, preserves the broad discretion granted by Congress, by providing in pertinent part: "[T]he Secretary may revoke an order or terminate a suspended investigation if the Secretary concludes that * * *" In short, the regulation like the governing statute, vests a great deal of discretion in the Secretary to determine the propriety of revocation.

Frutropic's withdrawal from the second annual review is not evidence that it did not make sales at less than foreign market value during the second review period. Thus, Frutropic's position on revocation amounts to a suggestion that the Department use Frutropic's behavior in the first and third periods of review to create a presumption of no less than foreign market value sales in the second review period. However, such a presumption is contrary to the Department's regulations. See, the proposed rule that led to the current § 353.25, in which the Department set out the burden of proof in a revocation based on an absence of dumping. ("Revocation under paragraph (a) would be based only on a demonstrated absence of dumping." 51 FR 29046, 29052; August 13, 1986.) Thus, it is clear that each period used to justify a revocation under section 353.25(a) must, when considered invidually, evidence a lack of sales at less than foreign market value. No presumption based on behavior in other periods is permitted.

Comment 4: Petitioners argue that the Department erred in assuming that full pass-through exists for ICM and IPI taxes incurred on Cacitrus' sales of FCOJ in the home market. The Department did not develop a methodology for measuring the degree to which the tax payments are passed on to home market customers in the form of higher prices. Therefore, it should either require Cacitrus to provide an acceptable methodology for measuring the rate of tax pass-through, or assume that ICM and IPI taxes are not passed through and disallow this adjustment to foreign market value.

Cacitrus rebuts that the Department's long-standing interpretation of Section 1677a(C) of the Tariff Act is that adjustments for the tax should be made to the extent that the tax was charged and actually paid in the home market. The Department should continue to follow its practice of adjusting United States price for taxes not collected or rebated on exported merchandise but charged and paid in the home market.

Department's Position: We agree with Cacitrus. We have considered and rejected petitioner's argument in a previous review. (*See,* Department's response to Comment 1 in Frozen Concentrated Orange Juice From Brazil; Final Results and Termination in Part of Antidumping Duty Administrative Review; 55 FR 47502, November 14, 1990.)

Comment 5: Petitioners claim that the Department failed to perform an accurate comparison of Cacitrus' foreign market value and United States price because it used inaccurate U.S. dollar/Brazilian cruzeiro exchange rates. The statute requires the Department to use the exchange rates established by the Secretary of the Treasury. Because Treasury rates did not exist for cruzeiros, the Department used instead rates supplied by the International Monetary Fund (IMF). IMF rates are supplied by the Central Bank of Brazil and are thus inappropriate for foreign market value and the United States price comparisons. The Department should use market rates obtained from several independent commercial banks to insure a reliable comparison.

Cacitrus contends that petitioner's allegation is false. The IMF monthly rates are identical to the monthly rates of independent commercial banks. The Department's established practice is to use daily IMF exchange rates in comparisons involving Brazilian exports to the United States.

Department's Position: We disagree with petitioner. The daily U.S. dollar/cruzeiro exchange rates supplied by the IMF are accurate. We compared the daily IMF rates used in our results with actual foreign exchange contracts between Cacitrus and the Banco do Brazil for the payment of FCOJ exported to the United States during the review period. The daily IMF rates were identical to Cacitrus' foreign exchange contract rates.

Comment 6: Petitioners argue that pulp wash should be included within the scope of the order because pulp wash and orange solids are the same class or kinds of merchandise as FCOJ.

Department's Position: We disagree. We have considered and rejected this argument three times. (See, Scope Decision, October 25, 1989; and the Department's response to Comments 4 and 16 in Frozen Concentrated Orange Juice From Brazil; Final Results and Termination in Part of Antidumping Duty Administrative Review; (55 FR 47502, November 14, 1990) and Frozen Concentrated Orange Juice From Brazil; Final Results of Antidumping Duty Administrative Review; (55 FR 26721, June 29, 1990), respectively.

Comment 7: Petitioners argue that the proper third-country market for the calculation of Citrosuco's foreign market value should not be Canada, but rather Germany, the largest market outside of the United States and Brazil. Despite differences in the physical characteristics of FCOJ sold in the United States and Citrosuco's European markets, these differences do not result in differences in the cost of manufacture for different types of FCOJ.

Department's Position: We disagree. We have considered and rejected this argument in previous reviews. (See, the Department's response to Comments 6 and 3 in Frozen Concentrated Orange Juice From Brazil; Final Results and Termination in Part of Antidumping Duty Administrative Review; (55 FR 47502, November 14, 1990) and Frozen Concentrated Orange Juice From Brazil; Final Results of Antidumping Duty Administrative Review; (55 FR 26721, June 29, 1990), respectively.

Comment 8: Petitioners claim that the Department should impute an inventory carrying charge for the time FCOJ was held in inventory by respondents prior to export to the United States.

Department's Position: Where applicable, we deducted from exporter's sales price transactions an imputed credit expense for the period between export from Brazil and entry into the United States, and an imputed inventory carrying expense for the period the merchandise was held in inventory in the United States. We verified that, in exporter's sales price transactions, inventory was not maintained in Brazil prior to export. Therefore, no deduction is appropriate.

Comment 9: Montecitrus claims that the Department inadvertently failed to subtract Brazilian brokerage and export taxes from the foreign market value of its third country sales.

Department's Position: We agree and have corrected this programming error in our final results.

Comment 10: Frutesp claims that the Department unnecessarily multiplied foreign inland freight expenses on bulk shipments of FCOJ to Germany by the applicable cruzeiro/U.S. dollar exchange rate' and that the Department unnecessarily multiplied EEC duties on FCOJ sold in Germany by the applicable Dutch guilder/U.S. dollar exchange rate. Both charges were already expressed in U.S. dollars, and no further conversion was necessary.

Department's Position: We agree and have corrected these programming errors in our final results.

Comment 11: Frutesp claims that it incorrectly stated in its questionnaire response that imputed credit costs should be calculated in deutschemarks and converted into U.S. dollars. In fact, the Department's formula uses a unit price that is always expressed in U.S. dollars, and, therefore, no conversion is necessary.

Department's Position: We agree and have corrected this calculation in our final results.

Comment 12: Frutesp claims that the Department failed to deduct an imputed credit expense for the period between export from Brazil and entry into Germany, and an imputed inventory carrying expense incurred in Germany, on its exporter's sales price transaction in the third market.

Department's Positions: We agree and have corrected this programming error in our final results.

Comment 13: Frutesp claims that the Department incorrectly failed to use the correct cruzeiro/U.S. dollar exchange rate for the purpose of converting Frutesp's indirect sales expenses incurred in Brazil on a number of United States sales.

Department's Position: We agree, have corrected this programming error, and have uniformly used the exchange rate on the date of sale when converting for Frutesp's indirect sales expense incurred in Brazil.

Final Results of the Review

After analysis of the comments received, the final results of our review are the same as those presented in the preliminary results of review, and we determine the weighted-average margins for the period May 1, 1989 through April 30, 1990 to be:

Manufacturer/exporter	Margin (percent)
Citrosuco Paulista S.A.	0.03
Cargill Citrus Ltda	zero
Coopercitrus Industrial Frutesp S.A.	.04
Montecitrus Trading S.A.	zero
Frutropic S.A.	.06

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 751(c) of the Tariff Act, and 19 CFR 353.25, the antidumping duty order with respect to the following four firms has been revoked: Cargill Citrus Ltda., Citrosuco Paulista S.A., Coopercitrus Industrial Frutesp S.A., and Montecitrus Trading S.A. No cash deposit will be required for these manufacturers. As provided for by section 751(a)(1) of the Tariff Act, because the margin was *de minimis* for Frutropic S.A., no cash deposit will be required for Frutropic S.A. The cash deposit rate for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the final determination in the original less-than-fair-value investigation will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate. If the exporter is not a firm covered in this or prior reviews, but the manufacturer is, the cash deposit rate shall be the rate for the manufacturer established in the final results of this review or the most recent review or, if not covered in this review or an earlier review, the rate from the less-than fair-value investigation. A cash deposit for any future entries from all other manufacturers or exporters who are not covered in this or prior administrative reviews and who are unrelated to any reviewed firm or any previously reviewed firm will not be required.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22 and 353.25.

Dated: October 10, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-25312 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-357-404]

Certain Apparel From Argentina; Termination of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of termination of countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) has terminated the countervailing duty administrative review of certain apparel from Argentina, initiated on April 18, 1991.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Christopher Beach or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC, 20230; Telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION: The following interested parties requested an administrative review of the countervailing duty order on certain apparel from Argentina for the period January 1, 1990 through December 31, 1990. Merchant Export, S.A., an Argentine producer of apparel, and Bon Jour International, Ltd., a U.S. importer, requested the review on March 18, 1991. Alpargatas S.A.I.C., an Argentine producer, requested the review on March 26, 1991. FBM S.R.L., Protheo S.A., Desatex S.A., Argentine producers, and Four Seasons Wear, Inc., a U.S. importer, requested the review on March 26, 1991. No other interested party requested the review.

On April 18, 1991, the Department initiated the administrative review for that period (56 FR 15856). Since the final results of the 1989 administrative review were scheduled to be published in late August, the same interested parties requested an extension of the deadline to withdraw their requests for review on July 1, 1991, July 2, 1991, and July 5, 1991, respectively. On July 19, 1991, the Department extended the deadline to August 30, 1991. Subsequently, the above parties withdrew their requests for the 1990 review on August 23, 1991 and August 29, 1991. Since all the requests for withdrawal were timely in accordance with 19 CFR 355.22(a)(3), the Department is terminating this review.

This notice is published in accordance with 19 CFR 355.22(a)(3).

Dated: October 10, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-25314 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-533-063]

Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings from India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 20, 1991.

FOR FURTHER INFORMATION CONTACT: Paulo F. Mendes, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230 at (202) 377-5050.

FINAL RESULTS: We determine that net subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers or exporters in India of certain iron-metal castings (referred to in this notice as "subject castings" or "subject merchandise"). This review covers the period January 1, 1988 through December 31, 1988 and the following programs:

- Pre-Shipment Export Loans
- Post-Shipment Export Loans
- Income Tax Deduction under Section 80HHC
- International Price Reimbursement Scheme (IPRS)
- Sale of Replenishment Licenses
- Sale of Additional Licenses
- Cash Compensatory Support Scheme (CCS)
- Use of Advance Licenses
- Market Development Assistance Grants
- Preferential Freight Rates
- Import Duty Exemptions Available to 100 Percent Export-Oriented Units
- Benefits under the Falta Free Trade Zone or other Free Trade Zones

The weighted-average net subsidies are shown in the "Final Results of Administrative Review" section of this notice.

Case History

On October 16, 1980, the Department published a countervailing duty order on castings from India (45 FR 68650). On August 22, 1991, the Department published the final results of its most recently completed review for the period January 1, 1987 through December 31, 1987 (56 FR 41658).

Since the preliminary results of the review in this case (56 FR 41654; August 22, 1991) the following events have occurred. On September 11, 1991, the Department requested further information from certain Indian exporters regarding the sale of additional licenses and replenishment licenses. A response was received on September 20, 1991. Unsolicited submissions containing factual information also were received, but subsequently were returned to the respective parties. This issue is discussed in more detail in the comments below. Case briefs and rebuttal briefs were filed on September 23 and September 27, 1991, respectively. A public hearing was held on October 4, 1991.

Scope of the Review

Imports covered by this review are shipments of Indian manhole covers and frames, clean-out covers and frames, and catch basin grates and frames. These articles are commonly called municipal or public works castings and are used for access or drainage for public utility, water, and sanitary systems. During the review period, this merchandise was classifiable under Tariff Schedules of the United States Annotated (TSUSA) item numbers 657.0950 and 657.0990. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7325.10.0010 and 7325.10.0050. Although the TSUSA and HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

We afforded interested parties an opportunity to comment on the preliminary results. We received comment from the Indian exporters, Govind Steel Co., Ltd. (Govind) and Tirupati International (P) Ltd. (Tirupati), two groups of U.S. importers, and the petitioners.

The issues raised by the parties with respect to the IPRS program in the case and rebuttal briefs were basically identical to those raised by the parties in their briefs for the 1987 review. The information on the record and the Department's position with respect to these comments have not changed.

Therefore, we have generally restated here the comments and "Department Postions" from the 1987 review. (See, Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings From India (56 FR 41658; August 22, 1991).)

Comment 1: The two groups of U.S. importers state that the Department should only countervail proceeds from sales of additional and replenishment licenses that were tied to the export of subject merchandise to the United States. Where the Department cannot determine whether the proceeds are tied to exports of subject or non-subject merchandise, the Department should continue the methodology used in its preliminary determination, *i.e.*, dividing the proceeds by all exports.

The petitioners argue that to the extent that the Department is unable to tie license proceeds to specific merchandise, it should allocate the proceeds over exports of the subject merchandise to the United States.

Department's Position: When respondents have clearly indicated the portion of the license attributable to exports of the subject merchandise to the United States, we have countervailed only the sales proceeds related to that portion of the license and allocated the benefits to sales of the subject merchandise to the United States. Where the response was not clear in stating whether the benefits were attributable to exports of the subject merchandise to the United States, we have used exports of the subject merchandise to the United States as the denominator because this was the specific information requested in the September 11, 1991 supplemental questionnaire.

Comment 2: Govind and Tirupati request that the Department reconsider its September 17, 1991 decision to return their questionnaire responses and also that the Department request the Government of India to resubmit the questionnaire responses so that Govind's and Tirupati's company-specific information can be considered for purposes of the final determination. Govind and Tirupati allege that the prohibition against accepting questionnaire responses after the date of the preliminary determination is limited to unsolicited questionnaire responses. Their questionnaire responses, while untimely, were submitted in response to the Department's initial questionnaire.

Govind and Tirupati explain that they did not respond in time because the companies were affected by a strike that lasted from March 9, 1991 to August 12, 1991. The striking workers obstructed movement to the factories where the companies' records for the review period were stored. Govind claims that it obtained a court order to gain access to its factory, but could not enter the premises because the police were unable to enforce the court order.

Hence, Govind and Tirupati contend that the delay in the companies' responses was due to circumstances beyond their control.

Petitioners argue that the Department correctly rejected factual information submitted by respondents after the Department's deadline. The petitioners refer to several past decisions by the Department and the Court of International Trade (CIT) which show that it is the Department's policy not to accept new information after the preliminary determination.

Department's Position: Govind and Tirupati attempted to submit their questionnaire responses only after the preliminary determination had been published. The companies made no effort to notify the Department of the problems created by the labor strike before the publication of the preliminary determination. Nor did the companies request an extension prior to the publication of the preliminary results. Had Govind and Tirupati explained the problems caused by the strike, the Department might have been able to take such arguments into account and been able to grant the companies an extension.

Under § 355.31(b)(2) of the Department's regulations, "* * * in no event will the Secretary consider unsolicited questionnaire responses submitted after the date of publication of the Secretary's preliminary determination." Once the preliminary determination had passed, Govind's and Tirupati's questionnaire responses essentially became unsolicited questionnaire responses. Accordingly, the Department did not accept Govind's and Tirupati's responses.

Comment 3: Govind and Tirupati request that if the Department uses best information available (BIA) in the final results, that it use the country-wide rate as best information available, rather than the highest net subsidy rate found for each program. In addition, Govind and Tirupati argue that even though the responses were submitted outside the time period established by the Department, the failure to submit timely responses was due to the labor strikes mentioned above and not a deliberate attempt to control the outcome of the proceedings through partial and selective submission of information.

The petitioners contend that when a respondent refuses to provide information requested by the Secretary or otherwise impedes the review, it is the Department's responsibility, and not respondent's, to determine what is the best information available. Petitioners indicate that the Department was reasonable in its use of the sum of the highest subsidy rates due to the companies' failure to respond to the questionnaire in a timely manner. Petitioners also cite to past determinations where the Department applied the highest BIA rates to companies not responding to the Department's request for information.

Department's Position: We agree with the petitioners. With respect to Govind, we have continued to apply the highest rate found for each subsidy program in this review. We believe that this application of adverse BIA is warranted because, as discussed above, Govind made no attempt to notify the Department prior to our preliminary determination that it was unable to provide the requested information. Especially since Govind has participated in prior reviews, the company should have been aware that the Department has the authority to draw adverse inferences where a respondent withholds information, particularly when the information is withheld until after publication of an unfavorable preliminary determination. (See, "Department's Position" on Comment 7 for a discussion of our treatment of Tirupati.)

Comment 4: The exporters contend that the Department should apply a non-punitive BIA rate to Uma and Select Steels Ltd. (Select) for the benefits received under the 80HHC income tax deduction program. The exporters argue that application of the highest subsidy rate attributable to the 80HHC program for any other company is unduly punitive because both Uma and Select responded to the Department's May 13, 1991 questionnaire. The exporters state that the companies' only deficiency was their failure to submit the tax return filed in 1988. Therefore, they argue that the Department should use as the BIA rate the weighted average of the benefits received under the 80HHC program for all companies.

The petitioners contend that the Department should continue to apply the highest calculated benefit attributable to the 80HHC program as the BIA rate for Uma and Select.

Department's Position: In our May 13, 1991 questionnaire, we specifically asked the exporters to submit the income tax returns they filed in 1988. In its July 17, 1991 response, Uma submitted a tax return for the period January 1, 1988 through March 31, 1989. Because this tax return covered part of 1989, it could not have been filed in 1988. Consequently, in our July 25, 1991 supplementary questionnaire, we again requested Uma to submit the tax return filed in 1988. Uma, however, never submitted its 1988 tax return.

Similarly, Select never submitted its 1988 tax return.

First, although Select indicated that its tax return was enclosed with its response to our questionnaire, no tax return was included in the response. Second, the company responded to our May 13, 1991 questionnaire on August 8, 1991, three and a half weeks after the deadline for responses. Consequently, there was no time for the Department to send a supplementary questionnaire to Select.

Because both companies failed to provide us with their tax returns or information that would permit us to calculate the benefits received under the 80HHC program, we believe it is reasonable to apply adverse BIA. Therefore, we have continued to apply to each the highest subsidy rate found for the 80HHC tax program.

Comment 5: The exporters and a group of importers argue that the calculation of the benefit from pre-shipment financing is incorrect in that the Department failed to take into account premium payments made to the Export Credit Guarantee Corporation (ECGC) in order to obtain such financing. Respondents claim that in order to obtain such financing, exporters are required to purchase insurance coverage from the ECGC, even for U.S. sales.

The petitioners indicate that because the Department previously has verified that ECGC insurance is not required in order for a company to borrow under the pre-shipment financing program, the Department has correctly disallowed the offset adjustment for the cost of the insurance.

Department's Position: In the 1987 Administrative Review, (see, Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings from India, (56 FR 41658, August 22, 1991)) we verified that exporters are not required to purchase insurance coverage from the ECGC in order to receive pre-shipment financing. No information has been placed on the record to the contrary or demonstrating a different interpretation. Therefore, we continue to determine that the cost of export credit insurance is not a permissible offset as defined by section 771(6)(A) of the Act.

Comment 6: With respect to Select, the petitioners request that the Department apply the highest subsidy rate found for any company for each program determined to be counteravailable as the BIA rate. The petitioners argue that the highest BIA rate is warranted because Select submitted its August 8, 1991

questionnaire response three and a half weeks after the deadline. In addition, the petitioners point out that Select failed to obtain the Department's approval to file its response beyond the due date. Therefore, the petitioners state that the Department should regard the response submitted as untimely.

Conversely, the exporters argue that it would be inappropriate for the Department to reject Select's response since Select's data has already been included in the preliminary determination. The exporters also maintain that if the Department rejects Select's response and assigns a high countervailing duty to this company, this would not penalize Select, which no longer produces or exports castings to the United States, but would only harm U.S. importers.

Department's Position: On a case-by-case basis, the Department may use its discretion to accept questionnaire responses and other factual information after the due date for submitting such information if it is submitted before the preliminary determination and if the Department is given adequate time to analyze the submitted data for the purpose of the preliminary determination. Select's August 8, 1991 response was submitted a week before the due date of the preliminary determination. Select used very few subsidy programs and stopped manufacturing the subject merchandise during the review period. Therefore, in this instance, the Department had sufficient time to analyze the data for purposes of the preliminary results. Furthermore, the petitioners were not prejudiced by the lateness of the submission as they had full opportunity to review and comment on Select's response. For these reasons, the Department has not rejected Select's response for the present review.

Comment 7: The petitioners allege that another Indian exporter, Tirupati, should have been included in the present review and should have been assigned the same BIA rate as Govind at the preliminary determination. Petitioners base their allegation on a submission dated September 13, 1991, in which Tirupati acknowledged that it had not filed a timely response to the Department's May 13, 1991 questionnaire for the 1988 review. The petitioners claim that Tirupati's acknowledgement is properly part of the record of the present review and request that the Department use the highest rate found for any company for each program determined to be countervailable as the BIA rate for Tirupati.

The exporters agree with petitioners that Tirupati should be included in the 1988 review, but argue that the Department should use the all other rate as the BIA rate for this company due to the extenuating circumstances surrounding Tirupati's failure to submit a questionnaire response.

Department's Position: According to the information in the record for this review, Tirupati did not export subject castings in 1988. In its July 15, 1991 response to our May 13, 1991 questionnaire, the Engineering Export Promotion Council of India (EEPC) provided a list of Indian companies which exported castings to the United States during 1988. Tirupati was not on this list. Although new information regarding Tirupati's status as an exporter in 1988 might have been included in the submission referred to by the petitioners, that unsolicited information was rejected by the Department pursuant to 19 CFR 355.31(b)(2) since the submission was received after the publication of the preliminary determination. Therefore, the September 13, 1991 response does not constitute part of the 1988 record. As a result, Tirupati was not reviewed and, as such, has not been included in the calculation of the rate.

Comment 8: The petitioners argue that the Department should use in its calculation of Serampore's subsidy rate for the sales of additional licenses, the ratio of historical export shipments of subject and non-subject merchandise. The petitioners argue that Serampore's September 20, 1991 response regarding the value associated with the additional licenses sold is not consistent with Serampore's historical ratio of export shipments of subject and non-subject merchandise, implying that the additional licenses sold should have been primarily tied to the exports of subject merchandise to the United States, given that Serampore has historically exported a higher volume of subject merchandise.

Conversely, the exporter argue that the Department should use the information on the sale of additional licenses provided by Serampore because there is no indication that Serampore's response is incorrect. In addition, the exporters state that using information from prior reviews to calculate the benefit associated with the sale of the licenses would be inappropriate and a departure from the Department's practices.

Department's Position: We disagree with petitioners. We have no reason to believe that the additional information submitted by Serampore on September 20, 1991 is inaccurate.

Additional licenses are issued based on 10 percent of the net foreign exchange (NFE). The NFE is calculated by subtracting from the f.o.b. value of exports, the c.i.f. value of import licenses (*i.e.*, advance licenses and replenishment licenses). Serampore indicated in its questionnaire response that the receipt of its advance license was linked to exports of subject merchandise to the United States. Consequently, because the value of the advance license was deducted in computing the amount of the additional licenses, only that portion of the additional licenses corresponding to the value added to the subject merchandise is countervailable. Given the way the value of additional licenses is calculated, there is no reason to assume any relationship between the ratio of export shipments of subject merchandise to the United States and non-subject merchandise and the portion of the value of an additional license that is linked to the exports of subject merchandise to the United States. To do so would be to assume that all export shipments rely equally on inputs under advance and replenishment licenses, and we have no reason to make this assumption. Furthermore, historic ratios of export shipments of subject and non-subject merchandise would be even more irrelevent.

Comment 9: The petitioners argue that the Department should countervail the proceeds received by RSI from the sales of both the additional licenses the company sold in 1988. The petitioners state that in its September 20, 1991 response, RSI claimed that one of these two licenses is not countervailable because the license was obtained based on non-subject merchandise. In its response, RSI also explained that the other license the company sold is countervailable since part of it was obtained based on the exports of subject castings to the United States. The petitioners allege that RSI failed to demonstrate that the first license was not linked to the exports of subject castings to the United States and, further, that the company did not provide an explanation as to how it could link the receipt of its additional licenses with specific export transactions.

Conversely, the exporters contend that RSI clearly explained that the additional license was granted based on the exports of non-subject merchandise and that RSI did not apply for any additional licenses based on the exports

of subject merchandise to the United States.

Department's Position: The Department has no reason to believe that RSI's September 20, 1991 response is inaccurate. We have therefore accepted RSI's statement that one of the additional licenses the company sold during the review period was received based on the exports of non-subject merchandise while part of the other license was received based on the exports of subject castings to the United States.

Comment 10: The exporters and importers argue that IPRS payments are not countervailable subsidies. In intent and practice, the IPRS refunds to exporters of castings the difference between the price they must pay for certain raw materials purchased from government-owned Indian producers and the price they would otherwise pay on the world market. The program was operated in a manner consistent with item (d) of the Illustrative List of Export Subsidies annexed to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the List or the Illustrative List) which states:

> The delivery by governments or their agencies of imported or domestic products or services for use in the production of exported goods, on terms or conditions more favorable than for delivery or like or directly competitive products or services for use in the production of goods for domestic consumption, *if (in the case of products) such terms or conditions are more favorable than those commercially available on world markets to their exporters* (emphasis added).

Item (d) of the List is thus explicit that the provision of raw materials at world market prices to exporters is not a subsidy. The Department recognized this in previous countervailing duty cases. Namely, in Final Negative Countervailing Duty Determination; Certain Steel Wire Nails fro the Republic of Korea (47 FR 39549, September 8, 1982) (Korea Nails), the Department held that "price preferences for inputs to be used in the production of export goods constitute a subsidy only if the preference lowers the price of that input below that which the input purchaser would pay on world markets." Similarly, in Final Negative Countervailing Duty Determination; Oil Country Tubular Goods from Taiwan (51 FR 19583, May 30, 1986) (Taiwanese OCTG), the Department stated that:

> Based on an examination of China Steel's second-tier prices for hot-rolled coil used in the production of OCTG, and of the world market prices for such coil, we found that China Steel's prices were at world market levels; therefore, we determine that China Steel's two-tiered pricing policy does not confer a countervailable benefit within the meaning of the countervailing duty law.

The exporters also argue that the IPRS benefits not the exporter of castings, but rather than Indian pig iron producers. Castings exporters can import pig iron or purchase domestic pig iron at the relatively high price that is set by the Indian government and receive IPRS rebates. The net effects of these two alternatives are the same.

In addition, the importers argue that the Department is attempting to use an unauthorized interpretation of U.S. law to find the Indian IPRS program countervailable. In Certain Cotton Yarn Products from Brazil; Final Results of Countervailing Duty Administrative Review (55 FR 3442, February 1, 1990) (Cotton Yarn), the Department determined as countervailable a similar Brazilian dual pricing scheme, the Price Equalization Program (PEP). In Cotton Yarn, the Department advanced the theory that the List is not controlling on the identification of subsidies: "It is irrelevant whether the PEP is consistent with item (d) or whether cotton yarn exporters could have imported raw cotton at world market prices. We are concerned with the alternative price commercially available in the domestic market" (55 FR 3446). Importers argue that such a theory is untenable because Congress incorporated the List into U.S. countervailing duty law and the Department has no authority to claim item (d) as "irrelevant." The Court of International Trade has acknowledged the adoption of the List in U.S. law in its decision in *Fabricas El Carmen, S.A. de C.V., et al.* v. *United States,* 672 F. Supp. 1465 (CIT October 7, 1987), as did the U.S. Court of Appeals in its decision of the 1984 review of this countervailing duty order (See, *RSI (India) Pvt., Ltd.* v. *United States,* 876 F.2d 1571 (Fed.Cir. 1989)). The legislative history confirms that the sole reservation expressed by Congress in adopting the List was that it not be regarded as a permanent, exhaustive listing of all export subsidies countervailable under U.S. law. The Department is empowered only to supplement or expand the existing List, not alter or ignore established principles of the List. Consequently, in the case of item (d), U.S. law specifically excludes from countervailability any such programs which do not result in the provision of inputs on terms more favorable than those obtainable on world markets. Furthermore, the Department's failure to observe the principle of the statutory language and item (d) also directly conflicts with its efforts to codify item (d) in its own regulations. The Department's proposed Regulation 355.44(h) in 19 CFR part 355 Countervailing Duties, Notice of Proposed Rulemaking and Request for Public Comments (54 FR 23366; May 31, 1989) clearly states that price preferences for inputs used in the production of goods for export are subsidies only if they are provided on terms or conditions that "are more favorable than those commercially available on world markets to their exporters."

Conversely, petitioners argue that the exception to an item (d) subsidy is inapplicable in this administrative review because the Government of India did not provide pig iron for use in the production of exported castings at the world market price. Petitioner maintains that the Department's interpretation of item (d) has always been a narrow one, *i.e.*, the exception in item (d) applies only to inputs, not monetary payments. Such an interpretation of item (d) is consistent with a panel report of the General Agreement on Tariffs and Trade (GATT) Committee on Subsidies and Countervailing Measures that examined item (d) in conjunction with an investigation of European Community pasta export payments. See, GATT Panel Report on EEC Subsidies on Export Pasta Products, SCM/433 (May 19, 1983). The Department's determination in Cotton Yarn, that the Brazilian PEP program is countervailable, is consistent with past Department determinations that reflect a narrow interpretation of the exception in item (d). The Department's preliminary determination that IPRS payments are countervailable implicitly recognizes that the exception in item (d) does not apply because item (d) clearly encompasses the IPRS within its definition of an export subsidy.

Department's Position: The Indian government's decision to insulate its pig iron producers from foreign competition placed users of domestic pig iron at a disadvantage vis-a-vis competitors abroad by raising the price of domestic pig iron. Indian castings exporters could have overcome this competitive disadvantage in two ways: Duty drawback and the IPRS. Imported pig iron in Indian is subject to normal customs duties. Had Indian castings exporters imported foreign pig iron for use as an input and processed it into castings for export, they could have been exempted from the normal customs duties on pig iron by using duty drawback, a practice acceptable under U.S. countervailing duty law and the GATT. Alternatively, under the IPRS, the Indian government created a

benchmark price for pig iron and made cash payments to exporters based on the difference between the benchmark price and the domestic price. These cash payments were made exclusively to castings exporters, with the net effect being a reduction in the price of pig iron to a level well below the price commercially available in the domestic market. The IPRS was an instrument used by the Indian government to ameliorate the deleterious effects of high-priced pig iron on a specific group of downstream users.

The circumstances in both Korean Nails and Taiwanese OCTG differ from those in this case. In Korean Nails, the Korean producers of nails for export had access to wire rod from foreign and domestic sources at comparable prices. Although afforded the opportunity through tariff protection to charge high prices for wire rod used in the manufacture of products sold domestically, POSCO (an integrated steel producer which is largely government-owned) and other Korean producers of wire rod chose to lower their prices to exporters of nails and compete with foreign-sourced wire rod purchased under duty drawback. We concluded that "different prices for purchasers do not arise from a scheme to subsidize exports, but rather are a commercial response to a segmented market, one segment being protected and the other fully open to foreign competition." We further stated that "this dual pricing system reflects strictly economic motivations [of the wire rod producers] rather than a desire of the Government of Korea (the owners of POSCO) to subsidize nail exports" (47 FR 39552).

We noted in addition that our conclusion regarding the dual pricing system was consistent with the principle contained in item (d). However, our decision not to countervail the Korean pricing scheme was based principally on a determination that POSCO was acting in a commercially reasonable fashion by instituting a dual-pricing system. As support for this, we stated that two privately-owned Korean wire rod producers also had dual-pricing systems in place. These facts led us to conclude that the Korean government was not acting to subsidize exports.

Similarly, in Taiwanese OCTG, we found that China Steel, a state-owned corporation and a supplier of pipe and tube inputs, maintained a two-tiered pricing policy. Accordingly, in determining whether China Steel's prices were preferential, we compared not only the actual prices FEMCO (an OCTG producer) paid China Steel to the actual prices FEMCO paid for imported coil, but we also compared the prices FEMCO paid China Steel to generally available world market prices for coil. In doing so, we found that China Steel's prices were at world market levels. Once again, our decision was based on a determination that China Steel was acting in a commercially reasonable manner.

In this case, the fact pattern is different. The Steel Authority of India, Ltd. (SAIL), an Indian government entity that supplied all of the pig iron used by the castings exporters, did not institute a dual-pricing scheme for pig iron. Instead, the Indian government intervened to ensure that Indian castings exporters could continue to use domestically-sourced pig iron while pig iron producers continued to enjoy the full benefits of tariff protection. Thus, the Indian government's decision to establish the IPRS and make cash payments to castings producers made possible exports that otherwise would not have occurred. Without this direct government action, castings exporters would have had to pay the high domestic price for Indian pig iron.

The fact that the Illustrative List is incorporated into U.S. law has no bearing on our decision. In determining whether item (d) is applicable to the identification and measurement of an export subsidy from this type of program, we have examined the law and its legislative history. Section 771(5) of the Tariff Act states, in relevant part: "The term 'subsidy' has the same meaning as the term 'bounty or grant' as that term is used in section 303 * * *, and includes, *but is not limited to,* the following: (i) Any export subsidy described in Annex A to the Agreement (relating to the Illustrative List of export subsidies) * * *" (emphasis added). While Congress incorporated the Illustrative List into the statute, it did not limit the definition of export subsidy to the practices outlined in the List. The legislative history of the Trade Agreements Act of 1979 (TAA) explains, "The reference to specific subsidies in the definition is not all inclusive, but rather is illustrative of practices which are subsidies within the meaning of the word as used in the bill. The administering authority may expand upon the list of specified subsidies consistent with the basic definition." S. Rep. No. 96–249, 96th Cong., 1st Sess. 85 (1979). See, also, Trade Agreements Act of 1979: Statements of Administrative Action, H.R. Doc. No. 96–153, Pt. II, 96th Cong., 1st Sess. 432 (1979). The Illustrative List is not, therefore, controlling of the identification and measurement of export subsidies, but must be considered along with other provisions of the statute and its legislative history, administrative practice and judicial precedent. In light of the foregoing reasons, the inclusion of proposed regulation 355.44(h), which corresponds to item (d) on the List, in no way supports the importers' position.

We consider a government program that results in the provision of an input to exporters at a price lower than to producers of domestically-sold products to confer a subsidy within the meaning of section 771(5) of the Tariff Act. It is irrelevant whether the IPRS is consistent with item (d) because we are not concerned with world market prices but with the alternative price of pig iron commercially available in the domestic market. Thus, we determine the IPRS program to be countervailable.

An analogy to the IPRS program is the case of the export loans. In this case, as in many others, we have determined that export loans at preferential interest rates constitute a subsidy. In measuring the subsidy, we do not concern ourselves with whether firms could have borrowed money at commercial rates in international credit markets. The fact that, as a result of a government program, they borrowed from domestic sources at rates below those commercially available in the domestic market leads us to determine that a subsidy is bestowed.

Comment 11: The importers argue that the Department recognized the principle of item (d) in the 1984 administrative review of this case. Further, the importers state that the Department has not identified any valid distinction between the IPRS program and other import substitution programs that have previously been found to be not countervailable. In particular, the importers argue that the Department only distinguished the IPRS from the programs in Korean Nails and Taiwanese OCTG on the basis that the IPRS results in a price rebate while the other programs result in a price reduction.

Department's Position: The importers mischaracterize the Department's decision in the 1984 administrative review of this case. In the 1984 review the Department was unable to confirm that the amount of the IPRS rebate was purely a function of the difference between the domestic and international price of pig iron. Therefore, the Department never reached the question of the applicability of the item (d).

The Department did not distinguish the programs in Korean Nails and Taiwanese OCTG simply on the basis

that they offered price reductions rather than price rebates as provided under the IPRS. As we stated in the 1985 administrative review, we found that the dual pricing schemes examined in Korean Nails and Taiwanese OCTG were strictly commercial responses to segmented markets and not the product of a government desire to subsidize exports while continuing to offer input suppliers the full benefits of tariff protection.

Comment 12: The importers argue that although the Department has the authority to expand or supplement the Illustrative List it must strictly adhere to the precise standards of the Illustrative List in identifying export subsidies. Specifically, the importers state that the Department does not have the authority to interpret the Illustrative List so as to negate the world market price exception in item (d).

Department's Position: It is very clear from the legislative history of the Trade Agreements Act of 1979 that Congress intended to define subsidy very broadly. This was made clear in the course of the Congressional debate of the 1979 Act. For example, Senator Heinz stated that: "The point * * * is to define subsidy broadly so as to catch within the scope of our law *as many unfair trading practices* as we can * * * Better to define the term broadly as it ought to be defined, and then use the injury test as it is intended to be used." 125 Cong. Rec. 20167 (July 23, 1979) (emphasis added). Nowhere in the statute is an exhaustive list of subsidy practices and their definitions provided. Rather, Congress merely set out certain descriptive examples of unfair trading practices. Therefore, it is beyond dispute that the Department was given wide discretion to determine what constitutes a subsidy within the meaning of section 771(5) of the Act.

We believe that we have the authority to countervail export subsidy practices which cause injury to a domestic industry, and that it is not limited by the adoption of the Illustrative List into U.S. law. It is clear from the legislative history that the incorporation of the Illustrative List was merely intended to provide examples of potential subsidy practices. It is unquestionable that, with respect to the administration of the countervailing duty law up until 1979, Congress was not concerned that an excessive number of foreign government practices were being found countervailable. Instead, Congress was troubled by the number of foreign government practices which were not being countervailed. Therefore, we do not believe that Congress intended the Department's authority to countervail injurious export subsidy practices to be restricted by a mechanical interpretation of the language used to describe an example of one type of subsidy practice. To Congress, the Illustrative List was just that—illustrative. The incorporation of the Illustrative List into U.S. law has no relevance to the Department's determination that the IPRS program was a subsidy within the meaning of 771(5) of the Act because we are properly concerned with the fact that the Indian government made cash payments to castings producers, the receipt of which was contingent upon export performance. We believe that we have the authority to countervail these payments; we believe it to be inconceivable that the Congress would have us do otherwise.

Comment 13: The importers argue that the Department has not taken into account a past Treasury Department decision involving Uruguayan leather apparel (see, Final Countervailing Duty Determination; Leather Wearing Apparel from Uruguay (43 FR 3974, January 30, 1978)), where a world market price exception similar to the one noted in item (d) was relied on. Moreover, in its final results of the 1985 administrative review of this case the Department misread the finding in Uruguayan Leather Apparel when distinguishing it from the IPRS.

Department's Position: We have explained our rationale for countervailing the IPRS in the previous comments. While this rationale may appear to be inconsistent with previous Treasury determinations, we do not believe we are necessarily bound by previous Treasury decisions regarding practices which were not defined as subsidies. As explained above, our determination with respect to the IPRS is based upon our interpretation of the 1979 statute and its legislative history. To the extent that we have refined our analysis, we believe that we have articulated a rationale basis for doing so.

Comment 14: The exporters argue that it is inappropriate to calculate IPRS benefits based on when benefits are received because, even though payment is not received for months after shipment, the program provides known payments on a sale-by-sale basis. The Department should calculate the benefit from the IPRS using payments claimed during the review period, rather than payments received during the review period.

Conversely, the petitioners argue that the Department should be consistent from one review to the next and continue to use the total amount of IPRS payments received during the review period in calculating the benefit from this program.

Department's Position: It has been our general practice to compute benefits received by a firm during the review period and apply them to the relevant value of exports for the same period. This is because the company's cash flow is not affected until the payment is received. There are a few exceptions to this practice, such as when a benefit is earned on a shipment-by-shipment basis and the exact amount of the benefit is known at the time of export (see e.g., Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Steel Wire Nails from New Zealand (52 FR 37196, October 5, 1987)). In the case of IPRS benefits, however, the exact amount of the benefit is not known at the time of export because there is always a lag between the time an export is made and the time the EEPC announces the international price it will use in its calculation of the IPRS payment. Even if we are to consider the IPRS such an exception, the exporters did not make such a claim when we first determined in the 1984 review of this order that the IPRS provided a countervailable subsidy. In that review, we calculated the subsidy from the IPRS program by allocating receipts over exports. A shift in methodology at this time would result in a substantial gap in the measurement of subsidies from this program.

Comment 15: The exporters argue that the benefit from the IPRS program is overstated, claiming that it should be offset by the Engineering Goods Export Assistance Fund (EGEAF) and Freight Equalization Fee (FEF) levies which are included in the price of pig iron. Because IPRS payments include the refund of both the EGEAF and the FEF, the amounts paid for these two levies should be deducted from IPRS receipts to determine the net subsidy from this program.

Conversely, petitioners argue that the EGEAF and the FEF levies are not allowable offsets under section 771(6) of the Tariff Act. These levies are included in the price of pig iron and are paid regardless of whether the castings produced from the purchased pig iron is sold domestically or exported.

Department's Position: Section 771(6)(A) of the Tariff Act states that to determine the net subsidy the Department may subtract from the gross subsidy the amount of "any application fee, deposit, or similar payment paid in order to qualify for, or to receive, the

benefit of the subsidy * * *." Both levies are paid by all consumers of Indian pig iron, not just exporters. Payment of the levies is not in the nature of an IPRS application fee. Therefore, they do not constitute offsets, as defined in the statute, to the IPRS benefit.

Comment 16: The petitioners argue that the Department incorrectly determined that the benefit from the IPRS program is zero for purposes of the cash deposit of estimated countervailing duties. While it is the Department's policy to adjust the deposit rate if a program-wide change has taken place since the review period but prior to publication of the preliminary results of the administrative review, the exporters' renunciation of IPRS payments on exports of the subject merchandise to the United States does not constitute a program-wide change because it was not effectuated by an official act, statute, regulation or decree, and the exporters could resume receiving IPRS payments if they chose. The exporters state that the Department determined that the EEPC stopped accepting IPRS claims filed on shipments exported to the United States after June 30, 1987. Moreover, because the Department verified that this program-wide change was implemented prior to the issuance of the preliminary determination in this administrative review, the Department should exclude IPRS payments from the estimated countervailing duty assessment rate. Such a determination is consistent with the final results of the 1985, 1986 and 1987 administrative reviews.

Department's Position: We verified in the 1985 and 1987 reviews, that in April 1987 the EEPC directed the castings producers not to make IPRS claims on exports of the subject merchandise. More importantly, however, we verified in the 1987 review that the Government of India officially terminated the IPRS program with respect to exports of the subject merchandise to the United States. We verified this fact by examining a Ministry of Commerce circular which stated that IPRS claims are not to be made on exports of the subject merchandise to the United States. Therefore, we have determined that the termination of the IPRS program with respect to exports of the subject merchandise to the United States meets the Department's program-wide change criteria.

Final Results of Review

After reviewing all of the comments received we determine that the following net subsidies exist for the period January 1, 1988 through December 31, 1988:

Manufacturer/exporter	Net ad valorem subsidy (percent)
Uma Iron and Steel Co	10.03
Govind Steel Co. Ltd	14.08
All other manufacturers or exporters	4.10

In calculating the benefits received during the review period, we followed the methodology described in the preamble to 19 CFR 355.20(d) (53 FR 52325, December 27, 1988). The Department will instruct the Customs Service to assess countervailing duties at the above percentages of the f.o.b. invoice price on shipments of the subject merchandise exported on or after January 1, 1988, and on or before December 31, 1988.

The cash deposit rate of estimated countervailing duties on future entries of the subject merchandise are set forth in the Notice of Final Results of this review for the period January 1, 1989 to December 31, 1989, issued contemporaneously with this notice. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)((1) of the Act and 19 CFR 353.22(c)(5).

Dated October 11, 1991.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

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[C-533-063]

Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings From India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Paulo F. Mendes, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230 at (202) 377-5050.

FINAL RESULTS: We determine that net subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers or exporters in India of certain iron-metal castings (referred to in this notice as "subject castings" or "subject merchandise"). This review covers the period January 1, 1989 through December 31, 1989 and the following programs:

- Pre-Shipment Export Loans
- Post-Shipment Export Loans
- Income Tax Deduction Under Section 80HHC
- International Price Reimbursement Scheme (IPRS)
- Sale of Replenishment Licenses
- Sale of Additional Licenses
- Cash Compensatory Support Scheme
- Use of Advance Licenses
- Market Development Assistance Grants
- Preferential Freight Rates
- Import Duty Exemptions Available to 100 Percent Export-Oriented Units
- Benefits under the Falta Free Trade Zone or other Free Trade Zones

The weighted-average net subsidies are shown in the "Final Results of Administrative Review" section of this notice.

Case History

On October 16, 1980, the Department published a countervailing duty order on castings from India (45 FR 68650). On August 22, 1991, the Department published the final results of its most recently completed review for the period of January 1, 1987 through December 31, 1987 (56 FR 41658).

Since the preliminary results of review in this case (56 FR 41650) the following events have occurred. On September 11, 1991, the Department requested further information from certain Indian exporters regarding sales of additional licenses, sales of replenishment licenses and income tax deductions under section 80HHC. A response was received on September 20, 1991. Unsolicited submissions containing factual information also were received, but subsequently were returned to the respective parties. This issue is discussed in more detail in the comments below. Case briefs and rebuttal briefs were filed September 23, and September 27, 1991 respectively. A public hearing was held on October 4, 19091.

Scope of the Review

Imports covered by this review are shipments of Indian manhole covers and frames, clean-out covers and frames, and catch basin grates and frames. These articles are commonly called municipal or public works castings and are used for access or drainage for

public utility, water, and sanitary systems. During the review period. this merchandise was classifiable under Harmonized Tariff Schedule (HTS) item numbers 7325.10.0010 and 7325.10.0050. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

We afforded interested parties an opportunity to comment on the preliminary results. We received comments from a group of Indian exporters, Raghunath Prasad Phoolchand Ltd (Raghunath), Govind Steel Co., Ltd. and Tirupati International (P) Ltd. (Govind Steel Co., Ltd. and Tirupati International (P) Ltd. (Govind and Tirupati), two groups of U.S. Importers, and the petitioners.

The issues raised by the parties with respect to the IPRS program in the case and rebuttal briefs were basically identical to those raised by the parties in their briefs for the 1987 review. The information on the record and the Department's position with respect to these comments have not changed. Therefore, we have generally restated here the comments and "Department Positions" from the 1987 review. (See Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings From India (56 FR 41658, August 22, 1991).)

Comment 1: The petitioners argue that the Department should use in its calculation of Serampore's subsidy rate for the sales of additional licenses, the ratio of historical export shipments of subject and non-subject merchandise. The petitioners argue that Serampore's September 20, 1991 response regarding the value associated with the additional licenses sold is not consistent with Serampore's historical ratio of export shipments of subject and non-subject merchandise, implying that the additional licenses sold should have been primarily tied to the exports of subject merchandise to the United States, given that Serampore has historically exported a higher volume of subject merchandise.

Conversely, the exporters argue that the Department should use the information on the sale of additional licenses provided by Serampore because there is no indication that Serampore's response is incorrect. In addition, the exporters state that using information from prior reviews to calculate the benefit associated with the sale of the licenses would be inappropriate and a departure from the Department's practices.

Department's Position: We disagree with petitioners. Based on our analysis of the additional information submitted by Serampore on September 20, 1991, we have no reason to believe it is inaccurate.

Additional licenses are issued based on 10 percent of the net foreign exchange (NFE). The NFE is calculated by subtracting from the f.o.b. value of exports, the c.i.f. value of import licenses (*i.e.*, advance licenses and replenishment licenses). Serampore indicated in its questionnaire response that the receipt of its advance license was linked to exports of subject merchandise to the United States. Consequently, because the value of the advance license was deducted in computing the amount of the additional licenses, only that portion of the additional licenses corresponding to the value added to the subject merchandise is countervailable. Given the way the value of additional licenses is calculated, there is no reason to assume any relationship between the ratio of export shipments of subject merchandise to the United States and non-subject merchandise and the portion of the value of an additional license that is linked to the exports of subject merchandise to the United States. To do so would be to assume that all export shipments relay equally on inputs imported under advance and replenishment licenses, and we have no reason to make this assumption.

Comment 2: The petitioners suggest that the Department should use the best information available (BIA) to calculate Uma's benefits from the section 80HHC program and from the sales of additional licenses due to the company's failure to respond to the Department's September 11, 1991 questionnaire.

The exporters argue that Uma is a very small company that has always had problems understanding and responding to the Department's questionnaires. They further point out that Uma has attempted to respond to the Department's supplemental questionnaire by sending telefaxes to its counsel.

Department's Position: Because Uma failed to respond to the Department's September 11, 1991 questionnaire in which clarification was requested on the benefits received from section 80HHC and from the sale of additional licenses, and also because Uma did not properly address the 80HHC program in the responses to both of the Department's questionnaires presented to Uma before the preliminary results were published, we are assigning Uma the highest rate found in this review for any company using the 80HHC program.

Regarding the sale of additional licenses, we are using, as BIA, the rate calculated for the preliminary results. After issuing the preliminary results, we sent a supplemental questionnaire to certain respondents requesting specific information relating to import licenses sold during the period of review in order to refine the calculations used in the preliminary results. A timely and accurate response from Uma to this questionnaire likely would have resulted in a more accurate subsidy rate for this program because the rate then would have been associated only with that portion of the license attributable to exports of subject merchandise to the United States. The methodology used now, and in the preliminary results, to calculate the subsidy rate for this program is analogous to the one repeatedly used by the Department to calculate subsidy rates associated with the pre- and post-shipment financing programs where the Department allocates the benefit depending upon how much such specific detail is provided about the utilization of such programs (*e.g.*, exports of subject merchandise to the United States, total exports of subject merchandise, total exports). Consequently, because Uma failed to respond to the Department's September 11, 1991 questionnaire requesting information that would enable us to refine our calculations for purposes of the final results, and the methodology used in the preliminary results is consistent with the Department's practice, we have decided to retain the calculation used in the preliminary results.

Comment 3: The petitioners argue that in order to calculate Kejriwal's benefit from post-shipment financing, the Department should use the interest rates provided in the July 15, 1991 response.

Department's Position: Upon review of Kejriwal's original questionnaire response on post-shipment financing, the Department requested further clarification. As a result of this request, Kejriwal submitted a revised response clarifying previously submitted information on post-shipment financing. Consistent with our general practice of using the most recent timely submission, we have used the revised response to calculate the benefits received under the post-shipment financing program.

Comment 4: The petitioners argue that Agarwalla's section 80HHC benefit was incorrectly calculated. In its questionnaire response, Agarwalla indicated that the tax amount shown in the return filed during the review period

was incorrect. The petitioners suggest that the Department use the corrected amount reported by Agarwalla, rather than the alleged "incorrect" tax amount used in the company's income tax return, to calculate the benefit.

Department's Position: The 80HHC benefit actually received by Agarwalla is reflected on the tax return filed in the review period. Using any figure other than the one on the tax return would not capture the actual benefit associated with 80HHC. Therefore, we have used information from the tax return filed during the review period to calculate the benefit.

Comment 5: The petitioners request that the Department correct a clerical error made calculating Crescent's benefits from sales of replenishment licenses. The petitioners state that because Crescent's August 5, 1991 submission reported the value of the licenses that were related to the exports of the subject merchandise, the Department should calculate the benefit by summing the premium amounts related to the sale of the licenses associated with exports of subject merchandise and dividing this sum by Crescent's total exports of subject merchandise.

Department's Position: We agree and have corrected out calculations accordingly.

Comment 6: The petitioners request that the Department include benefits to Prudential arising from the sales of its import licenses.

Department's Position: Prudential stated in its August 1, 1991 response that the receipt of such licenses was linked to exports of non-subject merchandise. Therefore, the premiums received by Prudential for the sale of these licenses are not related to the subject merchandise and have not been included in the calculation of the subsidy rate.

Comment 7: The Indian exporters and a group of U.S. importers argue that Serampore's benefit under section 80HHC is overstated. Because the income reported was based on a tax return covering a period of 21 months, the calculation of the subsidy using such income grossly overstates the subsidy since the denominator used in the calculation only covers exports for 12 months.

Department's Position: Except when benefits are allocated over time, it is the Department's practice to determine benefits from subsidies on the basis of payments received, not accrued, by a firm during the review period, and to apply them to the appropriate sales figure for the same period. This receipts methodology is the same used to calculate benefits under the IPRS program, where in prior reviews we summed all IPRS receipts during the review period, despite the fact that such receipts might have been associated with exports that covered more than 12 months. Accordingly, we are not changing the calculation methodology used in the preliminary results, which is based upon section 80HHC benefits received during the review period.

Comment 8: The Indian exporters argue that Carnation's benefit under section 80HHC is overstated. As a result of changing its accounting basis from a cash basis to an accrual basis, Carnation's profit was unusually high. The Indian exporters request that the Department factor out of the cash deposit rate the amount of profit that resulted from the change in Carnation's accounting basis.

The petitioners contend that the Department should not calculate the benefit based on a theoretical profit amount and that the Department should continue to calculate Carnation's tax benefit amount based on its actual profit and resulting tax amount reported in the company's tax return. In addition, the petitioners state that Carnation has failed to provide justification for the Department to calculate a different cash deposit rate than a liquidation rate.

Department's Position: It would not be appropriate to calculate the benefit based on a theoretical figure which does not correspond to the actual benefit received. Carnation's actual benefit received is reflected on the tax return filed during the review period and therefore has been used as the basis for the subsidy calculation. Further, because there is not a program-wide change, the Department has no basis to change the calculation of the cash deposit rate.

Comment 9: The Indian exporters and a group of U.S. importers argue that the calculation of the benefit from pre-shipment financing is incorrect in that the Department failed to take into account premium payments made to the Export Credit Guarantee Corporation (ECGC) in order to obtain such financing. Respondents claim that in order to obtain such financing, exporters are required to purchase insurance coverage from the ECGC, even for U.S. sales.

The petitioners indicate that because the Department previously has verified that ECGC insurance is not required in order for a company to borrow under the pre-shipment financing program, the Department has correctly disallowed the offset adjustment for the cost of the insurance.

Department's Position: In the 1987 Administrative Review (see, Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings from India (56 FR 41658, August 22, 1991)), we verified that exporters are not required to purchase insurance coverage from the ECGC in order to receive pre-shipment financing. No information has been placed on the record to the contrary or demonstrating a different interpretation. Therefore, we continue to determine that the cost of export credit insurance is not a permissible offset as defined by section 771(6)(A) of the Act.

Comment 10: Govind and Tirupati request that the Department reconsider its September 17, 1991 decision to return Tirupati's questionnaire response and also that the Department request the Government of India to resubmit the questionnaire responses so that Tirupati's company-specific information can be considered for purposes of the final determination. Govind and Tirupati allege that the prohibition against accepting questionnaire responses after the date of the preliminary determination is limited to unsolicited questionnaire responses. Their questionnaire responses, while untimely, was submitted in response to the Department's initial questionnaire.

Govind and Tirupati explain that Tirupati did not respond in time because Govind (Tirupati and Govind are closely related and their records are kept at Govind's factories) was affected by a strike that lasted from March 9, 1991 to August 12, 1991. The striking workers obstructed movement to the factories where Tirupati's records for the review period were stored. Hence, Govind and Tirupati contend that the delay in Tirupati's response was due to circumstances beyond their control.

Petitioners argue that the Department correctly rejected factual information submitted by respondents after the Department's deadline. The petitioners refer to several past decisions by the Department and the Court of International Trade (CIT) which show that it is the Department's policy not to accept new information after the preliminary determination.

Department's Position: Tirupati attempted to submit its questionnaire responses only after the preliminary determination had been published. The company made no effort to notify the Department of the problems created by the labor strike before the publication of the preliminary determination. Nor did the company request an extension prior to the publication of the preliminary results. Had Tirupati explained the

problems caused by the strike, the Department might have been able to take such arguments into account and been able to grant the companies an extension.

Under § 355.31(b)(2) of the Department's regulations, "* * * in no event will the Secretary consider unsolicited questionnaire responses submitted after the date of publication of the Secretary's preliminary determination." Once the preliminary determination had passed, Tirupati's questionnaire response essentially became an unsolicited questionnaire response. Accordingly, the Department did not accept Tirupati's response.

Comment 11: Govind and Tirupati argue that the Department incorrectly assumed in its preliminary determination that Govind exported subject merchandise to the United States in 1989 and point to an August 30, 1991 amendment to the Engineering Export Promotion Council (EEPC) questionnaire response which requested the Department to delete Govind from the list of companies that exported subject castings to the United States in 1989. In addition, Govind and Tirupati argue that even though the EEPC's amendment and Tirupati's questionnaire response were submitted outside the time period established by the Department, Tirupati's failure to submit a timely response was due to the labor strikes mentioned above and not a deliberate attempt to control the outcome of the proceedings through partial and selective submission of information, and Govind did not export subject merchandise during the review period. Therefore, Govind and Tirupati request they receive the "all other" rate as a deposit rate.

Raghunath also requests the Department to assign the company the "all others" rate. Raghunath explains that 1989 was the first year it exported to the United States, and that the value of its exports was minuscule. Consequently, when the company received the Department's questionnaire, it believed that the United States would not be concerned with its export sales, and only submitted a letter to the EEPC providing its export figures and information on the subsidies received during the review period. Finally, Raghunath states that it did not intentionally refuse to respond to the Department's questionnaire or impede the review.

The petitioners contend that the Department correctly rejected as untimely the amended response of the EEPC referring to several past decisions by the Department and the CIT. In addition, the petitioners assert that when a respondent refuses to provide information requested by the Secretary or otherwise impedes the review, it is the Department's responsibility, and not respondents', to determine what is the best information available. The petitioners argue that the Department was reasonable in its use of the sum of the highest subsidy rates due to Tirupati's failure to provide the requested information in the questionnaire to the Department before its deadline. The petitioners also note that the Department consistently has applied the highest BIA rates to companies not responding to the Department's request for information, citing several past determinations by the Department.

The petitioners also argue that because Raghunath only attempted to submit its questionnaire response after the preliminary determination, the Department correctly rejected this submission. In addition, the petitioners state that the Department has properly assigned as BIA the sum of the highest subsidy rates found for each program due to Raghunath's failure to provide the information requested in the questionnaire before the Department's deadline.

Department's Position: We agree with the petitioners. We must establish BIA subsidy rate for Tirupati and Raghunath due to their failure to supply timely responses to the Department's questionnaire and to Govind because the EEPC listed Govind as an exporter of subject castings to the United States in its July 15, 1991 questionnaire response. After publication of the preliminary determination, the EEPC attempted to submit an amended response, and Tirupati and Raghuanth attempted to submit their responses which were rejected by the Department as untimely. Section 355.31(b)(2) of the Department's regulations does not allow for the unsolicited submission of factual information after the date of publication of the preliminary results. Therefore, we believe it is reasonable to draw adverse inferences and assign as BIA the sum of the highest subsidy rates found for each program for these three companies.

Comment 12: The two groups of U.S. importers state that the Department should only countervail proceeds from sales of additional and replenishment licenses that were tied to the export of subject merchandise to the United States. Where the Department cannot determine whether the proceeds are tied to exports of subject or non-subject merchandise, the Department should continue the methodology used in its preliminary determination, *i.e.*, dividing the proceeds by all exports.

The petitioners argue that to the extent that the Department is unable to tie license proceeds to specific merchandise, it should allocate the proceeds over exports of the subject merchandise to the United States.

Department's Position: When respondents have clearly indicated the portion of the license attributable to exports of the subject merchandise to the United States, we have countervailed only the sales proceeds related to that portion of the license and allocated the benefits to sales of the subject merchandise to the United States. Where the response was not clear in stating whether the benefits were attributable to exports of the subject merchandise to the United States, we have used the exports of subject merchandise to the United States as the denominator because this was the specific information requested in the September 11, 1991 supplemental questionnaire.

Comment 13: The Indian exporters and the U.S. importers argue that IPRS payments are not countervailable subsidies. In intent and practice, the IPRS refunds to exporters of castings the difference between the price they must pay for certain raw materials purchase from government-owned Indian producers and the price they would otherwise pay on the world market. The program was operated in a manner consistent with item (d) of the Illustrative List of Export Subsidies annexed to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Illustrative List) which states:

> The delivery by governments of their agencies of imported or domestic products or services for use in the production of exported goods, on terms or conditions more favorable than for delivery of like or directly competitive products or services for use in the production of goods for domestic consumption, *if (in the case of products) such terms or conditions are more favorable than those commercially available on world markets to their exporters* (emphasis added).

Item (d) of the List is thus explicit that the provision of raw materials at world market prices to exporters is not a subsidy. The Department recognized this in previous countervailing duty cases. Namely, in Final Negative Countervailing Duty Determination: Certain Steel Wire Nails from the Republic of Korea (47 FR 39549; September 8, 1982) (Korea Nails), the Department held that "price preferences for inputs to be used in the production of export goods constitute a subsidy only if the preference lowers the price of that

input below that which the input purchaser would pay on world markets." Similarly, in Final Negative Countervailing Duty Determination; Oil Country Tubular Goods from Taiwan (51 FR 19583; May 30, 1986) (Taiwanese OCTG), the Department stated that:

> Based on an examination of China Steel's second-tier prices for hot-rolled coil used in the production of OCTG, and of the world market prices for such coil, we found that China Steel's prices were at world market levels; therefore, we determine that China Steels' tow-tiered pricing policy does not confer a countervailable benefit within the meaning of the countervailing duty law.

The exporters also argue that the IPRS benefits not the exporter of castings, but rather the Indian pig iron producers. Castings exporters can import gig iron or purchase domestic pig iron at the relatively high price that is set by the Indian government and receive IPRS rebates. The net effects of these two alternatives are the same.

In addition, importers argue that the Department is attempting to use an unauthorized interpretation of U.S. law to find the Indian IPRS program countervailable. In Certain Cotton Yarn Products from Brazil; Final Results of Countervailing Duty Administrative Review (55 FR 3442; February 1, 1990) (Cotton Yarn), the Department determined as countervailable a similar Brazilian dual pricing scheme, the Price Equalization Program (PEP). In Cotton Yarn, the Department advanced the theory that the List is not controlling on the identification of subsidies: "It is irrelevant whether the PEP is consistent with item (d) or whether Cotton Yarn exporters cold have imported raw cotton at world market prices. We are concerned with the alternative price commercially available in the domestic market" (55 FR 3446). Importers argue that such a theory is untenable because Congress incorporated the List into U.S. countervailing duty law and the Department has no authority to claim item (d) as "irrelevant." The CIT has acknowledged the adoption of the List in U.S. law in its decision in *Fabricas El Carmen, S.A. de C.V., et al* v. *United States,* 672 F. Supp. 1465 (CIT October 7, 1987), as did the U.S. Court of Appeals in its decision of the 1984 review of this countervailing duty order (see, *RSI (India) Pvt., Ltd.* v. *United States,* 876 F.2d 1571 (Fed. Cir. 1989)). The legislative history confirms that the sole reservation expressed by Congress in adopting the List was that it not be regarded as a permanent, exhaustive listing of all export subsidies countervailable under U.S. law. The Department is empowered only to supplement or expand the existing List, not alter or ignore established principles of the List. Consequently, in the case of item (d), U.S. law specifically excludes from countervailability any such programs which do not result in the provision of inputes on terms more favorable than those obtainable on world markets. Furthermore, the Department's failure to observe the principle of the statutory language and item (d) also directly conflicts with its efforts to codify item (d) in its own regulations. The Department's proposed Regulation 355.44(h) in 19 CFR part 355 Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments (54 FR 23366; May 31, 1989) clearly states that price preferences for inputs used in the production of goods for export are subsidies only if they are provided on terms or conditions that "are more favorable than those commercially available on world markets to their exporters."

Conversely, petitioners argue that the exception to an item (d) subsidy is inapplicable in this administrative review because the Government of India did not provide pig iron for use in the production of exported castings at the world market price. Petitioner maintains that the Department's interpretation of item (d) has alway been a narrow one, i.e., the exception in item (d) applies only to inputs, not monetary payments. Such an interpretation of item (d) is consistent with a panel report of the General Agreement on Tariffs and Trade (GATT) Committee on Subsidies and Countervailing Measures that examined item (d) in conjunction with an investigation of European Community pasta export payments. See GATT Panel Report on EEC Subsidies on Export Pasta Products, SCM/433 (May 19, 1983). The Department's determination in Cotton Yarn, that the Brazilian PEP program is countervailable, is consistent with past Department determinations that reflect a narrow interpretation of the exception in item (d). The Department's preliminary determination that IPRS payments are countervailable implicitly recognizes that the exception in item (d) does not apply because item (d) clearly encompasses the IPRS within its definition of an export subsidy.

Department's Position: The Indian government's decisions to insulate its pig iron producers from foreign competition placed users of domestic pig iron at a disadvantage vis-a-vis competitors abroad by raising the price of domestic pig iron. Indian castings exporters could have overcome this competitive disadvantage in two ways: Duty drawback and the IPRS. Imported pig iron in India is subject to normal customs duties. Had Indian castings exporters imported foreign pig iron for use as an input and processed it into castings for export, they could have been exempted from the normal customs duties on pig iron by using duty drawback, a practice acceptable under U.S. countervailing duty law and the GATT. Alternatively, under the IPRS, the Indian government created a benchmark price for pig iron and made cash payments to exporters based on the difference between the benchmark price and the domestic price. These cash payments were made exclusively to castings exporters, with the net effect being a reduction in the price of pig iron to a level well below the price commercially available in the domestic market. The IPRS was an instrument used by the Indian government to ameliorate the deleterious effects of high-priced pig iron on a specific group of downstream users.

The circumstances in both Korean Nails and Taiwanese OCTG differ from those in this case. In Korean Nails, the Korean producers of nails for export had access to wire rod from foreign and domestic sources at comparable prices. Although afforded the opportunity through tariff protection to charge high prices for wire rod used in the manufacture of products sold domestically, POSCO (an integrated steel producer which is largely government-owned) and other Korean producers of wire rod chose to lower their prices to exporters of nails and compete with foreign-sourced wire rod purchased under duty drawback. We concluded that "different prices for purchasers do not arise from a scheme to subsidize exports, but rather are a commercial response to a segmented market, one segment being protected and the other fully open to foreign competition." We further stated that "this dual pricing system reflects strictly economic motivations [of the wire rod producers] rather than a desire of the Government of Korea (the owners of POSCO) to subsidize nail exports" (47 FR 39552).

We noted in addition that our conclusion regarding the dual pricing system was consistent with the principle contained in item (d). However, our decision not to countervail the Korean pricing scheme was based principally on a determined that POSCO was acting in a commercially reasonable fashion by instituting a dual-pricing system. As support for this, we stated that two privately-owned Korean wire rod producers also had dual-pricing systems in place. These facts led us to conclude

that the Korean government was not acting to subsidize exports.

Similarly, in Taiwanese OCTG, we found that China Steel, a state-owned corporation and a supplier of pipe and tube inputs, maintained a two-tiered pricing policy. Accordingly, in determining whether China Steel's prices were preferential, we compared not only the actual prices FEMCO (an OCTG producer) paid China Steel to the actual prices FEMCO paid for imported coil, but we also compared the prices FEMCO paid China Steel to generally available world market prices for coil. In doing so, we found that China Steel's prices were at world market levels. Once again, our decision was based on a determination that China Steel was acting in a commercially reasonable manner.

In this case, the fact pattern is different. The Steel Authority of India, Ltd. (SAIL), an Indian government entity that supplied all of the pig iron used by the casting exporters, did not institute a dual-pricing scheme for pig iron. Instead, the Indian government intervened to ensure that Indian castings exporters could continued to use domestically-sourced pig iron while pig iron producers continued to enjoy the full benefits of tariff protection. Thus, the Indian government's decision to establish the IPRS and make cash payments to castings producers made possible exports that otherwise would not have occurred. Without this direct government action, castings exporters would have had to pay the high domestic price for Indian pig iron.

The fact that the Illustrative List is incorporated into U.S. law has no bearing on our decision. In determining whether item (d) is applicable to the identification and measurement of an export subsidy from this type of program, we have examined the law and its legislative history. Section 771(5) of the Tariff Act states, in relevant part: "The term 'subsidy' has the same meaning as the term 'bounty or grant' as that term is used in section 303 * * *, and includes, *but is not limited to,* the following: (i) Any export subsidy described in Annex A to the Agreement (relating to the illustrative list of export subsidies) * * *" (emphasis added). While Congress incorporated the Illustrative List into the statute, it did not limit the definition of export subsidy to the practices outlined in the List. The legislative history of the Trade Agreements Act of 1979 (TAA) explains, "The reference to specific subsidies in the definition is not all inclusive, but rather is illustrative of practices which are subsidies within the meaning of the word as used in the bill. The administering authority may expand upon the list of specified subsidies consistent with the basic definition." S. Rep. No. 96–249, 96th Cong., 1st Sess. 85 (1979). See also Trade Agreements Act of 1979: Statements of Administrative Action, H.R. Doc. No. 96–153, Pt. II, 96th Cong., 1st Sess. 432 (1979). The Illustrative List is not, therefore, controlling of the identification and measurement of export subsidies, but must be considered along with other provisions of the statute and its legislative history, administrative practice and judicial precedent. In light of the foregoing reasons, the inclusion of proposed regulation 355.44(h), which corresponds to item (d) on the list, in no way supports the importer's position.

We consider a government program that results in the provision of an input to exporters at a price lower than to producers of domestically-sold products to confer a subsidy within the meaning of section 771(5) of the Tariff Act. It is irrelevant whether the IPRS is consistent with item (d) because we are not concerned with world market prices but with the alternative price of pig iron commercially available in the domestic market. Thus, we determined the IPRS program to be countervailable.

An analogy to the IPRS program is the case of the export loans. In the case, as in many others, we have determined that export loans at preferential interest rates constitute a subsidy. In measuring the subsidy, we do not concern ourselves with whether firms could have borrowed money at commercial rates in international credit markets. The fact that, as a result of a government program, they borrowed from domestic sources at rates below those commercially available in the domestic market leads us to determine that a subsidy is bestowed.

Comment 14: The U.S. importers argue that the Department recognized the principle of item (d) in the 1984 administrative review of this case. Further, the U.S. importers state that the Department has not identified any valid distinction between the IPRS program and other import substitution programs that have previously been found to be not countervailable. In particular, the importers argue that the Department only distinguished the IPRS from the programs in Korean Nails and Taiwanese OCTG on the basis that the IPRS results in a price rebate while the other programs results in a price reduction.

Department's Position: The importers mischaracterize the Department's decision in the 1984 administrative review of this case. In the 1984 review the Department was unable to confirm that the amount of the IPRS rebate was purely a function of the difference between the domestic and international price of pig iron. Therefore, the Department never reached the question of the applicability of the item (d).

The Department did not distinguish the programs in Korean Nails and Taiwanese OCTG simply on the basis that they offered price reductions rather that price rebates as provided under the IPRS. As we stated in the 1985 administrative review, we found that the dual pricing schemes examined in Korean Nails and Taiwanese OCTG were strictly commercial responses to segmented markets and not the product of a government desire to subsidize exports while continuing to offer input suppliers the full benefits of tariff protection.

Comment 15: The U.S. importers argue that although the Department has the authority to expand or supplement the Illustrative List it must strictly adhere to the precise standards of the Illustrative List in identifying export subsidies. Specifically, the importers state that the Department does not have the authority to interpret the Illustrative List so as to negate the world market price exception in item (d).

Department's Position: It is very clear from the legislative history of the Trade Agreements Act of 1979 that Congress intended to define subsidy very broadly. This was made clear in the course of the Congressional debate of the 1979 Act. For example, Senator Heinz stated that; "The point * * * is to define subsidy broadly also as to catch within the scope of our law *as many unfair trading practices* as we can * * * Better to define the term broadly as it ought to be defined, and then use the injury test as it is intended to be used." 125 Cong. Rec. 20167 (July 23, 1979) (emphasis added). Nowhere in the statue is an exhaustive list of subsidy practices and their definitions provided. Rather, Congress merely set out certain descriptive examples of unfair trading practices. Therefore, it is beyond dispute that the Department was given wide discretion to determined what constitutes a subsidy within the meaning of section 771(5) of the Act.

We believe that we have the authority to countervail export subsidy practices which cause injury to a domestic industry, and that it is not limited by the adoption of the Illustrative List into U.S. law. It is clear from the legislative history that the incorporation of the Illustrative List was merely intended to provide examples of potential subsidy

practices. It is unquestionable that, with respect to the administration of the countervailing duty law up until 1979, Congress was not concerned that an excessive number of foreign government practices were being found countervailable. Instead, Congress was troubled by the number of foreign government practices which were not being countervailed. Therefore, we do not believe that Congress intended the Department's authority to countervail injurious export subsidy practices to be restricted by a mechanical interpretation of the language used to describe an example of one type of subsidy practice. To Congress, the Illustrative List was just that—illustrative. The incorporation of the Illustrative List into U.S. law has no relevance to the Department's determination that the IPRS program was a subsidy within the meaning of 771(5) of the Act because we are properly concerned with the fact that the Indian government made cash payments to castings producers, the receipt of which was contingent upon export performance. We believe that we have the authority to countervail these payments; we believe it to be inconceivable that the Congress would have us do otherwise.

Comment 16: The importers argue that the Department has not taken into account a past Treasury Department decision involving Uruguayan leather apparel (see, Final Countervailing Duty Determination; Leather Wearing Apparel from Uruguay (43 FR 3974; January 30, 1978)), where a world market price exception similar to the one noted in item (d) was relied on. Moreover, in its final results of the 1985 administrative review of this case the Department misread the finding in Uruguayan Leather Apparel when distinguishing it from the IPRS.

Department's Position: We have explained our rationale for countervailing the IPRS in the previous comments. While this rationale may appear to be inconsistent with previous Treasury determinations, we do not believe we are necessarily bound by previous Treasury decisions regarding practices which were not defined as subsidies. As explained above, our determination with respect to the IPRS is based upon our interpretation of the 1979 statute and its legislative history. To the extent that we have refined our analysis, we believe that we have articulated a rational basis for doing so.

Comment 17: The Indian exporters argue that it is inappropriate to calculate IPRS benefits based on when benefits are received because, even though payment is not received for months after shipment, the program provides known payments on a sale-by-sale basis. The Department should calculate the benefit from the IPRS using payments claimed during the review period, rather than payments received during the review period.

Conversely, the petitioners argue that the Department should be consistent from one review to the next and continue to use the total amount of IPRS payments received during the review period in calculating the benefit from this program.

Department's Position: It has been our general practice to compute benefits received by a firm during the review period (in this case the 1989 calendar year), and apply them to the relevant value of exports for the same period. This is because the company's cash flow is not affected until the payment is received. There are a few exceptions to this practice, such as when a benefit is earned on a shipment-by-shipment basis and the exact amount of the benefit is known at the time of export (see *e.g.*, Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Steel Wire Nails from New Zealand (52 FR 37196; October 5, 1987)). In the case of IPRS benefits, however, the exact amount of the benefit is not known at the time of export because there is always a lag between the time an export is made and the time the EEPC announces the international price it will use in its calculation of the IPRS payment. Even if we were to consider the IPRS such an exception, the exporters did not make such a claim when we first determined in the 1984 review of this order that the IPRS provided a countervailable subsidy. In that review, we calculated the subsidy from the IPRS program by allocating receipts over exports. A shift in methodology at this time would result in a substantial gap in the measurement of subsidies from this program.

Comment 18: The exporters argue that the benefit from the IPRS program is overstated, claiming that it should be offset by the Engineering Goods Export Assistance Fund (EGEAF) and Freight Equalization Fee (FEF) levies which are included in the price of pig iron. Because IPRS payments include the refund of both the EGEAF and the FEF, the amounts paid for these two levies should be deducted from IPRS receipts to determine the net subsidy from this program.

Conversely, petitioners argue that the EGEAF and the FEF levies are not allowable offsets under section 771(6) of the Tariff Act. These levies are included in the price of pig iron and are paid regardless of whether the castings produced from the purchased pig iron is sold domestically or exported.

Department's Position: Section 771(6)(A) of the Tariff Act states that to determine the net subsidy the Department may subtract from the gross subsidy the amount of "any application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the subsidy * * *." Both levies are paid by all consumers of Indian pig iron, not just exporters. Payment of the levies is not in the nature of an IPRS application fee. Therefore, they do not constitute offsets, as defined in the statute, to the IPRS benefit.

Comment 19: The petitioners argue that the Department incorrectly determined that the benefit from the IPRS program is zero for purposes of the cash deposit of estimated countervailing duties. While it is the Department's policy to adjust the deposit rate if a program-wide change has taken place since the review period but prior to publication of the preliminary results of the administrative review, the exporters' renunciation of IPRS payments on exports of the subject merchandise to the United States does not constitute a program-wide change because it was not effectuated by an official act, statute, regulation or decree, and the exporters could resume receiving IPRS payments if they chose. The exporters state that the Department determined that the EEPC stopped accepting IPRS claims filed on shipments exported to the United States after June 30, 1987. Moreover, because the Department verified that this program-wide change was implemented prior to the issuance of the preliminary determination in this administrative review, the Department should exclude IPRS payments from the estimated countervailing duty assessment rate. Such a determination is consistent with the final results of the 1985, 1986 and 1987 administrative reviews.

Department's Position: We verified in the 1985 and 1987 reviews, that in April 1987 the EEPC directed the castings producers not to make IPRS claims on exports of the subject merchandise. More importantly, however, we verified in the 1987 review that the Government of India officially terminated the IPRS program with respect to exports of the subject merchandise to the United States. We verified this fact by examining a Ministry of Commerce circular which stated that IPRS claims

are not to be made on exports of the subject merchandise to the United States. Therefore, we have determined that the termination of the IPRS program with respect to exports of the subject merchandise to the United States meets the Department's program-wide change criteria.

Final Results of Review

After reviewing all of the comments received, we determine that the following net subsidies exist for the period of January 1, 1989 through December 21, 1989:

Manufacturer/exporter	Net ad valorem subsidy (percent)
Carnation Enterprise	16.10 percent.
Uma Iron & Steel Company	16.22 percent.
Govind Steel Co. Ltd	21.27 percent.
Tirupati International	21.27 percent.
Raghunath Prasad Phoolchand	21.27 percent.
All Other Manufacturers or Exporters.	2.66 percent.

In calculating the benefits received during the review period, we followed the methodology described in the preamble to 19 CFR 355.20(d) (53 FR 52325, December 27, 1988). The Department will instruct the Customs Service to assess countervailing duties at the above percentages of the f.o.b. invoice price on shipments of the subject merchandise exported on or after January 1, 1989, and on or before December 31, 1989.

As a result of the termination of benefits attributable to the IPRS program, the Department will also instruct the Customs Service to collect a cash deposit of estimated countervailing duties in the amount of 20.21 percent *ad valorem* for Govind, Tirupati and Raghunath; 16.22 percent *ad valorem* for Uma; 16.10 percent *ad valorem* for Carnation Enterprise Pvt. Ltd.; and 2.48 percent *ad valorem* for all other manufacturers and exporters on shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act and 19 CFR 355.22(c)(5).

Dated: October 11, 1991.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-25311 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-809, A-580-809, A-201-805, A-485-802, A-583-814, A-307-805]

Initiation of Antidumping Duty Investigations: Circular Welded Non-Alloy Steel Pipe From Brazil, the Republic of Korea, Mexico, Romania, Taiwan, and Venezuela

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Michelle Frederick or Michael Pass, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0656 or (202) 377-0629, respectively.

Initiation of Investigations

The Petitions

On September 24, 1991, we received petitions filed in proper form by Allied Tube & Conduit Corporation, American Tube Company, Bull Moose Tube Company, Century Tube Corporation, Laclede Steel Company, Sawhill Tubular Division (Cyclops Corporation), Sharon Tube Company, Western Tube & Conduit Corporation, and Wheatland Tube Company (collectively "the petitioners"). In accordance with 19 CFR 353.12, the petitioners allege that circular welded non-alloy steel pipe ("standard pipe") from Brazil, the Republic of Korea, Mexico, Romania, Taiwan, and Venezuela, is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended ("the Act"), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

The petitioners have stated that they have standing to file the petitions because they are interested parties, as defined under section 771(9)(E) of the Act, and because they have filed the petitions on behalf of a U.S. industry producing a product that is subject to these investigations. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, it should file a written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements are contained in 19 CFR 353.14.

United States Price and Foreign Market Value

A. Brazil

The petitioners' estimate of United States price is based on the average customs value of imported standard pipe during the second quarter of 1991.

The petitioners' estimate of foreign market value (FMV) is based on actual home market price quotations obtained from Brazilian producers of standard pipe. Prices were based on FOB mill. No adjustments were made.

Based on the comparisons of the prices presented by the petitioners, the alleged dumping margins for standard pipe from Brazil range from 50 percent to 122 percent.

B. Republic of Korea

The petitioners' estimate of United States price is based on two methods: (1) Export price quotes obtained from two Korean producers of standard pipe, and (2) the customs value of standard pipe imported into the United States from Korea during the second quarter of 1991.

The petitioners' estimate of FMV is based on actual transaction prices for welded standard pipe in Korea as reported in the Korean publication "Comprehensive Commodity Price Information (June 1991)." This publication lists the average FOB transaction price for standard pipe during May 1991.

Based on the comparisons of the prices presented by the petitioners, the alleged dumping margins for standard pipe from Korea range from 1.81 percent to 25.04 percent.

C. Mexico

The petitioners' estimate of United States price is based on two methods: (1) the average customs value of imported standard pipe during the second quarter of 1991, and (2) a Mexican standard pipe producer's third quarter 1991 export price quotes.

Petitioner's estimate of FMV is based on actual home market price quotations obtained from two Mexican producers of standard pipe. The petitioners made an adjustment to one company's prices for quantity discounts. We recalculated the alleged dumping margins based on the correction of a typographical error found in the calculation of the petitioners' FMV.

Based on the comparisons of the prices presented by the petitioners, the

alleged dumping margins for standard pipe from Mexico range from 28.89 percent to 69.75 percent.

D. Romania

The petitioners, alleging that Romania is a non-market economy country (NME) within the meaning of section 773(c) of the Act, base the FMV on two methodologies: (1) valuation of factors of production for standard pipe in Mexico, and (2) valuation of factors of production for standard pipe in Yugoslavia. The petitioners believe that Mexico is the most appropriate surrogate for Romania since it is a significant producer of standard pipe and a country at a stage of economic development most comparable to that of Romania. We made adjustments to the valuation of factors of production for standard pipe in Mexico for a 10 percent import tariff refunded upon exportation of the subject merchandise.

For U.S. price, the petitioners used the average customs value of standard pipe imports from Romania for the second quarter of 1991 for two representative products.

Based on the comparisons of the prices presented by the petitioners, the alleged dumping margins for standard pipe from Romania range from 45 percent to 63 percent.

E. Taiwan

The petitioners' estimate of United States price is based on the following two methods (1) the re-sale price in the Untied States as quoted by service centers and importers, and (2) the average customs value for standard pipe over 114.3mm in outside diameter and over 1.65mm in wall thickness for the second quarter of 1991. The prices in method (1) were adjusted by the petitioners for freight, distributor mark-ups, import duties, port fees, and brokerage and handling fees to arrive at an ex-factory price. The petitioners made an adjustment to U.S. price in method (2) for the Taiwanese value-added tax in accordance with 19 CFR 353.41(d)(iii).

The petitioners' estimate of FMV is based on price quotations for various sizes and finishes of black standard pipe obtained from one producer of subject merchandise.

Based on a comparison of the prices presented by the petitioners, the alleged dumping margins range from 17.1 percent to 26.9 percent. A comparison of home market prices to ex-factory export prices results in alleged dumping margins ranging from 13.6 percent to 28.5 percent.

F. Venezuela

The petitioners' estimate of United States price is based on the average customs value of imported standard pipe during the second quarter of 1991.

The petitioners' estimate of FMV is based on actual home market price quotations from Venezuelan producers of standard pipe and from retail sellers of standard pipe in Venezuela. The petitioners adjusted, where appropriate, for quantity discounts, cash discounts, and distributor and retailer mark-ups.

Based on the comparisons of the prices presented by the petitioners, the alleged dumping margins for standard pipe from Venezuela range from 7.9 percent to 45 percent.

Initiation of Investigations

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner(s) supporting the allegations.

Pursuant to section 771(18) of the Act, and based on prior investigations, Romania is an NME. Parties will have the opportunity to comment on this issue and whether FMV should be based on prices or costs in the NME in the course of this investigation. The Department further presumes, based on the extent of central control in an NME, that a single antidumping duty margin is appropriate for all exporters. Only if NME exporters can demonstrate an absence of central government control with respect to the pricing of exports, both in law and in fact, will they be entitled to separate, company specific margins. (See, Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991) for a discussion of the information the Department considers in this regard).

In accordance with section 773(c) of the Act, FMV in NME cases is based on NME producers' factors of production (valued in a market economy country). Absent evidence that the Romanian government has selected which factories produce for the United States, for purposes of the investigation we intend to base FMV only on those factories in Romania which produce the subject merchandise for export to the United States.

We have examined the petitions on standard pipe from Brazil, the Republic of Korea, Mexico, Romania, Taiwan, and Venezuela and have found that the petitions meet the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating antidumping duty investigations to determine whether imports of standard pipe from the above-referenced countries are being, or are likely to be, sold in the United States at less than fair value. If our investigations proceed normally, we will make our preliminary determinations by March 2, 1992.

Scope of Investigations

A. Brazil, Republic of Korea, Mexico, Romania, and Venezuela

The merchandise subject to these investigations is circular welded non-alloy steel pipes and tubes, of circular cross-section, not more than 406.4mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, bevelled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipe, though they may also be called structural or mechanical tubing in certain applications. Standard pipes and tubes are intended for the low pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing and mechanical applications, such as for fence tubing.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.30.10 and 7306.30.50. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these investigations is dispositive.

B. Taiwan

The merchandise subject to this investigation is (1) circular welded non-alloy steel pipes and tubes, of circular cross-section over 114.3mm (4.5 inches), but not over 406.4mm (16 inches), in outside diameter, with a wall thickness of 1.65mm (0.065 inches) or more, regardless of surface finish (black, galvanized, or painted), or end finish (plain end, bevelled end, threaded, or threaded and coupled), and (2) circular welded non-alloy steel pipes and tubes, of circular cross-section less than 406.4mm (16 inches), with a wall thickness less than 1.65mm (0.065 inches), regardless of surface finish (black, galvanized, or painted, or end finish (plain end, bevelled end,

threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipe, though they may also be called structural or mechanical tubing in certain applications. Standard pipes and tubes are intended for the low pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing and mechanical applications, such as for fence tubing.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.30.10 and 7306.30.50. Although the HTS subheadings re provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Preliminary Determinations by ITC

The ITC will determine by November 8, 1991, whether there is a reasonable indication that imports of standard pipe from Brazil, the Republic of Korea, Mexico, Romania, Taiwan, and Venezuela are materially injuring, or threaten material injury to, a U.S. industry. If its determinations are negative, the investigations will be terminated. Otherwise, the Department will make its preliminary determinations on or before March 2, 1992.

This notice is published pursuant to section 732(c)(2) of the Act and 19 CFR 353.13(b).

Dated: October 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-25307 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-810]

Notice of Initiation of Countervailing Duty Investigation: Circular Welded Non-Alloy Steel Pipe From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 21, 1921.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Graham or Lawrence P. Sullivan, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-4105 or 377-0114, respectively.

INITIATION:

The Petition

On September 24, 1991, we received a petition in proper form filed by Allied Tube & Conduit Corporation, American Tube Company, Bull Moose Tube Company, Century Tube Corporation, Sawhill Tubular Division, Laclede Steel Company, Sharon Tube Company, Western Tube & Conduit Corporation, and Wheatland Tube Company on behalf of the United States industry producing circular welded non-alloy steel pipe ("standard pipe"). We received supplemental submissions from petitioners on October 11 and October 15, 1991. In accordance with section 355.12 of the Department's regulations (19 CFR 355.12 (1991)), the petitioners allege that producers or exporters of standard pipe in Brazil receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, the U.S. industry producing a like product.

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, title VII of the Act applies to this investigation, and the ITC is required to determine whether imports of the subject merchandise from Brazil materially injure, or threaten material injury to, the U.S. industry.

The petitioners have stated that they have standing to file the petition because they are interested parties, as defined in 19 CFR 355.2(i), and because they have filed the petition on behalf of the U.S. industry producing standard pipe. If any interested party, as described in 19 CFR 355.2(i) (3), (4), (5), or (6), wishes to register support for, or opposition to, this investigation, please file written notification with the Assistant Secretary for Import Administration, room B099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Allegation of Subsidies

Petitioners list several practices by the Government of Brazil (GOB) which allegedly confer subsidies on producers or exporters of standard pipe in Brazil. Section 702(b) of the Act requires the Department to initiate a countervailing duty proceeding whenever an interested party files a petition, on behalf of an industry, that (1) alleges the elements necessary for the imposition of a duty under section 701(a), and (2) is accompanied by information reasonably available to the petitioner supporting the allegations. We are initiating an investigation of the following programs:

A. BEFIEX

B. FINEX Export Financing

C. PROEX

We are not initiating on the programs listed below because the requirements of section 701(a) of the Act were not fulfilled in the petition.

A. IPI Reduction/Elimination for Exports

Petitioners allege that the GOB has sought to decrease the IPI, an industrial production tax, for exporters. Petitioners provide a source which states that the 1988 Brazilian constitution provides that exporters pay a reduced IPI rate or are completely exempted. Petitioners do not allege that the reduction/exemption of this indirect tax is excessive, and therefore we are not initiating an investigation with respect to this program.

B. ICMS Reduction/Exemption for Exports

Petitioners allege that state governments have lowered the ICMS, a value-added tax, imposed on certain exports. Petitioners state that the federal government is pressuring the state governments, which administer and collect the tax, to lower the ICMS for exporters. The state government of Sao Paulo has waived the ICMS on some exports (e.g., fruit and flowers). According to a source supplied by petitioners, the 1988 Brazilian constitution contains a clause which provides that exporters pay a reduced ICMS rate or are completely exempted. Petitioners did not allege or provide evidence that standard pipe producers or exporters were also eligible for exemption and, if so, that any reduction/exemption of this indirect tax was excessive. Therefore, we are not initiating an investigation with respect to this program.

Allegation of Upstream Subsidies

Petitioners allege that subsidies are being provided to firms which supply hot-rolled steel coil for use as an input in the production of standard pipe. In order to initiate on an upstream subsidy allegation, the Department's regulations require that petitioner submit "factual information reasonably available" regarding the following: (1) Domestic subsidies that the government provides to the upstream supplier; (2) The competitive benefit the subsidies bestow upon the subject merchandise; and (3) The significant effect the subsidies have on the cost of producing the subject merchandise. 19 CFR 355.12(b)(8).

In this case, petitioners have alleged that three producers of hot-rolled steel coil in Brazil (Usinas Siderurgicas de

Minas Gerais S.A. ("USIMINAS"), Cia. Siderurgica Nacional ("CSN"), and Cia. Siderurgica Paulista ("COSIPA")) supply this input to standard pipe producers in Brazil and that these three suppliers are the source of upstream subsidies for standard pipe producers. Petitioners have met the three criteria set forth above as described below.

(1) Domestic Subsidies

In order to satisfy the first criterion, petitioners have alleged that hot-rolled steel coil producers benefit from several programs which confer countervailable benefits. We have analyzed these programs in accordance with section 702(b) of the Act. We found seven of the programs alleged by the petitioners to meet the requirements under section 702(b) of the Act. Two programs alleged by petitioners did not meet those requirements. We have listed below the programs upon which we are initiating and described the two programs upon which we are not initiating.

(2) Competitive Benefit

For purposes of initiation, in determining whether a petitioner has provided sufficient evidence of competitive benefit, the Department will determine whether a petitioner has provided a reasonable basis to believe or suspect that: (1) the supplier of the input product controls the producer of the merchandise, the producer controls the supplier, or the supplier and the producer are both controlled by a third party (the Department does not consider common government ownership to constitute control); (2) the price for the input product is lower than the price which the producer otherwise would pay for the input in obtaining it from an unsubsidized seller in an arm's length transaction; or (3) the government sets the price of the input product so as to guarantee that the benefit provided with respect to the input product is passed through to producers of the subject merchandise. See *e.g.*, Final Affirmative Countervailing Duty Determination; Certain Agricultural Tillage Tools From Brazil (50 FR 34525 (August 26, 1985)); Final Affirmative Countervailing Duty Determination; Steel Wheels from Brazil (54 FR 15523 (April 18, 1989)); see also § 355.45(b) of the Department's proposed substantive countervailing duty regulations (54 FR 23366, 23383 (May 31, 1989)).

Petitioners state that all Brazilian standard pipe producers are privately owned and no evidence is provided that suggests that standard pipe producers are owned by producers of the input product. Rather, petitioners provide evidence which alleges competitive benefit through both the "benchmark" and "government price control" thresholds listed above.

Petitioners state that all flat-rolled steel in Brazil is produced by subsidized steel companies. Therefore, no unsubsidized domestic benchmark price for hot-rolled steel coil is available. In lieu of a domestic benchmark, petitioners have provided published trade reports which indicate that the Brazilian domestic price for hot-rolled steel coil is as much as 30 percent less than the world price. Petitioners were unable to obtain price lists for 1990. Referring to GOB price controls, petitioners note that in the USIMINAS prospectus, the GOB stated its intention to liberalize steel prices so as to allow the price of Brazilian flat-rolled steel to become compatible with international prices, a statement which supports the claim that Brazilian domestic prices are lower than world prices and thereby confer a competitive benefit. The GOB imposed formal price controls, which were administered by the Conselho Interministerial de Precos, until 1989. After that time, according to petitioners, the Brazilian government used informal administrative and regulatory mechanisms to control the price of steel. The Brazilian government reinstituted formal price controls in 1991.

(3) Significant Effect

The Department considers that subsidies to the upstream supplier may have a significant effect if the *ad valorem* subsidy rate on the input product multiplied by the proportion of the total production costs of the merchandise accounted for by the input product is equal to, or greater than, one percent. See *e.g.* Final Affirmative Countervailing Duty Determination; Certain Agricultural Tillage Tools From Brazil (50 FR 34525 (August 26, 1985)); Final Affirmative Countervailing Duty Determination; Steel Wheels From Brazil (54 FR 15523 (April 18, 1989)); *see also* section 355.45(b) of the Department's proposed substantive countervailing duty regulations (54 FR 23366, 23383 (May 31, 1989)).

In this instance, petitioners have provided calculations with respect to the benefits received by USIMINAS, CSN and COSIPA from equity infusions alleged to be inconsistent with commercial considerations. The alleged benefits range from 7.92 to 46.67 percent. Petitioners additionally allege that the input accounts for 75 percent of the cost of producing standard pipe. Therefore, because the resultant benefit exceeds one percent, petitioners have provided information sufficient to support a claim of significant effect.

We are initiating this upstream investigation only with respect to the following programs for which petitioners provided a proper subsidy allegation.

A. Government Equity Infusions

B. Government Provision of Operating Capital

C. Benefits Conferred Under the SIDERBRAS Restructuring Program

D. Fiscal Benefits by Virtue of a Project Approved by CDI

E. IPI Incentives

F. Long-Term Loan Guarantees

G. Government Privatization Assistance

(1) Transfer of Ownership of USIMINAS MECANICA to USIMINAS

(2) Debt Buy-Back

We are not initiating an upstream subsidy investigation with respect to the following programs which petitioner alleges constitute countervailable domestic subsidies: (1) Preferential Provision of Electricity and Loans by Eletrobras, and (2) Government Privatization Assistance, Conversion of Debt Instruments to Stock in USIMINAS. The elements which must be alleged for a domestic subsidy program for purposes of initiation are: (1) specificity (*i.e.*, the program is limited to a specific enterprise or industry or group of enterprises or industries) and (2) provision of a benefit (*i.e.*, a subsidy is paid or bestowed directly or indirectly on the manufacturer, producer, or exporter of any class or kind of merchandise). We are not initiating on these programs because the requirements of section 702(b) of the Act were not fulfilled in the petition.

A. Preferential Provision of Electricity and Loans by Eletrobras

Petitioners allege that Eletrobras, the Brazilian state-owned utility company, provides electricity to USIMINAS, CSN and COSIPA without remuneration. Petitioners further allege that a portion of the unpaid amounts have been converted into long-term loans and equity in the companies. Petitioners provide selected pages from each company's financial statements which appear to list these loans and notes that Electrobras is converting some of the debt into shares of CSN. Petitioners allege that insofar as these loans are not being repaid or that the terms are preferential, these loans constitute a countervailable subsidy. In addition, petitioners allege that insofar that CSN is unequityworthy, the conversion of debt into shares of that company also constitutes a countervailable subsidy.

The Department has carefully analyzed this allegation and has concluded that the loans referred to by petitioners are loans from the three steel companies to Eletrobras. In the verification report from the countervailing duty investigation of Silicon Metal From Brazil (56 FR 26988, June 12, 1991), the Department noted that all electricity consumers are obligated to extend loans to Eletrobras and that, after a number of years, these loans typically are converted into shares of Eletrobras. The documents supplied to the Department in this petition appear to support the same conclusion in this case. Thus, it appears that the facts are the reverse of those alleged by petitioners. Absent further information from petitioners concerning this program which satisfies the standards for initiation of an investigation, we are not initiating an investigation with respect to the use of this program by upstream suppliers.

B. Government Privatization Assistance

Conversion of Debt Instruments to Stock in USIMINAS

Petitioners allege that the GOB has announced that it will permit foreign entities to use overdue promissory notes issued by the GOB and dishonored SIDERBRAS debentures to buy USIMINAS stock. Since petitioners have not delineated how this action confers a benefit to USIMINAS or SIDERBRAS, we are not initiating an investigation with respect to potential benefits provided to upstream suppliers under this program.

Initiation of Investigation

Under 19 CFR 355.13(a), the Department must determine, within 20 days after a petition is filed, whether the petition properly alleges the bases on which a countervailing duty may be imposed under section 701 of the Act, and whether the petition contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on standard pipe from Brazil and find that it meets the requirements of 19 CFR 355.13(a). Therefore, we are initiating a countervailing duty investigation to determine whether Brazilian producers or exporters of standard pipe receive subsidies.

Scope of Investigation

The merchandise subject to this investigation is circular welded non-alloy steel pipe and tubes, of circular cross section, not more than 406.4mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, bevelled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipe, though they may also be called structural or mechanical tubing in certain applications. Standard pipes and tubes are intended for the low pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing and mechanical applications, such as for fence tubing. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.30.10 and 7306.30.50. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Preliminary Determination by ITC

The ITC will determine by November 8, 1991, whether there is a reasonable indication that imports of standard pipe from Brazil are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated. If affirmative, the Department will make its preliminary determination on or before June 2, 1992, in accordance with 19 CFR 355.15(d)(2) of the Department's regulations, unless the investigation is terminated pursuant to 19 CFR 355.17 or the preliminary determination is extended pursuant to 19 CFR 355.15 (b) or (c).

This determination is published pursuant to section 702(c) of the Act (19 U.S.C. 1671a(b)).

Dated: October 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-25309 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-307-806]

Notice of Initiation of Countervailing Duty Investigation: Certain Welded Non-Alloy Steel Pipe from Venezuela

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Graham or Lawrence P. Sullivan, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-4105 or 377-0114.

INITIATION:

The Petition

On September 24, 1991, we received a petition in proper form filed by the Allied Tube & Conduit Corporation, American Tube Company, Bull Moose Tube Company, Century Tube Corporation, Sawhill Tubular Division, Laclede Steel Company, Sharon Tube Company, Western Tube & Conduit Corporation, and Wheatland Tube Company on behalf of the United States industry producing circular welded non-alloy steel pipe ("standard pipe"). We received supplemental submissions from petitioners on October 11 and October 15, 1991. In accordance with 19 CFR 355.12, the petitioners allege that manufacturers, producers or exporters of standard pipe in Venezuela receive bounties or grants within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"). In past countervailing duty investigations, Venezuela was considered to be a "country under the Agreement" within the meaning of section 701(b)(3) of the Act. As such, Title VII of the Act applied in those investigations, and the U.S. International Trade Commission (ITC) was required to determine whether imports of the subject merchandise from Venezuela are materially injuring, or threatened material injury to, a U.S. industry before countervailing duties could be imposed.

On August 31, 1990, Venezuela became a contracting party to the General Agreement on Tariffs and Trade ("GATT"). Since qualification as a "country under the Agreement" under section 701(b)(3) requires that the GATT not apply between the United States and the country from which the subject merchandise is imported, Venezuela is no longer eligible for treatment as a "country under the Agreement" within the meaning of section 701(b)(3). Therefore, the ITC is not required to determine whether, pursuant to section 303(a)(2), imports of such merchandise from Venezuela materially injure, or threaten material injury to, a U.S. industry.

The petitioners have stated that they have standing to file the petition because they are interested parties, as defined in 19 CFR 355.2(i), and because they have filed the petition on behalf of the U.S. industry producing steel pipe. If any interested party, as described in 19 CFR 355.2(i) (3), (4), (5), or (6), wishes to register support for, or opposition to, this investigation, please file written notification with the Assistant Secretary

for Import Administration, room B099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Allegations of Bounties or Grants

Petitioners list a number of practices by the Government of Venezuela which allegedly confer bounties or grants on manufacturers, producers or exporters of steel pipe. We are initiating an investigation of the following programs.

A. Export Bond Program

B. Short-term FINEXPO Financing

C. Preferential FINEXPO Financing

D. Excessive Tariff Drawback

E. Preferential Finance Company of Venezuela Loans

F. Provision of Preferential Pricing on Raw Materials for Export

We are not initiating an investigation on the provision of preferential loans and equity infusions to Siderpro. Section 702(b) of the Act requires the Department to initiate a countervailing duty proceeding whenever an interested party files a petition, on behalf of an industry, that (1) alleges the elements necessary for the imposition of a duty under section 701(a), and (2) is accompanied by information reasonably available to the petitioners supporting their allegations. The program listed above was alleged to confer domestic subsides. The elements which must be alleged for a domestic subsidy program are: (1) specificity, (*i.e.*, the program is limited to a specific enterprise or industry or group of enterprises or industries) and (2) provision of a benefit (*i.e.*, a subsidy is paid or bestowed directly or indirectly on the manufacturer, producer, or exporter of any class or kind of merchandise). We are not initiating on this program, as petitioners have not provided adequate documentation to support their allegation that Siderpro received loans or equity infusions on terms inconsistent with commercial considerations.

Allegation of Upstream Subsidies

Petitioners allege that subsidies are being provided to firms which supply hot-rolled steel coil for use in the production of standard pipe. In order for the Department to initiate an upstream subsidy investigation, the Department's regulations require that petitioner submit "factual information reasonably available" as follows: (1) A countervailable subsidy must be given to the upstream supplier, (2) A competitive benefit must exist, and (3) The subsidies must have a significant effect on the cost of producing the subject merchandise. 19 CFR 355.12(b)(8).

In this case, petitioners have alleged that SIDOR, the only producer of hot-rolled steel coil in Venezuela, supplies this input to standard pipe producers in Venezuela and that SIDOR benefits from subsidies, the benefits of which are passed on to standard pipe producers. Petitioners have met the criteria set forth above as described below.

(1) Domestic Bounties or Grants

In order to satisfy the first criterion, petitioners have alleged that hot-rolled steel coil producers benefit from nine programs which confer countervailable benefits. We have analyzed these programs according to the criteria outlined in 702(b). We found all nine of the programs alleged by petitioners to meet the requirements under section 702(b) of the Act.

(2) Competitive Benefit

For purposes of initiation, in determining whether a petitioner has provided sufficient evidence of a competitive benefit, the Department will determine whether petitioner has provided a reasonable basis to believe or suspect that: (1) The supplier of the input product controls the producer of the merchandise, the producer controls the supplier, or the supplier and the producer are both controlled by a third party (the Department does not consider common government ownership to constitute control); (2) The price for the input product is lower than the price which the producer otherwise would pay for the input in obtaining it from an unsubsidized seller in an arm's length transaction; or (3) The government sets the price of the input product so as to guarantee that the benefit provided with respect to the input product is passed through to producers of the subject merchandise. See *e.g.*, Final Affirmative Countervailing Duty Determination: Certain Agricultural Tillage Tools From Brazil (50 FR 34525 (August 26, 1985)); Final Affirmative Countervailing Duty Determination: Steel Wheels from Brazil, (54 FR 15523 (April 18, 1989)); see also § 355.45(b) of the Department's proposed substantive countervailing duty regulations (54 FR 23366, 23383 (May 31, 1989)).

Petitioners compared the price of Venezuelan hot-rolled steel coil in 1991 to the CIF value per short ton of United States imports of hot-rolled coil from Korea in 1991. For purposes of analysis, petitioners adjusted the base price of Venezuelan hot-rolled coil for extras and discounts that apply. On this basis, the Venezuelan price of hot-rolled coil is lower than the Korean benchmark.

(3) Significant Effect

The Department considers that subsidies to the upstream supplier may have a significant effect if the *ad volorem* subsidy rate on the input product multiplied by the proportion of the total production costs of the merchandise accounted for by the input product is equal to, or greater than, one percent. See, *e.g.*, Final Affirmative Countervailing Duty Determination: Certain Agricultural Tillage Tools From Brazil (50 FR 34525 (August 26, 1985)); Final Affirmative Countervailing Duty Determination: Steel Wheels from Brazil (54 FR 15523 (April 18, 1989)); see also section 355.45(b) of the Department's proposed substantive countervailing duty regulations (54 FR 23366, 23383 (May 31, 1989)).

In this instance, petitioners have provided calculations with respect to the benefits received by SIDOR from equity infusions, a GOV cash transfer for inflation and the GOV's assumption of SIDOR debt alleged to be inconsistent with commercial considerations. The alleged benefits equal 18.68 percent. Petitioners additionally allege that the input accounts for 75 percent of the cost of producing standard pipe. Therefore, petitioners have provided information sufficient to support a claim of significant effect.

We are initiating this upstream investigation with respect to the following programs for which petitioners provided a proper bounty or grant allegation.

A. Government Equity Infusions

B. Preferential Government Credit

C. Payments to Cover Debt Service Costs

D. Preferential Tax Incentives Decree 147

E. Preferential Loan Guarantees

F. Sales Tax Exemptions

G. Preferential Energy Rates

H. Assumption of Debt by the GOV

I. Preferential FIVCA Loans

Initiation of Investigation

Under 19 CFR 355.13(a), the Department must determine, within 20 days after a petition is filed, whether the petition properly alleges the basis on which a countervailing duty may be imposed under section 303 of the Act, and whether the petition contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on steel pipe from Venezuela and find that it meets the requirements of 19 CFR 355.13(a).

Therefore, we are initiating a countervailing duty investigation to determine whether Venezuelan producers or exporters of standard pipe receive bounties or grants. In accordance with 19 CFR 355.15(d)(2) of the Department's regulations, the Department will make its preliminary determination on or before June 2, 1992, unless the investigation is terminated pursuant to 19 CFR 355.17 (a) or (b) or the preliminary determination is extended pursuant to 19 CFR 355.15 (b) or (c).

Scope of Investigation

The merchandise subject to this investigation is circular welded non-alloy steel pipe and tubes, of circular cross-section, not more than 406.4mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, bevelled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipe, though they may also be called structural or mechanical tubing in certain applications. Standard pipes and tubes are intended for the low pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing and mechanical applications, such as for fence tubing. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.30.10 and 7306.30.50. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

This determination is published pursuant to section 702(c) of the Act (19 U.S.C. 1671a(b)).

Dated: October 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-25308 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DS-M

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on Thursday, November 21, 1991. The meeting will be from 2 p.m. to 4 p.m. in the 15th Floor Conference Center at the office of KPMG Peat Marwick, 599 Lexington Avenue, New York, NY 10022.

The Committee advises Department of Commerce officials on textile and apparel export issues.

Agenda: Report on conditions in the export market, review of Office of Textiles and Apparel export expansion activities, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact William Dawson (202/377-4324).

Dated: October 16, 1991.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-25305 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DR-F

Washington State University, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision concolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 91-075. *Applicant:* Washington State University, Pullman, WA 99164-4630. *Instrument:* Low Temperature Rapid Mixing Accessory. *Manufacturer:* Hi-Tech Scientific Ltd., United Kingdom. *Intended Use:* See notice at 56 FR 25412, June 4, 1991.

Docket Number: 91-081. *Applicant:* University of Nebraska, Lincoln, NE 68588-0304. *Instrument:* (2) Computer Systems for Upgrade of Mass Spectrometers. *Manufacturer:* Kratos Analytical, United Kingdom. *Intended Use:* See notice at 56 FR 28372, June 20, 1991.

Docket Number: 91-091. *Applicant:* University of California, Santa Barbara, Santa Barbara, CA 93106. *Instrument:* Gas Chromatograph and Interface, Model Isochrom I. *Manufacturer:* VG Isotech, United Kingdom. *Intended Use:* See notice at 56 FR 32405, July 16, 1991.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States. *Reasons:* These are compatible accessories for instruments previously imported for the use of the applicants. In each case, the instrument and accessory were made by the same manufacturer. NIH advises in its memoranda dated August 30, 1991 that the accessories are pertinent to the intended uses and that it knows of no comparable domestic accessories.

We know of no domestic accessories which can be readily adapted to the previously imported instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 91-25313 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the American Samoa, Louisiana, Pennsylvania, Puerto Rico, and New York State coastal management programs. Section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires a continuing review of the performance of coastal states with respect to coastal management.

The Territory of American Samoa, States of Louisiana and New York, and Commonwealth of Pennsylvania were found to be implementing and enforcing their Federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA section 303(2)(A)-(K), and adhering to the programmatic terms of their financial assistance awards. The Commonwealth of Puerto Rico was found not fully adhering to its approved coastal management program. Implementation of several recommendations listed in the findings will bring Puerto Rico's program back into satisfactory adherence.

Copies of these findings may be obtained upon request from: Vickie Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235, (202) 606–4100.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.

Dated: October 15, 1991.

John J. Carey,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 91–25291 Filed 10–18–91; 8:45 am]

BILLING CODE 3510–08–M

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Florida and Wisconsin coastal management programs (CMPs) and the South Slough National Estuarine Research Reserve (NERR) in Oregon.

These evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended. The CZMA requires a continuing review of the performance of coastal states with respect to coastal management and the operation and management of NERRs. Evaluation of a CMP requires findings concerning the extent to which a state has implemented and enforced the management program approved by the Secretary of Commerce, addressed the coastal management needs identified in CZMA section 303(2)(A) through (K), and adhered to the terms of financial assistance awards funded under the CZMA. Evaluation of an estuarine reserve requires findings pertaining to a state's implementation of its federally approved NERR management plan, and adherence to the terms of financial assistance awards funded under the CZMA. These reviews include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. A public meeting(s) is held as part of the site visit.

Notice is hereby given of the dates of the site visit for listed evaluations, and the date, local time, and location of a public meeting(s) during the site visit:

(1) Florida Coastal Management Program site visit, December 2–6, 1991. Public meetings will be held Monday, December 2, 1991, 6:45 p.m., at the Leon County Public Library, Program Room 200 W. Park Ave., Tallahassee; Tuesday, December 3, 1991, 7 p.m. at the Broward Co. Government Center, Commission Meeting Room, 115S. Andrews Ave., Ft Lauderdale; Wednesday, December 4, 1991, 7 p.m., at the Sarasota Manatee Airport Auditorium off U.S. Hwy. 41 B.R. between Sarasota and Bradenton, Florida.

(2) Wisconsin Coastal Management Program site visit, December 2–6, 1991. A public meeting will be held Tuesday December 3, 1991, 7 p.m., at the Mead Library, 710 Plaza 8, Sheboygan, Wisconsin.

(3) South Slough (Oregon) NERR site visit, December 9–11, 1991. A public meeting will be held on Tuesday, December 10, 1991, 7:30 p.m., at the Southwestern Oregon Community College, Empire Room 102–103, 1988 Newark St., Coos Bay, Oregon.

The respective states will issue notice of the public meeting(s) in local newspapers at least 45 days prior to being held and will issue other timely notices as appropriate.

Copies of the state's most recent performance reports, as well as OCRM's notification and supplemental request letter to the state, are available upon request from OCRM. Written comments from interested parties regarding each of these programs are encouraged at this time. Public comment will be accepted until seven days after the site visit. When the final evaluation findings are completed, OCRM will be place a notice in the **Federal Register** announcing their availability.

FOR FURTHER INFORMATION CONTACT: Vickie Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235, (202) 606–4100.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.

Dated: October 15, 1991.

John J. Carey,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 91–25292 Filed 10–18–91; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Restraint Limit for Certain Cotton, Wool and Man-Made Fiber Sweaters Assembled in Guam from Imported Parts

October 16, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit for a new agreement year.

EFFECTIVE DATE: November 1, 1991.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–5810. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The provision for sweaters assembled in Guam from imported parts and exported from Guam to the United States is being continued for the period November 1, 1991 through October 31, 1992. The limit established for the previous period is being increased to 212,278 dozen.

A certification will continue to be required and will be issued by the authorities in Guam prior to exportation as verification of assembly in Guam. A facsimile of the certification stamp was published in the **Federal Register** on March 4, 1985 (50 FR 8649).

For those sweaters properly certified, no export visa or license will be required from the country of origin of the merchandise, and imports entered under this procedure will not be charged to limits established for exports from the country of origin. Exports of sweaters in Categories 345, 445, 446, 645 and 646, which are not accompanied by a certification and those in excess of 212,278 dozen, will require the appropriate visa or export license from the country of origin and will be subject to any other applicable restriction.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel

Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 46705, published on November 6, 1990. Information regarding the 1992 CORRELATION will be published in the **Federal Register** at a later date.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, effective on November 1, 1991, you are directed to permit entry or withdrawal from warehouse for consumption in the United States of 212,278 dozen cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, the product of any foreign country or foreign territory, as determined under 19 C.F.R. Part 12.130 and which have been certified as assembled in Guam and exported to the United States during the twelve-month period beginning on November 1, 1991 and extending through October 31, 1992. You are directed not to require any otherwise applicable export visa or license and not to charge against any otherwise applicable import restriction sweaters subject to this provision. A certification will be issued by the authorities in Guam prior to exportation as verification of assembly in Guam. A facsimile of the certification stamp has been provided.

Imports of cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646 assembled in Guam, but not of Guam origin, which are not accompanied by a certification and those in excess of 212,278 dozen exported during the twelve-month period beginning on November 1, 1991 and extending through October 31, 1992 will require the appropriate visa or export license from the country of origin and will be charged to any applicable quota.

Imports charged to the category limit for the period November 1, 1990 through October 31, 1991 shall be charged against the level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-25306 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DR-F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

October 16, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 23, 1991.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Category 604 is being increased by application of swing and carryforward. The limit for Category 340 is being reduced to account for the swing being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 51756, published on December 17, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 11, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on October 23, 1991, you are directed to amend further the directive dated December 11, 1990 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Republic of Singapore:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
340	712,657 dozen.
604	843,758 kilograms.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-25304 Filed 10-18-91; 8:45 am]

BILLING CODE 3510-DR-F

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange: Proposed Amendments Relating to Quality Standards and Quality and Locational Price Differentials for the Pork Bellies Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Mercantile Exchange (CME) has submitted proposed amendments to its pork bellies futures contract that will change the quality standards and the quality and locational price differentials for deliveries made on this futures contract. The amendments will apply to all futures contract months beginning with the February 1993 contract month. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic

Analysis (Division) of the Commodity Futures Trading Commission (Commission) has determined, on behalf of the Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before November 20, 1991.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the proposed changes in quality standards and quality and locational price differentials for the CME pork bellies futures contract.

FOR FURTHER INFORMATION CONTACT: Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, telephone (202) 254–7303.

SUPPLEMENTARY INFORMATION: The pork bellies futures contract currently provides for the par delivery of 40,000 pounds of either 12 to 14 or 14 to 16 pound frozen pork bellies with 75 or fewer minor defect equivalents. The contract's existing rules provide for delivery at par at Exchange-licensed warehouses located in Chicago, Illinois, with delivery at locations outside of Chicago being permitted at allowances specified by the Exchange. In this respect, in addition to Exchange-licensed warehouses located in Chicago, the Exchange currently permits delivery at par in all currently licensed warehouses located in the United States that lie east of the greater Chicago metropolitan area.[1] The contract allows pork bellies to be delivered in store at Exchange-licensed plants located west of Chicago at specified discounts.[2]

With respect to the quality standards, the futures contract allows delivery of pork bellies with minor defect equivalents exceeding 75, but no greater than 190, at specified discounts. The contract also specifies a schedule of defects which defines in detail the characteristics of pork bellies which constitute quality defects.

The Exchange proposes amendments to its quality standards and the quality and locational price differentials. The major features of these amendments are:

(1) Revise the par delivery area to include all warehouse locations lying east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. One effect of this proposal is that, of the existing licensed warehouses, only the Colorado warehouse will remain outside the par delivery area; all others will be par delivery locations.

(2) Change the par quality specification from a lot of pork bellies with 75 or less minor defects in the inspection sample to one with 100 or less minor defects in the inspection sample;

(3) Increase the maximum number of minor defects allowed in a delivery unit to 300 from 190;

(4) Modify certain requirements on belly conformation and workmanship listed in the contract's "schedule of defects."

(5) Increase to eight from four the maximum number of minor defects or minor defect equivalents that can be scored against any one belly in the inspection sample; and

(6) Revise the schedule of quality price differentials as shown in the table below.

Minor defect equivalents	Current discount (cents per pound)	Proposed discount (cents per pound)
76 to 100	.50	0
101 to 125	1.00	.50
126 to 150	1.50	1.00
151 to 175	2.00	1.50
176 to 200	2.50	2.00
	(190 defects max.)	
201 to 225	Not deliverable	2.75
226 to 250	do	3.50
251 to 275	do	4.25
276 to 300	do	5.00

In support of the proposed amendments to the contract's locational provisions, the Exchange states that the proposal will expand the par delivery area to include the region in which the bulk of the hogs are produced and slaughtered, the bulk of the bacon is believed to be sliced, and the bulk of the approved warehouses are located. The Exchange further states that the proposed amendments "will bring the futures price basis into closer alignment with the Midwest River, Omaha price basis used by the cash market."

In support of the proposed amendments to the quality standards and quality price differentials, the Exchange states that the proposed terms have been adopted with the objective of producing a net increase in potential deliverable supply by better discriminating among pork bellies on the basis of bacon yield, and by providing for their delivery at relative values common in the cash market. The Exchange also states that, according to the consensus of industry testimony, the proposed quality discount range of five cents per pound is based on the commonly observed cash-market price spread between high yield pork bellies and pork bellies at the lower end of the quality range currently deliverable. The Exchange also indicates that the structure of the proposed schedule of quality discounts reflects the nature of #1 bacon yield which decreases at an increasing rate as the number of defects increase.

The Commission is seeking comment on the proposed amendments noted above. In particular, the Commission is requesting comment on the extent to which the par delivery specification reflects cash market price differences for all potential delivery locations in the revised par delivery area. In addition, the Commission is requesting comment on the extent to which the proposed modifications to the futures contract's schedule of price discounts for the specified levels of minor defects reflect cash market pricing relationships.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, at the above address. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the same address or by telephone at (202) 254–6314.

The materials submitted by the CME in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the above address in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, at the above address by the specified date.

[1] Currently, there are a total of 14 Exchange-licensed warehouses that are either located in Chicago or east of the greater Chicago metropolitan area. These warehouses, all of which are eligible for delivery at par on the futures contract, include 7 Exchange-licensed warehouses located in Illinois (6 of these 7 Illinois warehouses are located in Chicago), 2 in Indiana, and 1 each in Maryland, Michigan, Ohio, Pennsylvania, and Virginia.

[2] Licensed warehouses that are not eligible for par delivery currently number 19 in Iowa, 2 in Kansas, 6 in Minnesota, 4 in Missouri, 6 in Nebraska, 1 in Oklahoma, and 1 in South Dakota, all at a 75 cents per pound discount, and 1 warehouse in Colorado at a $1 per pound discount.

Issued in Washington, DC on October 15, 1991.

Gerald Gay,

Director, Division of Economic Analysis.

[FR Doc. 91-25257 Filed 10-18-91; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Technical Advisory Group for Cigarette Fire Safety; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: The Technical Advisory Group for Cigarette Fire Safety will meet on October 31, 1991, in Washington, DC. The purpose of the meeting is to discuss recent research on cigarette ignition propensity and plans for a cigarette fire incident study.

DATES: The meeting will be from 10 a.m. to 5 p.m. on October 31, 1991.

ADDRESSES: The meeting will be in Courtroom B, International Trade Commission, 500 E Street SW., Washington, DC.

FOR A RECORDED MESSAGE CONTAINING THE LATEST INFORMATION ABOUT THE TIME AND LOCATION OF THE MEETING CALL: (301) 492-5709.

FOR FURTHER INFORMATION CONTACT: Beatrice M. Harwood, Directorate for Epidemiology, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 492-6554.

SUPPLEMENTARY INFORMATION: The Fire Safe Cigarette Act of 1990 (FSCA) (Pub. L. 101-352, 104 Stat. 405) directs the Commission, with assistance from the National Institute for Standards and Technology (NIST) and the Department of Health and Human Services to conduct research concerning the feasibility of a performance standard to address the propensity of cigarettes to act as an ignition source. The FSCA also establishes an advisory committee, the Technical Advisory Group for Cigarette Fire Safety, Office of the Secretary, Consumer Product Safety Commission, to advise and work with the Commission and NIST in the implementation of that act.

The Technical Advisory Group for Cigarette Fire Safety will meet on October 31, 1991, to discuss recent research on cigarette ignition propensity and plans for a cigarette fire incident study.

The meeting will be open to observation by members of the public, but only members of the Technical Advisory Group for Cigarette Fire Safety may participate in the discussion. Persons who desire to submit written statements or questions for consideration by the Technical Advisory Group, before or after the meeting, should address them to the Technical Advisory Group for Cigarette Fire Safety, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

Notice of this meeting is being published in the **Federal Register** less than fifteen days in advance because October 31, 1991, is the only date which is mutually convenient to all members of the Technical Advisory Group for Cigarette Safety during the next several weeks, and all administrative details of arranging this meeting could not be completed until October 16, 1991.

Dated: October 16, 1991.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 91-25367 Filed 10-18-91; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Army Career and Alumni Program (ACAP) Follow-Up Survey.

Type of Request: New collection.

Average Burden Hours/Minutes per Response: 15 mins.

Responses per Respondent: 1.

Number of Respondents: 9,000.

Annual Burden Hours: 2,250.

Annual Responses: 9,000.

Needs and Uses: This survey will examine the effectiveness of transition services and programs offered under the ACAP. Soldier and Department of the Army civilians who completed an exit survey will be surveyed four months after separation to assess how transition services helped them adjust to civilian life and employment.

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written request for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: October 15, 1991.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-25285 Filed 10-18-91; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Enlistee Financial Statement; NAVCRUIT 1130/13; OMB Control Number 0703-0020.

Type of Request: Revision.

Average Burden Hours/Minutes per Response: 33 minutes.

Responses per Respondent: 1.

Number of Respondents: 86,600.

Annual Burden Hours: 47,630.

Annual Responses: 86,600.

Needs and Uses: The Enlistee Financial Statement is used by Navy recruiters and by recruiting management personnel in assessing the Navy applicant's ability to meet his/her financial obligations on Navy pay.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DOD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William Pearce. Written requests for copies of

the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202–4302.

Dated: October 15, 1991.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 91–25286 Filed 10–18–91; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Defense Intelligence Agency Advisory Board Meeting

AGENCY: Defense Intelligence Agency Advisory Board.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of a panel of the DIA Advisory Board has been scheduled as follows:

DATES: Monday, October 28, 1991 (9 a.m. to 5 p.m.).

ADDRESSES: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John G. Sutay, USAF, Chief, DIA Advisory Board, Washington, DC 20340–1328 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting will be devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Advanced Air Defense.

Dated: October 15, 1991.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–25287 Filed 10–18–91; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Defense Intelligence College Board of Visitors; Meeting

AGENCY: Defense Intelligence Agency Defense Intelligence College.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Defense Intelligence College Board of Visitors has been scheduled as follows:

DATES: Wednesday, 30 October 1991, 1700 to 1930; and Thursday, 31 October 1991, 0830 to 1715.

ADDRESSES: The DIAC, Washington, DC.

FOR FURTHER INFORMATION CONTACT: General Charles J. Cunningham, Jr., Lieutenant General, USAF (Ret), Commandant, DIA Defense Intelligence College, Washington, DC 20340–5485 (202/373–3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed; several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Defense Intelligence College.

Dated: October 15, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–25288 Filed 10–18–91; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Review of the B–2

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Review of the B–2 will meet in closed session on October 28–29, 1991 at the Northrop Corporation, Pico Rivera, CA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review the B–2 program with emphasis on the flight test program and reductions of program costs.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: October 15, 1991.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–25289 Filed 10–18–91; 8:45 am]

BILLING CODE 3810–01–M

Defense Advisory Committee on Women in the Services

AGENCY: Defense Advisory Committee on Women in the Services (DACOWITS).

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the meeting is to review unresolved resolutions made by the committee at the DACOWITS 1991 Fall Conference; review the Subcommittee Issue Agenda; review the proposed agenda for the DACOWITS 1992 Spring Conference; and discuss issues relevant to women in the Services. All meeting sessions will be open to the public.

DATES: December 3, 1991, 8:30 a.m.–4 p.m.

ADDRESSES: SECDEF Conference Room 3E869, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Captain Branda M. Weidner, Office of the DACOWITS and Military Women Matters, OASD (Force Management and Personnel), The Pentagon, room 3D769, Washington, DC 20301–4000; telephone (703) 697–2122.

Dated: October 16, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–25290 Filed 10–18–91; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Floodplain Involvement Notification for Environmental Restoration Activities at the Department of Energy Kansas City Plant Located in Kansas City, MO

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Floodplain Involvement.

SUMMARY: Regulations at 10 CFR Part 1022 require DOE to evaluate actions it may take in a floodplain, in order to ensure consideration of protection of the floodplain in decisionmaking. As soon as practicable after a determination that a floodplain may be involved, the regulations require that public notice be published in the **Federal Register**, including a description of the proposed action and its location. DOE proposes several corrective actions related to the Environmental Restoration Program at

the DOE Kansas City Plant (KCP), which is located in a floodplain. Many of the beneficial characteristics of floodplains have been lost through construction of buildings, parking lots, and flood-control levees. The proposed actions include: (1) a series of site investigations through the Resource Conservation and recovery Act (RCRA) Facility Investigation (RFI) Process to determine the presence or absence of contamination, the vertical and horizontal extent of contamination, and risks to human health and the environment; (2) interim measure groundwater treatment that consists of pumping and treating contaminated groundwater to contain and remediate contaminated groundwater plumes; (3) interim measure actions at the Department 27 Outside site to remove shallow soil Polychlorinated Biphenyls (PCB) contamination; (4) remediation of deep PCB-contaminated soil from the Abandoned Indian Creek Outfall site; and (5) future interim and final remedial actions that will be required to be conducted under the RCRA 3008(h) Administrative Order on Consent. All of these activities could involve the disturbance of floodplain areas along the Blue River or Indian Creek, but there are not expected to be any wetlands disturbed by these actions. The alternatives considered will, to the extent possible, avoid or mitigate impacts to the floodplain.

Additional information and figures depicting all potentially disturbed floodplain areas for the proposed activities are available from DOE at the first address shown below. Floodplain assessments for all future interim and final remedial actions at the KCP will be included with the National Environmental Policy Act (NEPA) documentation for the respective action. The Floodplain Statement of Findings for each proposed remedial action will be published in the **Federal Register** when the floodplain assessment is completed.

DATES: Comments must be received by November 5, 1991.

ADDRESSES: Comments may be sent to: P.T. Hoopes, Chief, ES&H Branch, Kansas City Area Office, U.S. Department of Energy, P.O. Box 410202, Kansas City, Missouri 64141–0202, Fax comments to (816) 997–7310.

For further information on floodplain environmental review requirements, contact: Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

SUPPLEMENTARY INFORMATION:

Proposed Actions Include:

I. RCRA Facility Investigations

Proposed studies to characterize the environmental setting of groundwater, surface water, sediment, and soil at the KCP would be conducted under the KCP's RCRA 3008(h) Administrative Order on Consent. The purpose of these investigations is to determine the extent of contamination at the risks to human health and the environment. The information gathered would be used in designing interim and final remedial actions for each contaminated site. Common contaminants at the KCP include PCBs in the soil and trichlorethylene, dichloroethylene, and vinyl chloride in the groundwater. These investigations are anticipated to consist of drilling through the soil for the purposes of collecting soil samples and to allow installation of groundwater monitoring wells. All field work would be conducted in accordance with the Environmental Protection Agency (EPA) approved work plans and summarized in a final report which also receives EPA approval. The proposed actions would install groundwater monitoring wells, obtain soil borings, and characterize the contamination at nine operable units.

The following actions are proposed for fiscal years 1991–1995: installation of approximately 75 monitoring wells including single, double, test, and observation types; drilling of approximately 180 soil borings; and obtaining of approximately 175 groundwater, 16 sediment, and about 1,000 soil samples. Drill holes would be grouted and the top 2 feet would be covered with native soil.

II. Interim Measure Groundwater Treatment

The KCP installed an ultraviolet/ozone/hydrogen peroxide groundwater treatment system in 1987. This existing treatment system would continue to be used to treat contaminated groundwater from the Northeast Area and Trichloroethylene (TCE) Still Area groundwater plumes. The Northeast Area groundwater recovery system consists of four groundwater production wells and one groundwater interceptor trench. The TCE Still Area has seven groundwater production wells. Each production well produces 2 gallons per minute (gpm) while the interceptor trench produces 5 gpm of groundwater. Groundwater is introduced to the reaction chamber of the treatment system where hydrogen peroxide is added. Ozone is bubbled through the water as it passes by ultraviolet lights. The treated water is then passed through two carbon canisters which act as a final polish to remove the last traces of contamination from the water. The water is then discharged to the sanitary sewer system under a discharge permit from the city.

III. Interim Measures at Department 27 Outside

The Department 27 Outside area is the site of the heat transfer system which served Department 27. This system, which has been removed, was filled with a PCB fluid. Years of operation resulted in numerous releases which contaminated the surrounding soil. When the system was removed along with two underground tanks, most of the contamination was also removed. Follow-up sampling revealed, however, that some minor shallow contamination remains at the site. The contamination level is up to 70 parts per million (ppm) PCB. The cleanup standard is 10 ppm PCB. An area of approximately 300 square feet of soil would be excavated to a depth of approximately 6 feet to achieve compliance with this standard.

IV. Abandoned Indian Creek Outfall Site

This site is the former location of a storm sewer outfall to Indian Creek. The outfall was moved when the creek channel was straightened and the former outfall was abandoned. Releases from the KCP to the storm sewer prior to this action led to PCB contamination of soil and sediments surrounding the outfall. Soil excavation is planned to remove the PCB contamination to a 10 ppm level. Approximately 11,400 cubic yards of soil with PCB levels exceeding 9,000 ppm in some areas would be excavated and landfilled off-site. Excavation would be to bedrock over most of the site. Work is estimated to take 4 months for completion.

V. Future Interim and Final Remedial Actions

Interim and final remedial actions will need to be conducted at the KCP based on the results of the RFIs being conducted. These actions may consist of in-situ treatment, bioremediation, groundwater treatment, various soil treatments, or soil excavation. Floodplain assessments for these actions will be included with the NEPA documentation for the respective project. The Statement of Findings will be published in the **Federal Register**

when the floodplain assessment is completed.

Paul D. Grimm,

Deputy Director, Office of Environmental Restoration and Waste Management.

[FR Doc. 91-25294 Filed 10-18-91; 8:45 am]

BILLING CODE 6540-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER92-38-000, et al.]

Southern California Edison Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

October 11, 1991

Take notice that the following filings have been made with the Commission:

1. Southern California Edison Co.

[Docket No. ER92-38-000]

Take notice that on October 7, 1991, Southern California Edison Company (Edison) tendered for filing the following agreements:

Eldorado System Operating Agreement Between The Department of Water and Power of the City of Los Angeles, Nevada Power Company Salt River Project Agricultural Improvement and Southern California Edison Company, and

Amendment No. 1 to the Eldorado System Operating Agreement Among The Department of Water & Power of the City of Los Angeles, Nevada Power Company, Salt River Project Agricultural and Southern California Edison Company.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. Tampa Electric Co.

[Docket No. ER92-34-000]

Take notice that on October 4, 1991, Tampa Electric Company (Tampa Electric) tendered for filing a Letter of Commitment providing for negotiated interchange service between Tampa Electric and Florida Power Corporation (Florida Power). Tampa Electric states that the Letter of Commitment is submitted as a supplement to Service Schedule J (Negotiated Interchange Service) under the existing contract for interchange service between Tampa Electric and Florida Power. Tampa Electric's filing includes a certificate of concurrence submitted by Florida Power in lieu of an independent filing.

Tampa Electric proposes an effective date of October 9, 1991 for the Letter of Commitment, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Florida Power and the Florida Public Service Commission.

Comment date: October 25, 1991, in accordance with Standard Paragraph E end of this notice.

3. Public Service Co. of New Hampshire

[Docket No. ER92-32-000]

Take notice that Public Service Company of New Hampshire (PSNH) on October 4, 1991, tendered for filing as an initial rate schedule an Exchange Agreement between it and Fitchburg Gas & Electric Light Company (Fitchburg) consisting of a letter agreement, dated October 1, 1990, for 15 MW of capacity and related energy. The agreement provided for the exchange of Seabrook capacity and related energy for Vermont Yankee capacity for a period of one month or until completion of the Vermont Yankee refueling outage.

PSNH asks the Commission to waive its customary notice period and allow the agreement to become effective October 1, 1990. The agreement has been executed by PSNH and Fitchburg and copies have been delivered to the customer and the public service commission in New Hampshire.

Comment date: October 25, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. Long Island Lighting Co.

[Docket No. ER92-31-000]

Take notice that Long Island Lighting Company ("LILCO" or "Company") on October 4, 1991, tendered for filing a proposed Delivery Agreement, dated July 1, 1991, between LILCO and the Power Authority of the State of New York ("Power Authority") and an initial rate schedule governing the transmission of NYPA power and energy to certain Economic Development Consumers located within LILCO's service territory.

The proposed charges would provide revenues from such service in the amount of $877,146 based on the 12-month period ending May 31, 1992.

Copies of this filing were served upon the Power Authority, the Nassau County Public Utility Agency, and the New York State Public Service Commission.

Comment date: October 25, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Southern California Edison Co.

[Docket No. ER92-36-000]

Take notice that on October 7, 1991, Southern California Edison Company (Edison) tendered for filing the following agreements:

Amendment No. 2 to the Long-Term Power Sales Agreement Between Pacific Power & Light Company, and Southern California Edison Company.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

6. Southern California Edison Co.

[Docket No. ER92-37-000]

Take notice that on October 7, 1991, Southern California Edison Company (Edison) tendered for filing supplemental agreements to Edison Rate Schedules 94, 95:

Riverside

(1) Supplemental Agreement for The Integration of Riverside's Entitlements in San Onofre Unit 2 and Unit 3 (SONGS 2 & 3).

(2) Letter Agreement to Modify Rated Capability of Riverside's Entitlement.

(3) Letter agreement to amend effective date.

Anaheim

(1) Supplemental Agreement for The Integration of Anaheim's Entitlements in San Onofre Unit 2 and Unit 3.

(2) Letter Agreement to Modify Rated Capability of Anaheim's Entitlement.

(3) Letter agreement to amend effective date.

(4) Amendment No. 1 to the Supplemental Agreement for the Integration of Anaheim's Entitlements in San Onofre Unit 2 and Unit 3.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: October 28, 1991, in accordance with Standard Paragraph E end of this notice.

7. Southern California Edison Co.

[Docket No. ER92-35-000]

Take notice that on October 7, 1991, Southern California Edison Company (Edison) tendered for filing supplemental agreements executed in implementation of the 1990 Integrated Operation Agreements between Edison and each of the Cities of Anaheim, Azusa, Banning, Colton, and Riverside or the predecessor Integrated Operation

Agreement with each City, which have been accepted for filing by the Commission under the following Rate Schedule Nos.:

City	IOA rate schedule No.	1990 IOA rate schedule No.
Anaheim	95	246
Azusa	144	247
Banning	145	248
Colton	146	249
Riverside	94	250

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: October 25, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Central Louisiana Electric Co., Inc.

[Docket No. ER90–39–003]

Take notice that on September 3, 1991, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing a supplemental filing to its refund report filed with the Commission on August 12, 1991.

Comment date: October 25, 1991, in accordance with Standard Paragraph E at the end of this notice.

9. Paul L. Gioia

[Docket No. ID–2657–000]

Take notice that on October 7, 1991, Paul L. Gioia (Applicant) tendered for filing an application under section 305(b) to hold the following positions: Senior Vice President, First Albany Corporation; Director, New York State Electric & Gas Corporation.

Comment date: October 30, 1991, in accordance with Standard Paragraph E at the end of this notice.

10. Consolidated Edison Co. of New York

[Docket No. ER92–49–000]

Take notice that on October 7, 1991, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing three Rate Schedules constituting agreements to provide transmission serve for Public Service Company of New Hampshire ("PSNH"). The Rate Schedules provide for transmission of firm power and energy purchased by PSNH from either Central Hudson Gas & Electric Corporation or Pennsylvania Power & Light Company at times in the past. Con Ed requests waiver of notice requirements so that the Rate Schedules can be made effective and terminated as of the dates when service was previously initiated and terminated.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

11. Consolidated Edison Co. of New York

[Docket No. ER92–51–000]

Take notice that on October 7, 1991, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing a Rate Schedule and three Supplements, constituting an agreement to provide transmission service for Northeast Utilities Service Company ("NU"). The Rate Schedule provides for transmission of power and energy purchased by NU from Public Service Electric & Gas Company and from Pennsylvania Power & Light Company. Con Ed requests waiver of notice requirements so that the Rate Schedule and the Supplements can be made effective as of November 1, 1989 and terminated as of October 30, 1990.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

12. Consolidated Edison Co. of New York

[Docket No. ER92–52–000]

Take notice that on October 7, 1991, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing a Rate Schedule constituting an agreement to provide transmission service for United Illuminating Company ("UI"). The Rate Schedule provides for transmission 25 MW of firm power and energy purchased by UI from Central Hudson Gas & Electric Company. Con Ed requests waiver of notice requirements so that the Rate Schedule and the Supplements can be made effective as of November 1, 1988 and terminated as of October 30, 1989.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

13. Consolidated Edison Co. of New York

[Docket No. ER92–55–000]

Take notice that on October 7, 1991, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing a Rate Schedule and a Supplement, constituting an agreement to provide transmission service for Orange and Rockland Utilities Inc. ("O&R"). The Rate Schedule provides for transmission of power and energy purchased by O&R from Pennsylvania Power & Light Company. Con Ed requests waiver of notice requirements so that the Rate Schedule can be made effective as of April 28, 1991 and the Supplement as of July 1, 1991.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

14. Consolidated Edison Co. of New York

[Docket No. ER92–56–000]

Take notice that on October 7, 1991, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing a Rate Schedule and a Supplement, constituting an agreement to provide transmission service for Green Mountain Power Corporation ("Green Mountain"). The Rate Schedule provides for transmission of power and energy purchased by Green Mountain from Central Hudson Gas & Electric Corporation. Con Ed requests waiver of notice requirements so that the Rate Schedule can be made effective as of March 1, 1989, the Supplement as of July 1, 1989 and the Rate Schedule terminated as of April 30, 1991.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

15. Consolidated Edison Co. of New York

[Docket No. ER92–57–000]

Take notice that on October 7, 1991, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing a Rate Schedule constituting an agreement to provide transmission service for New York State Electric and Gas Company ("NYSEG"). The Rate Schedule provides for transmission of NYSEG power and energy for delivery to NYSEG's Wood Street Substation. Con Ed requests waiver of notice requirements so that the Rate Schedule can be made effective as of January 1, 1988.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

16. El Paso Electric Co.

[Docket No. ER92–58–000]

Take notice that on October 7, 1991, El Paso Electric Company ("EPE") tendered for filing the Interconnection Agreement between EPE and Tucson Electric Power Company ("TEP") along with a letter from TEP certifying concurrence in the filing. The Interconnection Agreement sets the terms and conditions for interconnected operations between EPE and TEP and supersedes a previous interchange agreement. EPE requests waiver of notice requirements so that the Interconnection Agreement may

become effective as of June 28, 1991 as agreed by the parties.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

17. Central Maine Power Co.

[Docket No. ER92–59–000]

Take notice that on October 7, 1991, Central Maine Power ("CMP") tendered for filing a Letter Agreement dated March 11, 1974 between CMP and Public Service Company of New Hampshire ("PSNH") and a second Letter Agreement dated November 18, 1986 between CMP and PSNH. The two Letter Agreements provide for PSNH to furnish cost support for a segment of CMP 115 kv transmission line connecting CMP's system with PSNH's system at Fryeburg, Maine. CMP requests waiver of the notice and filing requirements so as to permit the 1974 Letter Agreement to become effective as of June 3, 1976 and the 1986 Letter Agreement to become effective as of December 1, 1986.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

18. Central Maine Power Co.

[Docket No. ER92–60–000]

Take notice that on October 7, 1991, Central Maine Power ("CMP") tendered for filing a Support Service Agreement dated March 28, 1988 between CMP and Maine Yankee Atomic Power Company ("Maine Yankee"). CMP asserts that it furnishes limited professional, technical and administrative support services (not nuclear-related) to Maine Yankee. CMP requests that the Commission disclaim jurisdiction over this Agreement, or in the alternative, accept the Agreement for filing pursuant to Section 205 of the Federal Power Act. CMP requests that, in the event the Commission asserts jurisdiction over the Maine Yankee Support Agreement, the Commission waive notice and filing requirements so as to permit the Agreement to become effective as of September 1, 1968.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

19. Maine Electric Power Co.

[Docket No. ER92–61–000]

Take notice that on October 7, 1991, Maine Electric Power Company ("MEPCO") tendered for filing on behalf of Central Maine Power ("CMP"), Bangor Hydro-Electric Company ("BHE") and Maine Public Service Company ("MPS") three Support Service Agreements pursuant to which CMP, BHE and MPS furnish various professional, technical and administrative support services for MEPCO. MEPCO requests, on behalf of CMP, BHE and MPS, that the Commission disclaim jurisdiction over the Support Service Agreements, or in the alternative, accept the Support Service Agreements for filing pursuant to section 205 of the Federal Power Act. MEPCO requests that the Commission waive its notice of filing requirements, if the request for disclaimer of jurisdiction is denied, to permit the Agreements, as amended, to become effective as of October 1, 1970.

Comment date: October 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

20. Moreno Valley Unified School District

[Docket No. QF91–115–000]

On October 3, 1991, Moreno Valley Unified School District tendered for filing an amendment to its filing in this docket.

The amendment clarifies the ownership structure and thermal use of the facility.

Comment date: October 30, 1991, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–25260 Filed 10–18–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–23–000, et al.]

South Georgia Natural Gas Co., et al.; Natural Gas Certificate Filings

October 11, 1991.

Take notice that the following filings have been made with the Commission:

1. South Georgia Natural Gas Co.

[Docket No. CP92–23–000]

Take notice that on October 3, 1991, South Georgia Natural Gas Company, (South Georgia), 1217 Old Albany Road, Thomasville, Georgia 31792, filed in Docket No. CP92–23–000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon standby service to its G–1 and I–1 Rate Schedule customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

South Georgia indicates that this filing is the result of a recently certified Stipulation and Agreement which presumably will eliminate the need of standby service for South Georgia's Rate Schedule G–1 and I–1 customers.

Comment date: November 1, 1991, in accordance with Standard Paragraph F at the end of this notice.

2. United Gas Pipeline Co. and Florida Gas Transmission Co.

[Docket Nos. CP92–21–000, CP92–22–000, CP92–25–000]

Take notice that United Gas Pipeline Company, P.O. Box 1478, Houston, Texas 77251–1478, and Florida Gas Transmission Company, 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued in Docket No. CP88–6–000 and Docket No. CP89–555–000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: November 25, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (Type)	Peak day, average day, annual MMBtu	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP92-21-000 (10-3-91)	Stellar Gas Company	524,000 524,000 191,260,000	LA, TX, OTX, MS	LA, OTX	2-13-89,ITS, Interruptible.	ST91-10493 9-23-91.
CP92-22-000 (10-4-91)	Mobil Natural Gas Inc. (Marketer).	52,400 52,400 19,126,000	LA, TX, MS, OLA	LA, AL, MS	7-18-88, ITS Interruptible.	ST91-10495 9-23-91.
CP92-25-000 (10-4-91)	Endevco Oil and Gas Company (Marketer).	50,000 37,500 18,250,000	TX, LA, MS, AL, FL, OTX, OLA.	MS	9-1-91, ITS-1, Interruptible.	ST91-10601 9-5-91.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

3. Trailblazer Pipeline Co., et al.

[Docket Nos. CP92-59-000, CP92-60-000, CP92-63-000, CP92-64-000, CP92-65-000, CP92-66-000]

Take notice that on October 8, 1991, Applicants filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued to Applicants all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction, including the identity of the shipper, the type of transportation services, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix A. Applicants' addresses and transportation blanket certificates are shown in the attached appendix B.

Comment date: November 25, 1991, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBTu	Receipt points	Delivery points	Contract date rate schedule, service type	Related docket, start up date
CP92-59-000 (10-8-91)	Williams Gas Marketing Company (Marketer).	100,000 30,0000 10,950,000	CO, NE	NE	10-16-89, ITS, Interruptible.	ST91-10148-000, 8-1-91.
CP92-60-000 (10-8-91)	Transco Energy Marketing Company (Marketer).	2,500,000 1,000,000 365,000,000 [1]	Various	LA, TX	7-1-91, IT, Interruptible.	ST91-10492-000, 8-1-91.
CP92-63-000 (10-8-891)	Energy Marketing Exchange, Inc. (Marketer).	200,000 160,000 73,000,000	Various	Various	4-12-89 [2], ITS, Interruptible.	ST91-10015-000, 8-9-91.
CP92-64-000 (10-8-91)	Continental Reserves Oil Company (Producer).	5,000 4,000 1,825,000	Various	Various	8-15-91, ITS, Interruptible.	ST91-10017-000, 8-10-91.
CP92-65-000 (10-8-91)	Energy Production Company (Producer).	10,000 8,000 3,650,000	Various	Various	8-15-91, ITS, Interruptible.	ST91-10018-000, 8-10-91.
CP92-66-000 (10-8-91)	Enmark Gas Corporation (Marketer).	1,000 8,000 365,000	Various	Various	3-15-91 [2], ITS, Interruptible.	ST91-10168-000, 8-10-91.

[1] Transco's quantities are in dekatherms.
[2] As amended.

Applicant's Address	Blanket Docket
Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314.	CP86-240-000.
Trailblazer Pipeline Company, 701 East 22nd Street, Lombard, Illinois 60148.	CP90-140-000.
Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251.	CP88-328-000.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within

the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-25261 Filed 10-18-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-35-000, CP92-40-000, CP92-41-000, CP92-42-000]

Natural Gas Pipeline Company of America and Columbia Gas Transmission Corp; Requests Under Blanket Authorization

October 9, 1991

Take notice that Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148, and Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commision's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued in Docket No. CP86-582-000, and Docket No. CP86-240-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Any person or the Commision's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the date after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the tie allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP92-35-000 (10-7-91)	Louis Dreyfus Energy Corporation (Marketer).	100,000 20,000 7,300,000	Various	Various	10-30-89,[1] ITS, Interruptible.	ST91-10147-000 8-6-91
CP92-40-000 (10-4-91)	Energy Production Company (Marketer).	36,000 28,800 13,140,000	Various	Various	5-22-91, ITS, Interruptible.	ST91-10044-000 8-1-91
CP92-41-000 (10-4-91)	Quaker State Corporation (Producer).	400 320 146,000	WV	WV	7-11-91,[1] FTS, Firm.	ST91-10020-000 8-1-91
CP92-42-000 (10-4-91)	The Clinton Oil Company (Producer).	5,000 4,000 1,825,000	Various	Various	5-15-91, ITS, Interruptible.	ST91-10019-000 8-1-91

[1] As amended.

[FR Doc. 91-25224 Filed 10-18-91; 8:45 am]

BILLING CODE 6717-01-M

Peoples Gas System, Inc. v. Florida Gas Transmission Co.; Notice of Complaint

[Docket No. CP92-67-000]

October 11, 1991

Take notice that on October 8, 1991, Peoples Gas System, Inc. (Peoples Gas), P.O. Box 2562, 111 Madison Street, Tampa, Florida, 33601, filed in Docket No. CP92-67-000 a complaint pursuant to Rule 206 of the Federal Energy Regulatory Commission's Rules of Practice and procedure against Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, in connection with FGT's method of allocating proposed Phase III expansion capacity; all as more fully set forth in the complaint which is on file with the

Commission and open to public inspection.

Specifically, Peoples Gas alleges that FGT's capacity allocation procedures: (1) Are unduly discriminatory; (2) contravene the Commission's Phase II Settlement orders establishing FGT's Firm Service Log and the Commission's May 31, 1991, order establishing service request revalidation procedures; (3) violate first-come, first-served principles; and (4) are not permitted by FGT's existing tariff.

Peoples Gas states that it was an active participant in the proceedings in Docket Nos. RP89–50, *et al.*, that led to a reallocation of FGT's then existing capacity (Phase I capacity) and an allocation of an additional 100,000 Mcf per day expansion (Phase II capacity). Peoples Gas also states that it has unsatisfied requests for Phase II capacity with an April 14, 1989, priority date on FGT's Firm Service Log, and that it also has submitted requests for additional capacity in FGT's December 19, 1990, Phase III open season.

Peoples Gas states that FGT's proposed Phase III expansion project would increase capacity to FGT's market area by 875,000 Mcf per day in the summer and 775,000 Mcf per day in the winter.[1] Peoples Gas states that FGT proposes to render service through these facilities under a *profoma* Rate Schedule FTS–2, which has not yet been filed with the Commission, and that FGT has tendered FTS–2 Service Agreements to potential Phase III shippers for execution within 30 days of receipt.

Peoples Gas alleges that FGT will use a two-tier allocation methodology to allocate Phase III capacity. The first priority would be given to annual nominations ranked by the term of the agreement. The second priority would be given to those nominations of more capacity in one season than another. Such nominations would be separated into winter peak and summer peak nominations, and ranked within each season according to the present value of such nominations to FGT. Peoples Gas also alleges that FGT will not longer use the April or October seasons in the allocation of its capacity, but will instead use a winter season of November 1 though April 30 and a summer season of May 1 through October 31.

Peoples Gas complains that FGT is required by the terms of its existing tariff and the Commission's previous order to allocate new capacity on the basis of priority dates on FGT's Firm Service Log. Peoples Gas also states that customers with unsatisfied requests for Phase II service should have the highest priority date of April 14, 1989 on FGT's log, and that the customers who revalidated these requests should have priority for Phase III service. Peoples Gas also complains that FGT's Phase III capacity allocation procedures have resulted in some customers submitting nominations for additional Phase III service after the close of the open season and that these nominations, if honored by FGT, would adversely affect Peoples Gas' Phase III nominations with a priority date of December 19, 1990, on FGT's log.

Peoples Gas requests that the Commission: (1) Immediately order that FGT use Section 14.1 of the General Terms and Conditions of it existing FERC Gas Tariff, and the priority dates on the Firm Service Log, in allocating any new capacity on FGT's system, including Phase III capacity; (2) alternatively, immediately issue an order, requiring FGT, if its seeks to deviate from the provisions of its existing tariff in allocation Phase III capacity, to file for and obtain approval of new tariff sheets incorporating the proposed capacity allocation procedures, and thereafter conduct a new Phase III open season, allocation or other approved procedure; (3) pending resolution of the complaint, immediately order FGT to suspend indefinitely the deadline for shippers to execute Phase III Service Agreements pursuant to FGT's *pro forma* Rate Schedule FTS–2; and (4) adopt a shortened notice, intervention, and reply procedures to permit emergency action to be taken on this complaint prior to October 28, 1991.

Peoples Gas states that a copy of this complaint has been served on FGT. Pursuant to the Commission's Rules of Practice and Procedure (18 CFR 385.206), unless otherwise ordered by the Commission, any respondent to a complaint must file an answer with the Commission.

Any person desiring to be heard or to participate in this proceeding should on or before October 18, 1991, file with the Federal Energy Regulatory Commission, Washington DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Answers to the complaint shall be due on or before October 18, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91–25223 Filed 10–18–91; 8:45 am]

BILLING CODE 6717–01–M

[1] As of the date of this notice, FGT has not filed with the Commission any proposals to construct Phase III facilities.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4023–1]

Announcement of the Board of Trustees for The National Environmental Education and Training Foundation, Inc.

The National Environmental Education and Training Foundation was created by Public Law 101–619, the National Environmental Education Act of 1990. It is a private 501(c)(3) non-profit organization established to promote and support education and training as necessary tools to further environmental protection and sustainable, environmentally sound development. It provides the common ground upon which leaders from business and industry, all levels of government, public interest groups, and others can work cooperatively to expand the reach of environmental education and training programs beyond the traditional classroom. The Foundation will develop, operate, and support through grants, contracts and other means, innovative environmental education and training programs. It will encourage and participate in joint projects and ventures which foster the purposes of the Foundation.

The Administrator of the U.S. Environmental Protection Agency, per the terms of the Act, announces the following initial appointments to the National Environmental Education and Training Foundation, Inc. Board of Trustees. Great care has been taken to assure that these individuals not only have the highest degree of expertise and commitment, but also bring to the Board diverse points of view relating to environmental education and training. Terms of office for respective Board members will be determined and announced upon completion and announcement of the full complement of 13 Board members.

Thomas H. Kean

The Honorable Thomas H. Kean is the current president of Drew University and former Governor of New Jersey (1982–1990). Most recently, in July 1991 he was named Chairman of the New American Schools Development Corporation. In 1990, President Bush selected Kean to serve as his official delegate to the World Conference on Education for All; in 1989, Bush named him Chairman of the Points of Light Initiative Foundation Advisory Committee. Mr. Kean sits on the board of the National Association of Independent Colleges and Universities, the Carnegie Corporation of New York, and the Robert Wood Johnson Foundation. He is a trustee of Columbia University Teachers College and Chairman of Educate America. He wrote the bill establishing New Jersey's Department of Environmental Protection and started the nation's first statewide mandatory recycling program. He chaired the National Wetlands Policy Forum in 1988 and now sits on the board of World Wildlife Fund/The Conservation Foundation. Mr. Kean graduated from Princeton University in 1957 and holds a Master's degree from Columbia University Teachers College. He taught high school for several years before beginning a two-decade career in New Jersey politics with his election to the Assembly in 1967.

Edward P. Bass

Edward P. Bass is Chairman and CEO of Fine Line, Inc., a diversified venture and investment capital company. He is also an officer and/or director of various other corporate entities through which he manages investment holdings and participates in a variety of business interests including many family businesses. In addition to these business interests, Mr. Bass is involved in many international ecological and development concerns. He is a member of the Board of Directors of World Wildlife Fund (WWF), and contributes time in the field working with WWF programs. He is a member of the Board of Managers of the New York Botanical Garden, a member of the Advisory Committee of the Yale Institute of Biospheric Studies, a member of the Council of African Wildlife Foundation, a member of the boards of directors of The Jane Goodall Institute for Wildlife Research, Education and Conservation and the Institute of Ecotechnics, and he is a founding trustee of the Philecology Trust, created in 1986 to fund selected non-profit ecological interests. He participates in and is a member of the boards of numerous other civic and development organizations. Additionally, Mr. Bass is Chairman of Space Biospheres Ventures, which is the developer of "Biosphere-II," a commercial venture capital project which provides a scientific and management research system for developing applications in both the space program and environmental management on planet earth. He also is a principal in Tropic Ventures, which concentrates on systems for ecologically sound commercial development in the tropics.

H. Laurance Fuller

Fuller joined Amoco in 1961, and was elected chairman of the board and CEO in 1991. Forbes magazine ranks the Amoco Corporation tenth on its annual Fortune 500 list. Mr. Fuller serves on the Board of Directors of The Chase Manhattan Corporation, The Chase Manhattan Bank, N.A., Abbott Laboratories, the American Petroleum Institute, Chicago United, Catalyst, and the Rehabilitation Institute of Chicago. In addition Mr. Fuller is a member of the Board of Directors of Leadership for Quality Education, which is a coalition of business, civic, and community organizations that is monitoring Chicago public school reform efforts. Mr. Fuller received a B.S. in chemical engineering from Cornell University and a law degree from DePaul University, and graduated from Harvard Business School's Advanced Management Program. He is currently a Trustee of Northwestern University and a member of the University Council of Cornell University.

Robert L. Herbst

Robert L. Herbst is Chairman of the Natural Resources Council of America, President of the Lake Superior Center and past Executive Director of Trout Unlimited, an international conservation organization. Prior to his tenure with Trout Unlimited, Mr. Herbst served for more than 15 years in state and national government. From 1977–81, Mr. Herbst was Assistant Secretary for Fish, Wildlife, and National Parks for the U.S. Department of the Interior. During this time, he helped to increase greatly the acreage of the Nation's parks, wildlife refuges, scenic rivers, and nature trails and was a primary architect of the Alaska Lands Bill. From 1971–77, Mr. Herbst was Commissioner of the Minnesota Department of Natural Resources. He is a member of the United States Environmental Protection Agency's National Advisory Council on Environmental Policy and Technology and Co-Chair of the Council's Environmental Education and Training Committee. Some of his many other activities include membership on the Board of Directors of the Freshwater Biological Institute, Chairman of the TVA Land Between the Lake Association, and Finance Chairman of the Alliance for Environmental Education. He is the author of *Careers in Environment*, published by Dillion Press in 1974, as well as countless papers and articles on the environment. Mr. Herbst has received over 500 awards from international, national, state and local organizations honoring him for his administrative, conservation, and public service accomplishments.

Francis P. Pandolfi

Francis P. Pandolfi is President and CEO of Times Mirror Magazines, Inc., the publisher of a wide array of magazines and owner of Sports Marketing Group, Inc. He is also Chairman of the Board of The Sporting News Publishing Company. Prior to joining Times Mirror Magazines, Mr. Pandolfi was the President and CEO of Lifeboat Associates, Inc., a leading international publisher and distributor of software development tools for programming professionals. Before assuming the presidency of Lifeboat in 1986, Mr. Pandolfi was the President of Scarborough Systems, Inc., a company which he founded in 1982 to publish productivity, personal enhancement and educational software for the home market. From 1978–1982 Mr. Pandolfi was with CBS Publications where he served first as General Manager and then as Vice President, Group Publisher. In addition to his work with Times Mirror Magazines, Mr. Pandolfi is currently a member of the Board of Directors of the Magazine Publishers of America. He served as Chairman of its 1990 American Magazine Conference and has previously headed the association's Education Committee. Mr. Pandolfi is a member of the Ad Council Magazine Committee and the United States Information Agency Magazine/Print Committee, and serves on the boards of the Direct Marketing Association and the Cornell University Laboratory of Ornithology.

Rebecca W. Rimel

Rebecca W. Rimel currently serves as the Executive Director of the Pew Charitable Trust, a position she assumed in 1988. Ms. Rimel, who has had an illustrative career as a health practitioner, joined the Pew Charitable Trust in 1983 as Program Manager for Health in the Trust's Glenmede Trust Company. In 1985 she became Vice President for Programs (Conservation,

Religion, and Health and Human Services) of the Trust. Ms. Rimel also serves on the Board of Directors of the Foundation Center. Additionally, she serves on the advisory council of the National Institute of Neurological Disorders and Stroke and as an advisor to the Massachusetts Council for the Arts.

Ellen Sulzberger Straus

Ellen Sulzberger Straus is President of Executive Service Strategies and Vice-President of Straus Communications. She also serves as Editorial Consultant and Washington Editor for SELF Magazine. A media executive and management consultant, broadcaster, author and public servant, Ellen Sulzberger Straus is the recipient of numerous service awards as well as a participant in many humanitarian programs. She has received the National Urban Coalition Humanitarian Award for 1991, the American Institute for Public Service Award, the Consumer Crusader Award from Caveat Emptor magazine, The ladies Home Journal Woman of the Year Award, and the Smith College Medal of Honor, among many others. Ms. Straus sits on numerous Boards of Directors, among them the National Conference of Christians and Jews, The Enterprise Foundation, and the national Center on Children in Poverty. She founded "Call for Action", a national volunteer hotline and originated the term, "Volunteer Professional". In 1982, she served as the Chair of the Communications Committee of the President's Task Force on Private Sector Initiatives. Well-versed in humanitarian concerns as well as business interests, Ms. Straus brings to the Board a valuable perspective on the needs of people at every level of society, and a long history of public service activism.

Dr. James Crowfoot

Dr. James Crowfoot is a Professor of Natural Resources and Urban, Technological and Environmental Planning at the University of Michigan's School of Natural Resources where he also served as the Dean from 1983–1990. He holds a Ph.D. in Organizational Psychology and is currently conducting research in the field of conflict resolution. Dr. Crowfoot is also a member of the board of directors of the Center for the Great Lakes, a member of the Executive Committee of the Institute for Social Research, and a member of the Board of Trustees of the Keystone Center.

John Denver

John Denver has earned international acclaim as a songwriter, performer, actor humanist and environmental activist. Many of his songs reflect an appreciation and concern for the environment, a matter of major importance for Mr. Denver. Mr. Denver considers himself to be a global citizen and has consistently worked to express this feeling through his music and his action. He has been invited to perform in the Soviet Union on several occasions and in 1987 performed a benefit concert for the victims of Chernobyl. Mr. Denver is a co-founder and the current President of the Windstar Foundation, a non-profit environmental education and research center. Mr. Denver has also been associated with The Cousteau Society, The Hunger Project, Friends of the Earth and the Human/Dolphin Foundation.

For further information, please contact: Kathleen B. Connors.

Dated: October 15, 1991.

William K, Reilly,

Administrator President/CEO, The National Environmental Education, and Training Foundation, Inc. (202) 628–8200.

[FR Doc. 91–25322 Filed 10–18–91; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4023–3]

Science Advisory Board; Ecological Processes and Effects Committee; Ecological Monitoring Subcommittee; Open Meetings

Under Public Law 92–463, notice is hereby given of two public meetings of committees of the Science Advisory Board (SAB).

The Ecological Processes and Effects Committee (EPEC) will meet at the Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202, on October 31, 1991. The meeting will start at 8:30 a.m. and will adjourn no later than 5 p.m., and is open to the public. The main purposes of this meeting are to plan the Committee's agenda for Fiscal Year 1992, to discuss comments on certain draft reports, and to receive briefings on the status of various research programs which will be considered for SAB reviews.

The Ecological Monitoring Subcommittee of EPEC will meet at the Howard Johnson National Airport Hotel, 2650 Jefferson Davis Highway, Arlington, VA 22202 on December 4–5, 1991. The meeting will start at 8:30 a.m. on December 4 and will adjourn no later than 5 p.m. on December 5, 1991, and is open to the public. The main purpose of this meeting is to review a plan for assessment of monitoring data for the Ecological Monitoring and Assessment Program. The Subcommittee will also receive updates on two other elements of the EMAP: Landscape Characterization and Statistical Design. Copies of background documents for this meeting are available from Dr. Tom Dixon, USEPA–OMMSQA, 401 M St., SW., Washington, DC 20460 (Telephone: (202) 260–7238).

For additional information concerning either meeting or to obtain an agenda, please contact Dr. Edward Bender, Designated Federal Official or Mrs. Marcia K. Jolly, Staff Secretary, Ecological Processes and Effects Committee (EPEC), Science Advisory Board (A–101–F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (Phone: (202) 260–6552; Fax: (202) 260–7118). Anyone wishing to make a presentation at the meeting should forward a written statement to Dr. Bender no later than October 19, 1991 for the EPEC meeting and no later than November 20, 1991 for the Ecological Monitoring Subcommittee meeting. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. Seating at both meetings will be on a first come basis.

Dated: October 8, 1991.

Donald Barnes;

Director, Science Advisory Board.

[FR Doc. 91–25321 Filed 10–18–91; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–211031; FRL–3950–2]

Introduction of Genetically Engineered Pesticide Tolerant Plant Species into the Environment; Response to Citizens' Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's denial of a petition filed on July 17, 1991, by Henry Gluckstern under section 21 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2620). The petitioner requests that EPA use its authority under TSCA to control increased pesticide use which the petitioner believes will result from the introduction into the environment of genetically engineered pesticide tolerant plants that are permitted by the Animal and Plant Health Inspection Service (APHIS) of

the United States Department of Agriculture (USDA). EPA has determined that TSCA regulations are not necessary because other Federal laws provide adequate authority to protect against the potential risks identified by the petitioner.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB–44, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION:

I. Authority

Under section 21(a) of TSCA, any citizen may petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4 (chemical testing rules), section 6 (regulatory control rules), or section 8 (information reporting or retention rules) of TSCA. Section 21 also authorizes a petitioner to request the issuance, amendment, or repeal of orders under TSCA section 5(e) (orders affecting new chemical substances and substances produced for significant new uses) or TSCA section 6(b)(2) (orders affecting quality control procedures). The petitioner must set forth the facts which he/she claims establish that it is necessary for the Agency to issue, amend, or repeal a rule or order under one of the specified sections of TSCA.

Section 21(b)(3) directs that within 90 days after a petition is filed, EPA must decide to either grant or deny the petition. If EPA denies a petition, it must publish its reasons in the Federal Register. If EPA grants a petition, it must promptly initiate an appropriate proceeding in accordance with section 4, 5, 6, or 8.

If EPA denies a petition, or fails to make a decision within the 90–day review period, the petitioner has 60 days from the date of the decision or from the end of the review period, whichever is first, to commence a civil action against EPA. Section 21(b)(4) identifies petitioners' rights and the procedures to be followed under such civil actions.

II. Background

The petitioner requests that the Agency use TSCA to control increased pesticide use he believes will result from the introduction into the environment of genetically engineered pesticide tolerant plants permitted by APHIS.

The petitioner raises concerns that the APHIS process for permitting genetically engineered pesticide tolerant plants is intended to, and normally results in, increased pesticide use which would not otherwise occur with nontolerant forms. He further claims that APHIS review does not consider whether any potential increased burden of pesticide use may adversely affect the environment or human health, including effects on land, surface water, and groundwater.

To remedy this perceived problem, he requests EPA to issue rules under TSCA prohibiting APHIS permit applicants from introducing genetically engineered pesticide tolerant plants into the environment unless applicants substantiate that increased pesticide use will have no adverse effect upon human health and the environment.

III. Agency Decision

EPA has determined that TSCA regulations are not necessary because other Federal authorities deal adequately with the risks for which the petitioner expresses concern, regardless of whether the risks can fairly be characterized as unreasonable.

In the alternative, EPA has determined that there is no basis to conclude at this time that pesticide use resulting from general cultivation of genetically engineered pesticide tolerant plants permitted by APHIS presents an unreasonable risk of injury to human health or the environment. While review of particular pesticide tolerant plants permitted by APHIS may uncover unreasonable risks, the general availability of these plants does not need to be restricted any more than under current regulations.

IV. Public Record

A detailed statement of the reasons for EPA's denial of the petition is contained in a letter to the petitioner, a copy of which is found in the Public Docket described below.

EPA has established a public record of its response to this petition (Docket Number OPTS–211031). The public record contains the petition and the basic information considered by EPA in reaching its decision in this matter. All documents, including the index of the docket, are available to the public in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE–G004, 401 M St., SW., Washington, DC 20460.

Dated: October 15, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 91–25319 Filed 10–18–91; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[DA 91–1263]

Comments Invited on Virginia Public Safety Plan

October 9, 1991.

The Commission has received the public safety radio communications plan for Virginia (Region 42).

In accordance with the Commission's Report and Order in General Docket No. 87–112 implementing the Public Safety National Plan, interested parties may file comments on or before November 18, 1991 and reply comments on or before December 3, 1991. (See Report and Order, General Docket No. 87–112, 3 FCC Rcd 905 (1987), at paragraph 54.)

Commenters should send an original and five copies of comments to the Secretary, Federal Communications Commission, Washington, DC 20554 and should clearly identify them as submissions to PR Docket 91–300 Virginia-Public Safety Region 42.

Questions regarding this public notice may be directed to Betty Woolford, Private Radio Bureau, (202) 632–6497 or Ray LaForge, Office of Engineering and Technology, (202) 653–8112.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–25256 Filed 10–18–91; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 217–011352.

Title: Nippon Yusen Kaisha and Neptune Orient Lines, Ltd., Space

Charter Agreement in the Far East-U.S. Atlantic Coast Trade.

Parties:

Nippon Yusen Kaisha ("NYK")
Neptune Orient Lines, Ltd., ("NOL").

Synopsis: The proposed Agreement permits NYK to charter space to NOL from the space allocated to NYK on the vessels operated under Agreement No. 213–010972 between NYK and Mitsui O.S.K. Lines, Ltd. The parties have requested shortened review.

By Order of the Federal Maritime Commission.

Dated: October 15, 1991.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 91–25214 Filed 10–18–91; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Eagle Financial Services, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 12, 1991.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Eagle Financial Services, Inc., Berryville, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Clarke County, Berryville, Virginia.

2. Mason-Dixon Bancshares, Inc., Westminster, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of Carroll County Bank and Trust Company, Westminster, Maryland.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Barnett Banks, Inc., Jacksonville, Florida; to acquire 100 percent of the voting shares of Barnett Bank of Broward County, National Association, Fort Lauderdale, Florida, a *de novo* bank.

2. Regional Investment Fund, Ltd., Tallahassee, Florida, and Regional Investment Corporation, Tallahassee, Florida; to become bank holding companies by acquiring 100 percent of the voting shares of Andrew Jackson Savings Bank, Tallahassee, Florida, which will be converted to a commercial bank to be known as Regional Bankcorp.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Sky Valley Bank Corp., Alamosa, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank in Alamosa, Alamosa, Colorado.

Board of Governors of the Federal Reserve System, October 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–25248 Filed 10–18–91; 8:45 am]

BILLING CODE 6210–01–F

Norwest Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 12, 1991.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire Allied Crop Agency, Inc., Des Moines, Iowa, and thereby engage in general insurance agency activities, including managing crop hail and multiperil crop insurance pursuant to § 225.25(b)(8)(vii) of the Board's Regulation Y. **Comments on this application must be received by November 4, 1991.**

Board of Governors of the Federal Reserve System, October 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–25249 Filed 10–18–91; 8:45 am]

BILLING CODE 6210–01–F

Laurence A. Tisch, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available

for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 6, 1991.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Laurence A. Tisch, Preston R. Tisch, Andrew H. Tisch, Daniel R. Tisch, James S. Tisch, Thomas J. Tisch and Tisch Foundation, Inc.; to acquire an additional 22.40 percent of the voting shares of Equimark Corporation, Pittsburgh, Pennsylvania, for a total of 24.9 percent.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Simmons First National Corporation Employee Stock Ownership Plan, Pine Bluff, Arkansas; Louis L. Ramsay, Jr., Pine Bluff, Arkansas; John Rush, Pine Bluff, Arkansas; Ramon Greenwood, Pine Bluff, Arkansas; Harry L. Ryburn, Pine Bluff, Arkansas; Adam Robinson, Pine Bluff, Arkansas; John E. Fox, Pine Bluff, Arkansas; Robert F. Carpenter, Pine Bluff, Arkansas; and Ron Powell, Pine Bluff, Arkansas; to acquire an additional 2.82 percent of the voting shares of Simmons First National Corporation, Pine Bluff, Arkansas, and thereby indirectly acquire Simmons First National Bank of Pine Bluff, Pine Bluff, Arkansas; Simmons First Bank of Jonesboro, Jonesboro, Arkansas; and Simmons First Bank of Lake Village, Lake Village, Arkansas.

Board of Governors of the Federal Reserve System, October 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-25250 Filed 10-18-91; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Announcement of Competing Continuation of Cooperative Agreement on Worksite Health Promotion Programs in Public Sector Settings

introduction

The Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health, announces the availability of funds in fiscal year 1991 for a competing continuation of a cooperative agreement with the Association of School of Public Health (ASPH). The cooperative agreement will enable ASPH to continue support for an interdisciplinary collaboration among academicians for the purpose of expanding and improving the state of knowledge regarding worksite health promotion programs in public sector employment stettings. Because of the importance of worksite health promotion as a means of reaching a majority of adult Americans with health information and services, this project will contribute significantly to the achievement of the Nation's health objective for year 2000, as laid out in Healthy People 2000: National Health Promotion and Disease Prevention Objectives. This project was commmenced in fiscal year 1989 under the authority of the "Federal Employees Benefits Improvement Act of 1986," Public Law 99-251. Funds for its continuation were appropriated as a part of the Treasury, Postal Service, and General Government Appropriations Act for fiscal year 1991. The appropriated funds were transferred by the Office of Personal Management to ODPHP for continuation of this project.

Authority

This program is authorized under section 301(a) and section 1701(a) of the Public Health Service Act (42 U.S.C. 241(a) and 300(u)), as amended. Program regulations are set forth in 42 CFR Part 52.

Eligible Applicant

Assistance will be continued only to ASPH for this project. No other applications will be solicited or accepted. ASPH represents the 24 accredited schools of public health in the United States. ASPH serves as a coordinating agency for schools of public health located at the University of North Carolina, the University of Texas at Houston, the University of Californina at Los Angeles, the University of Arizona, the University of Washington, and the University of Hawaii, which have formed interdisciplinary teams to study and assited selected Federal worksites with exemplary health and fitness programs.

Availabiltiy of funds

Approximately $305,000 is being made available in fiscal year 1991 to fund the continuation of this cooperative agreement, beginning September 30, 1991, for a 15-month project and budget period. No continuation of this project is anticipated beyond the 15-month period.

Purpose

The purpose of this cooperative agreement is to assist ASPH to continue its development and implementation of the study and improvement of worksite health promotion programs in public sector settings.

Program Requirements

The applicant will fulfill application requirements of the Public Health Service Form 5161.

E.O. 12372 Review

The application is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

CFDA Number

The Catalog of Federal Domestic Assistance number is 13.990.

Application Submission

ASPH has been notified of the availability of funds for this project and has submitted an original and two copies of the application form 5161 to ODPHP, Office of the Assisant Secretary for Health, Department of Health and Human Services, Washington, DC 20201.

Where to Obtain Additional Information

Additional information is available from James A. Harrell, Deputy Director, Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Department of Health and Human Services, Washington, DC 20201, Telephone 202-245-7611.

Dated: October 4, 1991.

J. Michael McGinnis,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion), Assistant Surgeon General.

[FR Doc. 91-25203 Filed 10-18-91, 8:45 am]

BILLING CODE 4161-17-M

Food and Drug Administration

[Docket No. 86F-0153]

Radiation Technology, Inc.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 6M3907) proposing that the food additive regulations be amended to provide for the safe use of a source of gamma radiation to control spoilage

bacteria and/or pathogens and parasites in seafoods.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hansen, Center for Food Safety and Applied Nutrition (HFF–333), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 7, 1986 (51 FR 16897), FDA published a notice that it had filed a petition (FAP 6M3907) from Radiation Technology, Inc., 108 Lake Denmark Rd., Rockaway, NJ 07860, that proposed to amend the food additive regulations to provide for the safe use of a source of gamma radiation to control spoilage bacteria and/or pathogens and parasites in seafoods. Radiation Technology, Inc., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: October 11, 1991.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91–25325 Filed 10–18–91; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Program Announcement and Proposed Funding Preference and Priorities for Grants for Programs for Physician Assistants

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 Grants for Programs for Physician Assistants are being accepted under the authority of section 788(d) title VII, formerly section 783(a) of the Public Health Service Act (the Act), as amended by the Health Professions Reauthorization Act of 1988, title VI of Public Law 100–607.

Comments are invited on the proposed funding preference and priorities stated below.

This program announcement is subject to the availability of legislative authority and to the appropriation of funds. The program currently is operating under Continuing Resolution No. 27601 dated September 27, 1991, effective through October 29, 1991. Applicants are advised that this program announcement is a contingency action being taken to assure that should authority and funds become available for this purpose, grants can be awarded in a timely fashion consistent with the needs of the program as well as provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Section 788(d) authorizes the award of grants to accredited schools of medicine or osteopathic medicine and other public or nonprofit private entities to assist in meeting the cost of planning, developing and operating or maintaining programs for the training of physician assistants as defined under section 701(8) of the Public Health Service Act.

To receive support, programs must meet the requirements of sections 701(8) and 788(d) of the Act and program regulations implementing these sections published at 42 CFR part 57, subparts H and I.

The initial period of Federal support should not exceed 3 years.

Each application must contain or be supported by assurances that the applicant institution has appropriate mechanisms for placing graduates of the training program in positions for which they have been trained.

"Program for the Training of Physician Assistants" is defined at 42 CFR 57.801–803 as a program which has, among other elements, the objective of training graduates who are capable of providing primary health care.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Grants for Programs for Physician Assistants is related to the priority area of Educational and Community-Based Programs.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service supported education and service programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The degree to which the project plan adequately provides for meeting the requirements set forth in the regulations;

2. The potential effectiveness of the project in carrying out the purposes of section 788(d) of the PHS Act and 42 CFR part 57, subparts H–I;

3. The capability of the applicant to carry out the proposed project;

4. The local, regional and national needs the project proposes to serve;

5. The adequacy of the project's plan for placing graduates in health professional shortage areas;

6. The soundness of the fiscal plan for assuring effective use of grant funds;

7. The potential of the project to continue on a self-sustaining basis after the period of grant support; and

8. The adequacy of the project's plan to develop and use methods designed to attract and maintain minority and disadvantaged students to train as physician assistants.

In addition, the following mechanisms may be applied in determining the funding of approved applications:

1. Funding preferences—funding a specific category or group of approved applications ahead of other categories or groups of applications, such as competing continuations ahead of new projects.

2. Funding priorities—favorable adjustment of aggregate review scores when applications meet specified objective criteria.

Proposed Funding Preference for FY 1992

A funding preference will be given to applications which document that each of the current trainees will complete at least one required clinical clerkship of between 4 and 8 weeks in an inpatient or outpatient health care facility/practice located in: (1) a Health Professional Shortage Area (HPSA) designated under section 332 of the PHS Act; (2) a Medically Underserved Area (MUA) designated under section 330 (b)(3) of the PHS Act; (3) a State-designated clinic/center serving an underserved population; (4) a Migrant Health Center designated under section 329 of the PHS Act; (5) a Community Health Center designated under section 330 of the PHS Act; (6) a Homeless Health Center designated under section 340 of the PHS Act; (7) facilities that have formal arrangements to provide primary health care services to public housing communities; (8) hospitals and/or health care facilities of the Indian Health Service; (9) health care facilities that draw at least 50 percent of their teaching program patients from areas or populations designated as HPSAs or MUAs; or (10) a site located within a service area of a Federal or State supported Area Health Education

Center (AHEC), provided such site has been developed through an affiliation agreement with such AHEC and the site otherwise meets the criteria for underserved incorporated within this funding preference.

This preference is responsible to the Bureau of Health Professions interest in linkages with center/clinics that provides care to the underserved.

Section 332 establishes criteria to designate geographic areas, population groups, medical facilities, and other public facilities in the States as Health Professional Shortage Areas.

Section 330(b)(3) establishes Medically Underserved Areas which are areas designated by the PHS, based on four criteria:

(1) Infant mortality rate;

(2) Percentage of the population below the poverty level;

(3) Percentage of the population over age 65; and

(4) Number of practicing primary care physicians per 1,000 population.

Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers.

Section 330 authorizes support for community health care services to medically underserved populations.

Section 340 authorizes the Health Care for the Homeless Program, which, as used here, means a community-based program of comprehensive primary health care and substance abuse services brought to the homeless population.

Public Housing Communities means the residents of low income public housing projects that received Federal assistance, usually through a local public housing agency, under the provisions of the U.S. Housing Act of 1937.

Proposed Funding Priorities for Fiscal Year 1992

Funding priorities will be given for each of the following:

1. Applications which can demonstrate that at least 25 percent of current trainees will complete at least one clinical clerkship of between 4 and 8 weeks in an inpatient or outpatient health care facility/practice located in: (1) A Health Professional Shortage Area (HPSA) designated under section 322 of the PHS Act; (2) a Medically Underserved Area (MUA) designated under provisions of section 330 (b)(3) of the PHS Act; (3) a State-designated clinic/center serving an underserved population; (4) a Migrant Health Center designated under section 329 of the PHS Act; (5) a Community Health Center designated under section 330 of the PHS Act; (6) a Homeless Health Center designated under section 340 of the PHS Act; (7) facilities that have formal arrangements to provide primary health care services to public housing communities; (8) hospitals and/or health care facilities of the Indian Health Service; (9) health care facilities, that draw at least 50 percent of their teaching program patients from areas or populations designated as HPSAs or MUAs; or (10) a site located within a service area of a Federal or State supported Area Health Education Center (AHEC), provided such site has been developed through an affiliation agreement with such AHEC and the site otherwise meets the criteria for underservedness incorporated within this funding priority.

This funding priority is proposed to encourage applicants who cannot demonstrate that each current trainee will complete the specified clerkship (as required to receive preference), to train at least 25 percent of trainees in order to maintain their commitment to provide training in underserved areas.

2. Applications which have or propose to incorporate innovative educational approaches in their curriculums (including a clinical component), relative to: public health needs of inner city/rural populations, infant mortality prevention, HIV/AIDS prevention and/or treatment, or substance abuse prevention and/or treatment. Innovation may be demonstrated by the concept/methodology to be used, by the establishment of a new educational relationship with a health care delivery system, by the population to be served as a result of the curriculum initiative or by the subject or disease for the educational intervention. The number of students to be impacted by this training must be included in the description of the activity.

This priority combines previously established priorities in order to encourage activity in these areas of Federal interest. Guidelines will provide examples of types of projects that would be considered innovative.

The proposed funding preference and priorities do not preclude funding of other eligible approved applications. Accordingly, entities which do not qualify for or elect the proposed funding preference or priorities are encouraged to submit applications.

Additional Information

Interested persons are invited to comment on the proposed funding preference and priorities. Normally the comment period would be 60 days. However, due to the need to implement any changes for the FY 1992 award cycle, this comment period has been reduced to 30 days. All comments received on or before November 20, 1991, will be considered before the final funding preference and priorities are established. No funds will be allocated or final selections made until a final notice is published stating when the final funding preference and priorities will be applied.

Written comments should be addressed to: Marc L. Rivo, M.D., M.P.H, Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 4C–25, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Requests for application materials, questions regarding grants policy and business management aspects should be directed to: Mrs. Judy Bowen, Grants Management Specialist (D–21), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8C–26, Rockville, Maryland 20857, Telephone: (301) 443–6960.

Completed applications should be forwarded to the Grants Management Officer at the above address.

Questions regarding programmatic information should be directed to: Ms. Cherry Tsutsumida, Chief, Multidisciplinary Centers and Programs Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 4C–05, Rockville, Maryland 20857, Telephone: (301) 443–6817.

The application deadline date is November 26, 1991. Applications shall be considered as meeting the deadline date if they are either:

1. Received on or before the deadline date, or

2. Postmarked on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

The standard application form PHS 6025–1, HRSA Competing Training Grant

Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

This program is listed at 93.886 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: August 29, 1991.

Robert G. Harmon,

Administrator.

[FR Doc. 91–25252 Filed 10–18–91; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Cancer Institute, Cancer Education Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Education Review Committee, National Cancer Institute, on November 8, 1991, The Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

This meeting will be open to the public on November 8, 1991, from 8:30 a.m. to 9 a.m., to review administrative details and other cancer education review issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on November 8 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. John Abrell, Scientific Review Administrator, Cancer Education Review Committee, National Cancer Institute, Westwood Building, room 832, National Institutes of Health, Bethesda, Maryland 20892 (301/496–9767) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Samuel C. Rawlings,

Acting Committee Management Officer, NIH.

[FR Doc. 91–25218 Filed 10–18–91; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the review committees of the National Institute of Child Health and Human Development for November-December 1991.

These meetings will be open to the public to discuss items relative to committee activities including announcements by the Director, NICHD, and scientific review administrators, for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Plummer, Committee Management Officer, NICHD, Executive Plaza North Building, room 520, National Institutes of Health, Bethesda, Maryland, Area Code 301 496–1485, will provide a summary of the meeting and a roster of committee members.

Other information pertaining to the meetings may be obtained from the Scientific Review Administrator indicated.

Name of Committee: Mental Retardation Research Committee.

Scientific Review Administrator: Dr. Norman Chang, Room 520, Executive Plaza North Building, Telephone: 301 496–1485.

Date of Meeting: November 7, 1991.

Place of Meeting: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland.

Open: November 7, 1991, 8 a.m.–9 a.m.

Closed: November 7, 1991, 9 a.m.–adjournment.

Name of Committee: Maternal and Child Health Research Committee.

Scientific Review Administrator: Dr. Gopal Bhatnagar, Room 520, Executive Plaza North Building, Telephone: 301–496–1485.

Date of the Meeting: November 15–16–17, 1991.

Place of the Meeting: Fairmont Hotel, University Place, New Orleans, Louisiana.

Open: November 15, 1991, 6 p.m.–7 p.m.

Closed: November 15, 1991, 7 p.m.–10 p.m., November 16, 1991, 8 a.m.–5 p.m., November 17, 1991, 8 a.m.–adjournment.

Name of the Committee: Population Research Committee.

Scientific Review Administrator: Dr. A.T. Gregoire, Room 520, Executive Plaza North Building, Telephone: 301–496–1696.

Date of Meeting: December 6–7, 1991.

Place of Meeting: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, Maryland.

Open: December 6, 1991, 8 a.m.–9 a.m.

Closed: December 6, 1991, 9 a.m.–5 p.m., December 7, 1991, 8 a.m.–adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.864, Population Research and No. 13.865, Research for Mothers and Children, National Institutes of Health.)

Dated: September 30, 1991

Samuel C. Rawlings,

Acting Committee Management Officer, NIH.

[FR. Doc. 91–25219 Filed 10–18–91; 8:45 am]

BILLING CODE 4140–01–M

National Institute of General Medical Sciences; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the committees of the National Institute of General Medical Sciences for November 1991.

These meetings will be open to the public to discuss administrative details relating to committee business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available.

These meetings will be closed thereafter in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion, and evaluation of individual research training grant and research center grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the

disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 31, room 4A52, Bethesda, Maryland 20892 (Telephone: 301–496–7301), will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from each scientific review administrator whose name, room number, and telephone number are listed below each committee.

Name of Committee: Genetic Basis of Disease Review Committee.

Scientific Review Administrator: Dr. Arthur Zachary, room 9A12, Westwood Building, Telephone: 301–496–7125.

Dates of Meeting: November 4–5, 1991.

Place of Meeting: Building 31, Conference Room 8, National Institutes of Health.

Open: November 4, 8:30 a.m.—9:30 a.m.

Closed: November 4, 9:30 a.m.—5 p.m., November 5, 8:30 a.m.—adjournment.

Name of Committee: Pharmacological Sciences Review Committee.

Scientific Review Administrator: Dr. Irene Glowinski, room 9A10, Westwood Building, Telephone: 301–496–7125.

Dates of Meeting: November 5–6, 1991.

Place of Meeting: Building 31C, Conference Room 7, National Institutes of Health.

Open: November 5, 8:30 a.m.—9:30 a.m.

Closed: November 6, 8:30 a.m.—adjournment.

Name of Committee: Cellular and Molecular Basis of Disease Review Committee.

Scientific Review Administrator: Dr. Carole Latker, room 9A10, Westwood Building, Telephone: 301–496–7125.

Dates of Meeting: November 6–7, 1991.

Place of Meeting: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, Maryland 20814.

Open: November 6, 8:30 a.m.—9:30 a.m.

Closed: November 6, 9:30 a.m.—5 p.m., November 7, 8:30 a.m.—adjournment.

Name of Committee: Minority Programs Review Committee.

Name of Subcommittee: Minority Access to Research Careers Subcommittee.

Scientific Review Administrator: Dr. Norka Ruiz Bravo, Room 9A18, Westwood Building, Telephone: 301–496–7585.

Dates of Meeting: November 7–8, 1991.

Place of Meeting: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

Open: November 7, 8:30 a.m.—9:30 a.m.

Closed: November 7, 9:30 a.m.—5 p.m., November 8, 8:30 a.m.—adjournment.

Name of Committee: Minority Programs Review Committee.

Name of Subcommittee: Minority Biomedical Research Support Subcommittee.

Scientific Review Administrator: Dr. Mary Stephens, Room 9A13, Westwood Building, Telephone: 301–402–0635.

Dates of Meeting: November 14–15, 1991.

Place of Meeting: Building 31C, Conference Room 9, National Institutes of Health.

Open: November 14, 8:30 a.m.—9:30 a.m.

Closed: November 14, 9:30 a.m.—5 p.m., November 15, 8:30 a.m.—adjournment.

(Catalog of Federal Domestic Assistance Program No. 13–859, 13–862, 13–863, 13–880, National Institute of General Medical Sciences, National Institutes of Health)

Dated: October 2, 1991.

C. Rawlings, Ph.D.

Acting Committee Management Officer, NIH.

[FR Doc. 91–25216 Filed 10–18–91; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Biomedical Library Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee on November 21–22, 1991, convening at 8:30 a.m. in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on November 21 will be open to the public from 8:30 to approximately 11 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and section 10(d) of Public law 92–463, the meeting on November 21 will be closed to the public for the review, discussion, and evaluation of individual grant applications from 11 a.m. to approximately 5 p.m., and on November 22, from 8:30 a.m. to adjournment. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Scientific Review Administrator, and Chief, Biomedical Information Support Branch, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone number: 301–496–4221, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.879—Medical Library Assistance, National Institutes of Health.)

Dated: September 30, 1991.

Samuel C. Rawlings,

Acting Committee Management Officer, NIH.

[FR Doc. 91–25220 Filed 10–18–91; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the following study sections for October through November 1991, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–496–7534 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each scientific review administrator, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the scientific review administrator to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study Section	October-November 1991 Meetings	Time	Location
AIDS & Related Research 1 Dr. Sami Mayyasi Rm. A13, Tel. 301-496-0012	Nov. 4-5	8:30	Embassy Suites Hotel, Chevy Chase Pavilion, Washington DC.
AIDS & Related Research 2 Dr. Gilbert Meier Rm. A10, Tel. 301-496-5191	Nov. 1	8:30	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 3 Dr. Marcel Pons Rm. A13, Tel. 301-496-7286	Oct. 28-30	8:30	Holiday Inn, Bethesda, MD.
AIDS & Related Research 4 Dr. Mohindar Poonian Rm. A10, Tel. 301-496-4666	Nov. 1-2	8:30	San Diego Princess Hotel, San Diego, CA
AIDS & Related Research 5 Dr. Mohindar Poonian Rm. A10, Tel. 301-496-4666 Ms. Jo Pelham Rm. 353, Tel. 301-396-7477	Oct. 25	8:30	Holiday Inn, Bethesda, MD.
Immunologyh, Virology & Pathology	Nov. 13-15	8:30	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 6 Dr. Gilbert Meier Rm. A10, Tel. 301-496-5191	Nov. 8	8:30	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 7 Dr. Gilbert Meier Rm. A10, Tel. 301-496-5191	Nov. 22	8:30	Holiday Inn, Chevy Chase, MD.
Behavioral and Neurosciences-1 Dr. Luigi Giacometti Rm. 303, Tel. 301-496-5352	Nov. 15-17	12 pm	Le Pavillion Hotel, New Orleans, LA.
Behavioral and Neurosciences-2 Dr. Luigi Giacometti Rm. 303, Tel. 301-496-5352	Nov. 26	12 pm	St. James Hotel, Washington, DC.
Biological Sciences-1 Dr. James R. King Rm. A22, Tel. 301-496-1067	Nov. 13-15	8:30	St. James Hotel, Washington, DC.
Biological Sciences-2 Dr. Syed Amir Rm. A22, Tel. 301-496-3117	Nov. 11-13	8:30	St. James Hotel, Washington, DC.
Biological Sciences-3 Dr. Gene Headley Rm. A27, Tel. 301-496-6724	Nov. 18-19	8:30	St. James Hotel, Washington, DC.
Biological Sciences Dr. Charles Baker Rm. A219, Tel. 301-496-7150	Nov. 18-20	8:30	Holiday Inn, Chevy Chase, MD.
Clinical Sciences-1 Dr. Jo Pelham Rm. A353, Tel. 301-496-7477	Nov. 21-22	8:30	Holiday Inn, Chevy Chase, MD.
Clinical Sciences-2 Dr. Lynwood Jones Rm. A20, Tel. 301-496-7510	Nov. 14-15	8	Holiday Inn, Anaheim, CA.
International & Cooperative Projects Dr. Sandy Warren Rm. 222, Tel. 301-496-7600	Nov. 6-8	8	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Physiological Sciences Dr. Nicholas Mazarella Rm. 222, Tel. 301-496-1069	Nov. 21-22	8:30	Holiday Inn Crowne Plaza, Rockville, MD.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

Dated: September 30, 1991.

Samuel C. Rawlings,

Acting Committee Management Officer, NIH.

[FR Doc. 91-25217 Filed 10-18-91; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting, End-Stage Renal Disease Date Advisory Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the End-Stage Renal Disease Data Advisory Committee on October 29, 1991. The meeting will begin at 8:30 a.m. to approximately 3 p.m. in the Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20814. The meeting, which will be open to the public, is being held to review the Institute of Medicine's Report on Kidney Disease in the U.S.; discuss United States Renal Data System data to formulate research questions for treatment and prevention of end-stage renal diseases. A discussion on use of these data for research questions relating to quality of care will also be held. Attendance by the public will be limited to space available.

The reason this notice is being published less than 15 days before the meeting is that there was difficulty in arranging the schedules of the attendees.

Dr. John Kusek, Executive Director, End-Stage Renal Disease Data Advisory Committee, Westwood Building, room 619, Bethesda, Maryland 20892, (301) 496-7133, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: October 15, 1991.

Raymond Bahor,

Acting Committee Management Officer, NIH.

[FR Doc. 91-25362 Filed 10-18-91; 8:45am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-91-963; FR-3170-D-01]

Delegation of Authority

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: Under this notice, the Secretary of Housing and Urban Development delegates to the Inspector General for the Department of Housing and Urban Development the power and authority under the Ethics Reform Act of 1989 to provide recertifications for HUD Senior Executive Services employees employed in the Office of Inspector General. The Secretary also delegates to the HUD inspector General the authority under the Privacy Act of 1974 to (1) make written requests, for purposes of a civil or criminal law enforcement activity, to another agency for the transfer of records or copies of records maintained by the other agency, as the Inspector General deems necessary to carry out the functions of the Inspector General under the Inspector General Act of 1978 and (2) to act as the Privacy Appeals Officer for denials of Privacy Act requests for records maintained by the Office of Inspector General. This notice partially revokes the Delegation of Authority published in the **Federal Register** at 54 FR 4913 dated January 31, 1989, which designated the General Counsel as the Privacy Appeals Officer for all Privacy Act appeals concerning records maintained by the Department of Housing and Urban Development.

EFFECTIVE DATE: October 8, 1991.

FOR FURTHER INFORMATION CONTACT: Ronnie A. Wainwright, Office of Program Enforcement, Office of the General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., room 10240, Washington, DC 20410, (202) 708-4184. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Section A—Delegation of Authority

The Secretary of Housing and Urban Development hereby delegates the following power and authority to the Inspector General for the Department of Housing and Urban Development:

1. The authority under section 506 of the Ethics Reform Act of 1989 (Pub. L. 101-194) to provide recertifications for HUD Senior Executive Service employees employed in the Office of Inspector Genral;

2. The authority under section (b)(7) of the Privacy Act of 1974, as amended (5 U.S.C. 552a(b)(7)) ("Privacy Act") to make written requests, for purposes of a civil or criminal law enforcement activity, to another agency for the transfer of records or copies of records maintained by that agency, as the Inspector General deems necessary to carry out the functions of the Inspector General under the Inspector General Act; and

3. The authority to act as the Privacy Appeals Officer and make final determinations concerning appeals under the Privacy Act involving denials of access to, or requests to correct, records maintained by the HUD Office of Inspector General.

Section B—Authority to Redelegate

The Inspector General may redelegate to employees of the Office of Inspector General the power and authority delegated under section A, paragraphs 1. and 2., of this document.

Section C—Partial Revocation of Delegation

This notice partially revokes section A, Item 7 of the Delegation of Authority to the Office of General Counsel published in the **Federal Register** at 54 FR 4913, dated January 31, 1989, by revoking the General Counsel's authority to consider appeals under the Privacy Act involving records maintained by the Office of Inspector General.

Authority: Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: October 8, 1991.

Jack Kemp,

Secretary of Housing and Urban Development.

[FR Doc. 91-25251 Filed 10-18-91; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO-150-4830-11-24 1A]

National Public Lands Advisory Council: Call for Nominations

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for Nominations for National Public Lands Advisory Council.

SUMMARY: The purpose of this notice is to call for nominations for seven memberships on the Bureau of Land Management's National Public Lands Advisory Council.

The Council consists of 21 members. Under the established staggered-term arrangement, the terms of seven members on the Council will expire on December 31, 1991. Current Council members may be reappointed or new members may be appointed. Terms of appointment will be for 3 years, beginning January 1, 1992, and expiring December 31, 1994.

Nominees for membership should be well qualified through education, training and experience to give informed and objective advice concerning land use and resource planning for the public lands.

DATES: Nominations should be received by the Bureau of Land Management by November 15, 1991.

ADDRESSES: Persons wishing to nominate individuals to serve on the Council should send biographical data that includes name, address, profession, and other relevant information about the candidate's qualifications to: Director (150), Bureau of Land Management, MS-5558, Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The function of the Council is to advise the Secretary of the Interior, through the Director, Bureau of Land Management, on policies and programs of a national scope related to the resources and uses of public lands under the jurisdiction of the Bureau of Land Management.

The Council is expected to meet approximately three times a year. Additional meetings may be called by the Director in connection with special needs for advice. Members will serve without salary, but will be reimbursed for travel and per diem expense rates prevailing for Government employees.

FOR FURTHER INFORMATION: Nan Morrison, Bureau of Land Management (150), MS-5558, Department of the Interior, 1849 C Street, NW., Washington, DC 20240, Telephone: (202) 208-5101.

Susan Lamson,

Acting Deputy Director.

[FR Doc. 91-25316 Filed 10-18-91; 8:45 am]

BILLING CODE 4310-84-M

[NV-030-02-4320-2]

Carson City District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Carson City District Grazing Advisory Board will meet at 10 a.m., on Thursday, November 21, 1991,

at the Carson City District Office Conference Room, 1535 Hot Springs Road, suite 300, Carson City, Nevada.

The primary topics will be the FY 1992 Rangeland Improvement Projects, Allotment Management Plans, and the status of the Land Use Plans.

The meeting is open to the public. Interested persons may make oral statements at 1 p.m. or file written statements for the Board's consideration.

FOR FURTHER INFORMATION CONTACT: Andy Anderson, Carson City District, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, Nevada, 89706, phone: (702) 885–6141.

Dated: October 10, 1991.

James W. Elliott,

District Manager, Carson City District.

[FR Doc. 91–25205 Filed 10–18–91; 8:45 am]

BILLING CODE 4310–HC–M

[MT–930–4212–13; NDM 76245]

Conveyance of Certain Lands in Bowman, Dunn, McHenry, and McKenzie Counties, North Dakota, and Order Providing for Opening of Public Land in Bowman County; North Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLPMA), to the operation of the public land laws. The land that was acquired in the exchange provides additional recreational access, river access, wildlife habitat, and increased opportunity for habitat improvement projects. The exchange also allows for increased management efficiency of public land in the area. No minerals were exchanged by either party. The public interest was well served through completion of this exchange.

EFFECTIVE DATE: December 4, 1991.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2935.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to section 206 of FLPMA the following described lands were transferred to the parties shown:

To Alwin Carus:

Fifth Principal Meridian, North Dakota

T. 147 N., R. 97 W.,
Sec. 8, SE¼SW¼;
Sec. 18, lots 1, 2, 4, E½E½, NE¼NW¼;
Sec. 30, lots 1, 2;
Sec. 32, NE¼NW¼, NE¼SE¼.

aggregating 514.12 acres.

To Leonard Dammel:

T. 153 N., R. 76 W.,
Sec. 2, E½SW¼.

containing 80 acres.

To Alfred L. Gunderson:

T. 129 N., R. 105 W.,
Sec. 35, S½SE¼.

containing 80 acres.

To Larry Henderson:

T. 149 N., R. 95 W.,
Sec. 1, lot 1.
T. 150 N., R. 95 W.,
Sec. 25, lot 1.

aggregating 95.21 acres.

To Marcia Sue Gurholt and Shelby Jean Murie:

T. 149 N., R. 95 W.,
Sec. 10, SE¼SE¼.

containing 40 acres.

To Thomas Kellogg:

T. 152 N., R. 100 W.,
Sec. 24, SE¼NW¼, SW¼SW¼.

containing 80 acres.

To Walter St. Croix:

T. 154 N., R. 76 W.,
Sec. 35. NE¼NE¼.

containing 40 acres.

Total acreage conveyed: 929.33 acres.

2. In exchange for the above selected land, the United States acquired the following described surface estate from Susan B. Stearns and Kelly G. Stearns:

Fifth Principal Meridian, North Dakota

T. 129 N., R. 106 W.,
Sec. 21 lots, 2, 3, 4, 5, SW¼NE¼, E½ NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 22, lots 4, 5;
Sec. 27, lot 2;
Sec. 28, lot 1.

containing 550.55 acres.

3. The value of the Federal public land was appraised at $35,650 and the private land was appraised at $33,030. A cash equalization payment was made to the United States for $2,620.

4. At 9 a.m. on December 4, 1991, the lands described in paragraph 2 above that were conveyed to the United States will be opened only to the operation of the public land laws generally, subject to valid existing rights and requirements of applicable law. All valid applications received at or prior to 9 a.m. on December 4, 1991, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

October 10, 1991.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 91–25207 Filed 10–18–91; 8:45 am]

BILLING CODE 4310–DN–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–320]

Certain Rotary Printing Apparatus Using Heated Ink Composition, Components Thereof, and Systems Containing Said Apparatus and Components; Commission Decision To Review Final Initial Determination and To Recall Physical Exhibits

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in its entirety an initial determination (ID) issued by the presiding administrative law judge (ALJ) finding a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation. The Commission has also determined to order the recall of all physical exhibits for which photographs were substituted to ALJ Order No. 5.

ADDRESSES: Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3092.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: On August 28, 1991, the presiding ALJ issued an ID finding a violation of section 337 in the subject investigation. Petitions for review of the ID were filed by the complainant Markem Corporation and the respondents. Previously, after the close of the evidentiary hearing, the ALJ issued Order No. 5 permitting the parties to substitute photographs for certain physical exhibits.

Having examined the record in the investigation, including the ID, the Commission has determined to review the ID in its entirety. The Commission is particularly interested in the following issues:

1. The parties are requested to specifically identify what parts (if any) of the third paragraph of claim 1 of the subject patent are in means-plus-function form and thus to be construed in accordance with 35 U.S.C. 112, paragraph 6. If the part so specified is less than the entire third paragraph of claim 1, the parties are requested to state how the language in the non-specified part is to be interpreted (i.e., whether according to 35 U.S.C. 112, paragraph 6, or some other specified (perhaps conventional) methodology). In responding to this request, the parties should consider whether the means-plus-function part (if any) of the third paragraph of claim 1 is: (1) "radiant heating means" (i.e., "means for radiant heating"); (2) "radiant heating means for maintaining the inking roll and the printing element on the printing member at elevated temperatures"; (3) the entire third paragraph of claim 1; (4) some other part of the third paragraph of claim 1 not specified in option (1) or (2).

2. The parties are requested to address the apparent occurrence of two recitations of "radiant heating means" in paragraph 3 of claim 1. Paragraph 3 of claim 1 provides: "Radiant heating means for maintaining the inking roll and the printing element on the printing member at elevated temperatures." Paragraph 3 of claim 1 also provides: "Said radiant heating means comprising a one-piece, substantially U-shaped member made of a solid block of thermally conductive material with one or more heating elements therein, * * *" In particular, the parties are requested to address (1) whether these recitations actually represent two recitations of the same element; (2) whether, in view of the second recitation, the first recitation should be treated as a means-plus-function element or whether it is a preamble to the second recitation; and (3) if both recitations are to be given weight, how each is to be construed (whether according to 35 U.S.C. 112, paragraph 6, or some other (perhaps conventional) methodology).

3. After developing responses to requests 1 and 2, the parties are requested to present their respective constructions of the third paragraph of claim 1.

4. After developing their responses to requests 1, 2, and 3, the parties are requested to address the questions of obviousness, infringement, and domestic industry. In the case of infringement, the parties are requested to demonstrate, with references to the record, how the claims are or are not met by all the accused devices. The parties are requested to address infringement under the doctrine of equivalents as well. In the case of domestic industry, the parties are requested to demonstrate, with references to the record, how the claims are or are not met by the asserted domestic devices.

5. The parties are requested to address the basis for asserting liability for infringement for each respondent. In particular, the parties are requested to address the basis for asserting liability for infringement of respondent Image, S.A.

6. Responses to all requests 1–5 should be supported by citation to pertinent authority, especially the case law of the U.S. Court of Appeals for the Federal Circuit. Physical exhibits for which photographs were substituted pursuant to ALJ Order No. 5 are to be returned to the Commission.

In connection with the final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) a cease and desist order that could result in a respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors that the Commission will consider include the effect that an exclusion order and/or cease and desist order have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

Written Submissions

The parties to the investigation are requested to file written submissions on the issues under review. Additionally, the parties to the investigation, interested government agencies, and any other persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Markem and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or proposed cease and desist order(s) for the Commission's consideration. Written submissions, including any proposed orders, must be filed by October 29, 1991, and reply submissions must be filed by November 5, 1991. The physical exhibits to be returned must be filed with the Office of the Secretary by October 29, 1991.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section 210.54–.55 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.54–.55 (1991)).

Issued: October 15, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–25258 Filed 10–18–91; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 90–52]

Winn's Pharmacy; Revocation of Registration

On July 12, 1990, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Winn's Pharmacy (Respondent), 2540 E. Fayette Street, Baltimore, Maryland 21224, an Order to Show Cause proposing to

revoke its DEA Certificate of Registration, AM6904064, and to deny any pending applications for renewal of such registration. The Order to Show Cause alleged that the Respondent's continued registration would be inconsistent with the public interest, as set forth in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4).

Respondent, through counsel, requested a hearing and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was held in Arlington, Virginia on February 5, 1991. On July 1, 1991, the administrative law judge issued her opinion and recommended ruling, findings of fact, conclusions of law and decision. No exceptions were filed and on August 5, 1991, Judge Bittner transmitted the record of these proceedings to the Administrator. The Administrator has considered this record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The administrative law judge found that Philip S. Shermak, R.Ph., is the licensed pharmacist and owner of Respondent. Evidence presented at the hearing revealed that DEA initiated an investigation of Respondent as a result of: (1) A DEA report showing that Respondent was the largest retail purchaser of methadone in Maryland; (2) an excessive purchase report filed by a drug company that supplied Respondent with methadone and Dilaudid; and (3) a prescription survey performed by the Maryland Division of Drug Control showing that an unusually large percentage of the prescriptions filled by Respondent for Dilaudid, methadone, and Dolophine (brand name for methadone), Schedule II controlled substances, were issued by one physician, Raymond Bayerle, M.D.

The prescription survey conducted by the Maryland Division of Drug Control included eleven pharmacies in addition to Respondent. The survey showed that between January 1, 1987, and September 22, 1988, Respondent filled 47 prescriptions issued by Dr. Bayerle for Dolophine for a total of 4,150 dosage units. Respondent was the only pharmacy in the survey which filled any of Dr. Bayerle's prescriptions for Dolophine.

The prescription survey also showed that the eleven pharmacies filled a total of 397 prescriptions, aggregating 33,420 dosage units of Dilaudid, issued by Dr. Bayerle. Respondent filled 314 of these prescriptions for a total 28,080 dosage units. The survey also revealed the largest number of prescriptions for Dilaudid filled by any other pharmacy surveyed was eighteen prescriptions totalling 820 dosage units.

At the hearing a DEA Investigator testified that the number of prescriptions filled by Respondent for Dolophine was unusual because the primary use of methadone is detoxification of drug addicts and the substance is usually obtained through narcotic treatment programs, not by prescription. The Investigator also testified that she analyzed the prescriptions issued by Dr. Bayerle for methadone/Dolophine and Dilaudid that were filled by Respondent. The review revealed that a number of patients received what she considered to be an excessive amount of either or both medications and that some of the patients received 100 dosage units each of Dilaudid and methadone the same day.

Dr. Bayerle was arrested in September 1988, and plead guilty on April 4, 1989, to charges of conspiracy relating to the unlawful distribution of Schedule II controlled substances. Dr. Bayerle admitted to DEA Investigators that he knew that the patients to whom he issued prescriptions were addicts and that other pharmacies refused to fill his prescriptions but Respondent did not usually question them.

Respondent also filled a large number of Schedule II prescriptions issued by a Dr. Gordon. Dr. Gordon prescribed methadone to patients which her own medical records indicated were addicts. Dr. Gordon informed DEA that Mr. Shermak telephoned to ask her to treat an individual for his drug addiction. Dr. Gordon treated the individual for addiction by issuing him prescriptions. Subsequently, a large number of addicts came to Dr. Gordon's office seeking prescriptions for methadone.

In addition to the prescriptions issued by Dr. Gordon, Respondent filled 15 prescriptions for the same individual that Mr. Shermak had asked Dr. Gordon to treat. The prescriptions were for Percocet, a Schedule II narcotic, and were issued by 12 different physicians for a total of 408 dosage units.

On September 15, 1988, a DEA agent, acting in an undercover capacity, took a prescription issued by Dr. Bayerle to Respondent. The prescription was in a fictitious name, bore no address and was written for 100 dosage units of Dilaudid 4 mg. The agent testified that when the clerk asked him his address he invented one, and the clerk then gave the prescription to Mr. Shermak who filled it.

On September 22, 1988, a search warrant was executed at Respondent. During execution of the warrant, Mr. Shermak stated that he filled more of Drs. Bayerle and Gordon's prescriptions than any other physicians. Mr. Shermak also stated that he felt that he performed a service for patients because not many other pharmacies in the area stocked Dilaudid.

The DEA Investigators conducted an audit of Respondent's records and inventory of Dilaudid, Dolophine and methadone. The audit showed a total accountability for 34,711 dosage units of Dilaudid 4 mg., 11,473 dosage units of Dolophine 10 mg., and 5,034 dosage units of methadone 10 mg. The audit also showed that Respondent was short 228 dosage units of Dilaudid, or .66% of the total for which it was accountable, and 121 dosage units of Dolophine and methadone combined, or .73% of the total for which it was accountable.

According to the Investigator, while the shortages were not significant, Respondent's purchases of 34,500 dosage units of Dilaudid in a year and a half greatly exceeded the 500 to 1,000 dosage units annually purchased by the average pharmacy. Similarly, Respondent's purchase of a total of 16,400 dosage units of Dolophine and methadone combined was unusual, when the average pharmacy keeps only about 100 dosage units of the substance on hand.

Mr. Shermak asserts that as early as 1985 he had pointed out to a state inspector that he was receiving a large number of Dilaudid prescriptions from one physician, but after reviewing the files the inspector said, "It looks okay to me." Mr. Shermak also testified, and offered into evidence corroborating reports, that state inspections conducted from 1984 through April 1990, were basically satisfactory. It should be noted, however, that Respondent was repeatedly warned to note on invoices and DEA order forms the date controlled substances were received.

Mr. Shermak asserted that although methadone is used to prevent drug addicts from suffering the symptoms of withdrawal, it is also used to alleviate pain, and patients do not get "high" from taking it. Mr. Shermak emphasized that Respondent is near Johns Hopkins Hospital and testified that the hospital has "one of the largest oncology centers in the State." Nevertheless, Mr. Shermak, admitted that he knew that neither Dr. Bayerle nor Dr. Gordon was affiliated with Johns Hopkins.

A cashier at Respondent pharmacy, also testified at the hearing. She stated that she had never seen intoxicated patients enter the store, that she had seen Mr. Shermak refuse to fill a prescription when he did not recognize

the physician's handwriting or thought the prescription was forged, that she had also heard Mr. Shermak threaten to call the police, and that he had in fact turned suspicious prescriptions over to the police.

The cashier also testified that although she had never met Dr. Bayerle, on at least half a dozen occasions she had seen Mr. Shermak talking to him on the telephone to verify prescriptions. However, on cross-examination, Ms. Shaw conceded that when she heard Mr. Shermak on the telephone she did not know who else was on the line, although she heard Mr. Shermak ask for Dr. Bayerle.

In evaluating whether Respondent's continued registration by the Drug Enforcement Administration would be inconsistent with the public interest, the Administrator considers the factors enumerated in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4). They are as follows: (1) The recommendation of the appropriate State licensing board or professional disciplinary authority; (2) the applicant's (or registrant's) experience in dispensing, or conducting research with respect to controlled substances; (3) the applicant's (or registrant's) conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances; (4) compliance with applicable State, Federal, or local laws relating to controlled substances; and (5) such other conduct which may threaten the public health and safety.

In determining whether a registrant's continued registration is inconsistent with the public interest, the Administrator is not required to make findings with respect to each of the factors listed above. Instead, the Administrator has discretion to give each factor the weight he deems appropriate, depending upon the facts and circumstances of each case. See, Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989); Neveille H. Williams, D.D.S., Docket No. 87–47, 53 FR 23465 (1988); David E. Trawick, D.D.S., Docket No. 86–69, 53 FR 5326 (1988).

Under 21 CFR 1306.04, a pharmacist has a corresponding responsibility regarding the proper prescribing and dispensing of controlled substances. "An order purporting to be a prescription issued not in the usual course of professional treatment * * * is not a prescription within the meaning of section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, is subject to the penalties provided for violations of the provisions of law relating to controlled substances." 21 CFR 1306.04. In this case there is ample evidence to indicate that Mr. Shermak ignored his responsibility as a pharmacist when he filled hundreds of prescriptions he knew were not issued for legitimate purposes.

The record establishes that Respondent dispensed huge quantities of methadone, a drug primarily used in treatment of narcotics abusers, pursuant to prescriptions written by Drs. Bayerle and Gordon although Mr. Shermak knew that neither of these physicians was registered as a narcotic treatment center. Mr. Shermak referred at least one patient to Dr. Gordon specifically for treatment of his addiction, notwithstanding Dr. Gordon's lack of authorization to render such treatment. Also, Mr. Shermak's explanation, that he filled the prescriptions for Percocet from 12 different doctors presented by the same individual because "obviously 12 different doctors felt he had the same condition" is absurd. The only reasonable conclusion is that Mr. Shermak filled prescriptions knowing that they were not written for a legitimate medical reason.

The record also establishes that the volume of Dilaudid prescriptions issued by Dr. Bayerle and presented to Mr. Shermak would have alerted a reasonable pharmacist to the likelihood that the prescriptions were not issued for a legitimate medical purpose. Similarly, Respondent provided large quantities of Schedule II medications over prolonged periods of time and often filled prescriptions for both Dilaudid and methadone simultaneously, although Mr. Shermak should have been aware that the two drugs are not appropriately prescribed in combination.

In the instant case, the evidence is clear that even if he had no direct knowledge of the nature of the prescriptions he filled, Mr. Shermak disregarded obvious signs that the hundreds of prescriptions he filled were illegitimate. Respondent's dispensing practices directly contravene applicable State and Federal laws, and there can be no question that those practices are not in the public interest.

After considering all of the evidence, the administrative law judge concluded that Mr. Shermak had failed to carry out his responsibilities as a registrant in the past and that there was no credible evidence that he will be more responsible in the future. Judge Bittner thus concluded that Respondent's continued registration is not in the public interest and recommended that its registration be revoked.

The Administrator adopts the recommended ruling, findings of fact, conclusions of law and decision of the administrative law judge in its entirety. The Administrator concludes that Respondent pharmacy's continued registration is inconsistent with the public interest and that its DEA Certificate of Registration must be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AM6904064, previously issued to Winn's Pharmacy, be, and it hereby is, revoked, and any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective November 20, 1991.

Dated: October 15, 1991.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 25269 Filed 10–18–91; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Shipyard Employment Standards Advisory Committee

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Shipyard Employment Standards Advisory Committee, established under the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C., App. I and section 7(b) of the Occupational Safety and Health Act, 29 U.S.C. 656(b)), will convene on November 20, 1991, at 8:30 a.m., at the Holiday Inn (Crowne Plaza), 300 Army-Navy Drive, Arlington, Virginia 22202. The public is encouraged to attend. The meeting will adjourn on November 21, 1991, at approximately 4 p.m. The agenda is as follows:

I. Call to Order.

II. Review Transcript of August 12–13 meeting.

III. Old Business. Discussion of the following standards:

(a) AD–HOC Committee Report on 29 CFR part 1915, subpart G, Materials Handling and Storage (Portal, Tower, and Pillar Cranes).

(b) AD–HOC Committee Report on 29 CFR part 1915, subpart P, Fire Protection.

(c) AD–HOC Committee Report on 29 CFR part 1915, subpart Q, Hazardous Materials.

IV. New Business. Discussion of the following standards as time permits.

(a) Subpart L. Electrical.

(1) 1926 subpart K (Temporary wiring).

(2) 1910 subpart S (Electrical).

(b) 29 CFR part 1915, subpart F, General Working Conditions.

(c) Proposed 29 CFR part 1915, subpart Z, Hazard Communication.

Time permitting, the Committee will consider oral presentations relating to agenda items. Persons wishing to address the Committee should submit a written request to Mr. Thomas Hall (address below) by the close of business, November 8, 1991. The request must include the name and address of the person wishing to appear, the capacity in which the appearance will be made, a short summary of the intended presentation, and an estimate of the amount of time needed.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, room N–3647, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523–8617.

Signed at Washington, DC, this 15th day of October, 1991.

Gerard F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 91–25253 Filed 10–18–91; 8:45 am]

BILLING CODE 4510–26–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395]

South Carolina Electric & Gas Company; South Carolina Public Service Authority; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from the provisions of: (1) 10 CFR 50.46, which requires the calculation of emergency core cooling system (ECCS) performance for reactors with Zircaloy clad fuel; (2) 10 CFR 50.44, which gives requirements to control the hydrogen generated by Zircaloy clad fuel after a postulated loss-of-coolant-accident (LOCA); and (3) appendix K to 10 CFR part 50, which presumes the use of Zircaloy fuel when doing calculations for energy release, cladding oxidation and hydrogen generation after a postulated LOCA, to South Carolina Electric & Gas Company and South Carolina Public Service Authority, the licensees for V. C. Summer Nuclear Power Station, Unit No. 1 (Summer Station), located in Fairfield County, South Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would allow the licensee to use fuel assemblies whose cladding composition falls outside the definition of Zircaloy in the cited regulations. These assemblies would be loaded into the Summer Station reactor during the refueling outage in the fall of 1991.

The licensee applied for an amendment to allow the use of other than Zircaloy clad fuel by letter, dated November 16, 1990. The exemption is being undertaken on the Commission's own initiative.

The Need for the Proposed Action

The exemption under consideration is needed because 10 CFR 50.46(a)(1)(i) and appendix K to 10 CFR part 50 require the demonstration of adequate ECCS performance for light-water reactors that contain fuel consisting of uranium oxide pellets enclosed in Zircaloy tubes; furthermore, 10 CFR 50.44(a) addresses requirements to control hydrogen generated by Zircaloy fuel after a postulated LOCA. Since the cladding the licensee proposed to use in their November 16, 1990, amendment request falls outside the definition of Zircaloy, the Commission, on its own initiative took into consideration exemptions from 10 CFR 50.44, 10 CFR 50.46, and appendix K to 10 CFR part 50. The Commission believes that special circumstances exist since application of the rule in this case would not achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.46 and appendix K to 10 CFR part 50 is to establish requirements for emergency core cooling systems. The underlying purpose of 10 CFR 50.44 is to control hydrogen generated by the metal/water reaction after a postulated LOCA, regardless of whether that metal is Zircaloy or Zirlo. The licensee addressed the safety impact of using the new fuel in its amendment application, and the staff evaluated this impact in its Safety Evaluations dated July 1, 1991, and October 9, 1991. These evaluations concluded that the facility can continue to comply with the purpose of the appropriate regulation with Zirlo clad fuel. Therefore, the underlying purpose of the rule has been fulfilled.

Environmental Impacts of the Proposed Action

With regard to potential radiological impacts to the general public, the exemption under consideration involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect the potential for radiological accidents and does not affect radiological plant effluents. The new fuel assemblies meet the same design bases as the fuel that is currently in the reactor. No safety limits have been changed or setpoints altered as a result of the use of these new assemblies. The FSAR analyses are bounding for the new assemblies, as well as for the rest of the core. The advanced zirconium-based alloys have been shown through testing to perform satisfactorily under conditions representative of a reactor environment and the material properties of Zirlo and Zircaloy are very similar. The exemption under consideration, therefore, does not affect the consequences of radiological accidents; consequently, the Commission concludes that there are no significant radiological impacts associated with the exemption.

With regard to the potential environmental impact associated with the transportation of the Zirlo clad fuel assemblies, the advanced cladding has no impact on previous assessments determined in accordance with 10 CFR 51.52.

With regard to non-radiological impacts, the exemption under consideration does not effect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the exemption.

Alternative to the Proposed Action

Since the Commission has concluded that there are no significant environmental effects that would result from the proposed action, any alternatives to this exemption will have either no significantly different environmental impact or greater environmental impact. The principal alternative would be to deny the licensee's amendment request. This would not reduce environmental impacts as a result of plant operations.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the "Final Environmental Statement Related to the Operation of Virgil C.

Summer Nuclear Station, Unit No. 1," dated May 1981.

Agencies and Persons Consulted

The staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the exemption under consideration.

Based on the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

Dated at Rockville, Maryland this 15th day of October 1991.

For the Nuclear Regulatory Commission.

Ronnie H. Lo,

Acting Director, Project Directorate II-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91-25272 Filed 10-18-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-3070-ML; ASLBP No. 91-641-02-ML (Special Nuclear Materials License)]

Louisiana Energy Services, L.P. (Claiborne Enrichment Center); Notice of Prehearing Conference

October 15, 1991.

Notice is hereby given that a prehearing conference in the above captioned proceeding will commence at 9:30 a.m. on Thursday, November 14, 1991, in the United States District Court, Courtroom #2, Federal Building, 500 Fannin Street, Shreveport, LA.

The contentions filed by Citizens Against Nuclear Trash will be considered along with the responses of Louisiana Energy Services, L.P. and NRC Staff to determine the admissibility of the contentions and the status of Citizens Against Nuclear Trash as a party.

As appropriate, other matters that may be considered are those specified in 10 CFR 2.751(a).

The prehearing conference is open to the public. However, limited appearance statements as authorized by 10 CFR 2.715(a), will not be taken at this session of the proceeding.

It is so ordered.

Dated: October 15, 1991. Bethesda, Maryland.

The Atomic Safety and Licensing Board.

Morton B. Marquilies,

Chairman, Administrative Law Judge.

Richard F. Cole,

Administrative Judge.

Frederick J. Shon,

Administrative Judge.

[FR Doc. 91-25273 Filed 10-18-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-10749-OM; ASLBP No. 92-652-01-OM; Byproduct Materials License No. 48-16296-01]

Midwest Inspection Service, Ltd.; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, a Presiding Officer is designated in the following proceeding:

Midwest Inspection Service, Ltd.

Byproduct Materials License No. 48-16296-01—EA 90-085

The Presiding Officer has been designated pursuant to the request of the Licensee for a hearing regarding an Order issued by the Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, dated September 9, 1991, entitled "Order Modifying License (Effective Immediately) and Demand for Information" (56 FR 46808, September 16, 1991).

The Presiding Officer in this proceeding is The Honorable Ivan W. Smith, Administrative Law Judge.

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed with Judge Smith in accordance with 10 CFR 2.701. His address is: Administrative Law Judge Ivan W. Smith, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Issued at Bethesda, Maryland, this 15th day of October 1991.

Frederick J. Shon,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 91-25274 Filed 10-18-91; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-29814; International Series Release No. 329; File No. SR-DTC-91-14]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Elective Dividends Function

October 11, 1991.

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on September 16, 1991, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-DTC-91-14) as described in Items I, II, and III below, which Items have been prepared by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would establish the Elective Dividends ("EDS") function to enable participants to use DTC's Participant Terminal System ("PTS") instead of hard copy for their instructions concerning distributions on certain issues of securities.[2] EDS includes menu access to the PTS procedures for obtaining favorable tax treatment of distributions on certain Canadian securities, a service formerly known as the Tax Exempt Dividend Service ("TEDS") and also includes menu access and PTS availability for the following options that previously required hard copy instructions: Foreign Currency Payment ("FCP") instructions for dividend, interest, or principal payments; obtaining favorable tax treatment at source of certain distributions on American Depositary Receipts ("ADR") for United Kingdom ("UK") securities, formerly known as the ADR Tax Withholding Service; Dividend Reinvestment Service ("DRS"); and Optional Dividend Procedures ("ODP").

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[1] 15 U.S.C. 78s(b).

[2] With certain limited exceptions, DTC's rules require participants to use PTS or other means of automated input for all participant-originated transactions. Securities Exchange Act Release No. 24166 (March 10, 1987), 52 FR 7360 [File No. SR-DTC-87-01].

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to enable participants to use PTS for DTC's EDS function operations, which are FCP, DRS, ODP, and obtaining favorable tax treatment of distributions on certain Canadian securities and UK ADRs. EDS provides a menu which the participant uses to display its record date positions by CUSIP number for which any or all of DTC's elective dividend options are available. Initially, EDS will identify:

1. FCP CUSIPs (issues of securities whose issuers permit participants to elect to receive an upcoming distribution in a foreign currency);

2. foreign security option CUSIPs for upcoming distributions on Canadian issues for which the participant may receive favorable tax treatment at source; and

3. foreign security option CUSIPs for upcoming distributions on UK ADRs for which the participant may receive favorable tax treatment at source.

Evenutally, the EDS menu will permit a participant to view its record date positions in:

1. DRS CUSIPs (securities whose issuers offer plans for automatic reinvestment of upcoming cash dividends on all or a portion of the record date position without withdrawing the underlying securities from the depository); and

2. ODP CUSIPs (securities whose issuers give stockholders the option to take all or part of the upcoming dividend in cash, stock or a combination of both).

Current procedures for FCP and for obtaining favorable tax treatment of distributions on certain Canadian securities and UK ADRs require use of the hard copy instruction forms, set out in Exhibit 3 to the filing, to instruct DTC. Under the proposed rule change, the participant would select the desired option from the EDS menu. If PTS showed that the participant had a record date position in any CUSIP permitting use of the FCP or foreign securities option, PTS would then guide the participant as it entered its PTS instruction for the option, as more fully explained in Exhibit 2 to the filing.

Eventually, the participant will also be able to select DRS or ODP from the EDS menu. The forms of hard copy instruction currently used for DRS and ODP are set out in Exhibit 3 to the filing. If PTS identifies securities eligible for DRS or ODP in the participant's record date position, PTS will then guide the participant through the instruction screens. The instruction screens for DRS and ODP have not yet been developed and will be the subject of a future proposed rule change.

The proposed rule change is consistent with the requirements of sections 17A(b)(3) (A) and (F) the Act and the rules and regulations thereunder because it promotes the prompt and accurate clearance and settlement of securities transactions by automating previous manual procedures.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

DTC has received no written comments on the proposed rule change from DTC participants. Taxing authorities in Canada and the UK have indicated that electronic input is acceptable to them.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4 because the proposal effects a change in an existing service that (A) does not adversely affect the safeguarding of securities or funds in the custody or control of DTC or for which DTC is responsible and (B) does not significantly affect the respective rights or obligations of DTC or persons using the service. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File Number SR–DTC–91–14 and should be submitted by November 12, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–25266 Filed 10–18–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29813; File No. SR–DTC–91–21]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to the Cancel Option through the Pending Transaction Inquiry Function on Participants' Terminal System Screens

October 11, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 26, 1991, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (SR–DTC–91–21) as described in Items I, II, and III below, which items have been prepared by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Depository Trust Company ("DTC") is filing herewith a proposed rule change establishing procedures whereby delivering DTC Participants may, through the Pending Transaction Inquiry ("PEND") function on their Participant Terminal System ("PTS") screen, cancel pending (recycling) next-day funds settlement ("NDFS") and same-day funds settlement ("SDFS") deliver orders ("DO's"), as set forth in the procedures attached as Exhibit B to the above-referenced filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change will enable the delivering Participant to cancel certain pending instructions in instances in which the delivering Participant or its agent entered the instruction in error.

The proposed rule change is consistent with the requirements of section 17A(b)(3)(A) of the Securities Exchange Act of 1934, as amended, ("Act") in that it promotes efficiencies in the clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has discussed the proposed change with various Participants. Although a number of Participants, as well as the DTC Matters Committee of the New York Clearing House Association, the Securities Operations Division of the Securities Industry Association, and the Commercial Paper Task Force of the Public Securities Association's Money Market Committee, have requested the enhancement, no written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which DTC consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Those wishing to make a written submission should file six copies of the submission with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, subsequent amendments, written statements with respect to the proposed rule change that are filed with the Commission, and written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR-DTC-91-21 and should be submitted by November 12, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-25265 Filed 10-18-91; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

October 15, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Health-Care Reit, Inc.
Common Stock, $1.00 Par Value (File No. 7-7395)
He Ro Group Ltd.
Common Stock, $.01 Par Value (File No. 7-7396)
20th Century Industries
Common Stock, No Par Value (File No. 7-7397)
York International Corp.
Common Stock, $.005 Par Value (File No. 7-7398)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 5, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-25262 Filed 10-18-91; 8:45 am]

BILLING CODE 8010-01-m

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

October 15, 1991.

The above named national securities exchange has filed applications with the

Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Allied Irish Banks plc
American Depositary Preferred Shares (representing Non-Cumulative Preferred Shares, $25.00 Par Value) (File No. 7–7386)
Presidio Oil Company
Class A Common Stock, $.10 Par Value (File No. 7–7387)
Sunbelt Nursery Group, Inc.
Common Stock, $.01 Par Value (File No. 7–7388)
Shopko Stores, Inc.
Common Stock, $.01 Par Value (File No. 7–7389)
Southern National Corporation
Common Stock, $5.00 Par Value (File No. 7–7390)
Argentina Fund
Common Stock, $.01 Par Value (File No. 7–7391)
Presley Companies
Common Stock, $.01 Par Value (File No. 7–7392)
United Healthcare Corporation
Common Stock, $.01 Par Value (File No. 7–7393)
Veterinary Centers of America
Common Stock, $.001 Par Value (File No. 7–7394)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 5, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–25263 Filed 10–18–91; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

October 15, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Sunbelt Nursery Group, Inc.
Common Stock, $.01 Par Value (File No. 7–7399)
Redlaw Industries, Inc.
Warrants (File No. 7–7400)
Nuveen Municipal Income Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–7401)
Equitable Real Estate Shopping Center
Limited Partnership Units (File No. 7–7402)
Intercapital Insured Municipal Bond
Common Stock, $.01 Par Value (File No. 7–7403)
Dreyfus California Municipal Income
Common Stock, $.001 Par Value (File No. 7–7404)
Dreyfus New York Municipal Income
Common Stock, $.001 Par Value (File No. 7–7405)
Taurus Muni. California Holding, Inc.
Common Stock, $.10 Par Value (File No. 7–7406)
Taurus Muni. New York Holding, Inc.
Common Stock, $.10 Par Value (File No. 7–7407)
John Hancock Income Securities, Inc.
Common Stock, $1.25 Par Value (File No. 7–7408)
Colonial Investment Grade Municipal Trust
Shares of Beneficial Interest (File No. 7–7409)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 5, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–25264 Filed 10–18–91; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Interest Rates

The interest rate on section 7(a) Small Business Administration direct loans (as amended by Public Law 97–35) and the SBA share of immediate participation loans is 9 percent for the fiscal quarter beginning October 1, 1991.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the option "peg" rate (13 CFR 122.8–4(d)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the October–December quarter of FY 92, this rate will be 8⅛ percent.

Charles R. Hertzberg,

Assistant Administrator for Financial Assistance.

[FR Doc. 91–25228 Filed 10–18–91; 8:45 am]

BILLING CODE 8025–01–M

Cambridge Ventures, L.P.; Application for a Small Business Investment Company License

[Application No. 99000057]

An application for a license to operate a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by Cambridge Ventures, L.P. (Applicant), 8440 Woodfield Crossing, suite 315, Indianapolis, Indiana 46240, with the Small Business Administration pursuant to 13 CFR 107.102 (1991).

The proposed Corporate General Partners (CGP) and officers and Directors of the CPGs are as follows:

		Ownership (percent)
Cambridge Capital Management Corporation—CPG		
Jean Wojtowicz, 440 Coventry Way, Noblesville, IN 46060.	Director/ President.	100

		Ownership (percent)
John Roberts, 919 Queensbury Drive, Noblesville, IN 46060.	Exec. Vice President.	
Delores A. King, 2446 Hideaway S. Drive, Indianapolis, IN 46268.	Secretary	
T.M. Englehart Corporation—CPG		
Theodore M. Englehart, 7771 Spring Mill Road, Indianapolis, IN 46260.	Director/ President.	18.8
Michael Stayton, 6850 Washington Blvd. W. Dr., Indianapolis, IN 46220.	Director/Exec. V.P..	.4
Lisa Floyd, 342 Beechwood Drive, Noblesville, IN 46060.	Secretary	.0
Ronald Ihrig, 4404 Berkshire Court, Midland, MI.	Director	9.7
J. Douglas Robinson, 234 W. 82d Street, Indianapolis, IN 46260.	Director	3.6
John J. Stimson, Jr., 540 W. 92d Street, Indianapolis, IN 46260.	Director	1.9
Leon R. Perkinson, 8093 Middle Bay Lane, Indianapolis, IN 46236.	Director	4.9
Marjorie T. Meyer, 7767 Spring Mill Road, Indianapolis, IN 46260.	Director	3.0
Stanley K. Paulsen, 8272 Bowline Court, Indianapolis, IN 46236.	Director	1.1
John M. Mutz, 8128 Dean Road, Indianapolis, IN 46240.	Director	.6
Thomas Hollett, 9130 N. Kenwood Drive, Indianapolis, IN 46260.	Director	2.8
Jack D. Dustman, 3600 Washington Blvd., Indianapolis, IN 46205.	Director	7.4
David Knall, 7440 N. Illinois, Indianapolis, IN 46260.	Director	2.4

There are more than 50 limited partners. T. M. Englehart Corp. owns 12.9 percent or 17 partnership units, the largest number of units owned by any individual or corporation.

The applicant, an Indiana limited partnership, is expected to begin operations with $3,125,000 of private capital. The applicant will conduct its activities primarily in the State of Indiana.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability or successful operations of the company under their management, including profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is further given that any person may, on or before November 20, 1991, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC. 20416.

A copy of the notice shall be published in a newspaper of general circulation in Indianapolis, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 11, 1991.

Wayne S. Foren,

Associate Administrator for Investment

[FR Doc. 91–25229 Filed 10–18–91; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program for Ontario International Airport (ONT), Ontario, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the Los Angeles City Department of Airports (DOA) and the City of Ontario under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96–52 (1980). On April 2, 1991 the FAA determined that the Noise Exposure Maps submitted by under part 150 were in compliance with applicable requirements. On September 27, 1991, the Assistant Administrator for Airports approved the Noise Compatibility Program for Ontario International Airport. Twelve (12) of the recommendations of the program were approved, nine (9) measures were disapproved and one (1) had no action taken as a result of a flight procedure.

EFFECTIVE DATE: The effective date of the FAA's approval of the Ontario International Airport noise compatibility program is September 27, 1991.

FOR FURTHER INFORMATION CONTACT: Howard W. Yoshioka, Supervisor, Planning Section, AWP–611, Federal Aviation Administration, Mailing Address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007, Street Address: 15000 Aviation Boulevard, Hawthorne, California 90261. Telephone: 213/297–1250. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for OAK, effective September 27, 1991.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, governmental agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and

responsibilities of the Administrator prescribed by law.

Specific limitations with respect to the FAA's approval of an airport Noise Compatibility Program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute an the FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office in Hawthorne, California.

The DOA and the City of Ontario submitted to the FAA on August 20, 1990, the Noise Exposure Maps, descriptions, and other documentation produced during the Noise Compatibility Planning study conducted from September 1984 through August 1990. The Noise Exposure Maps were determined by the FAA to be in compliance with applicable requirements on April 2, 1990. Notice of this determination was published in the **Federal Register** on April 11, 1991.

The study contains a proposed Noise Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to, or beyond, the year 1991. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in section 104(b) of the Act. The FAA began its review of the program on April 2, 1991 and was required by a provision of the act to approve of disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained twenty-two (22) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective September 27, 1991.

Outright approval was granted for 12 of the specific program elements. The measures that were approved include the following: Continue nighttime preferential runway use; Continue to develop Impact Areas I and II according to the existing General Plan; Acquire and remove incompatible uses for developed land in Impact Area II; Acoustical treatment, purchase assurance and neighorhood enhancement of developed incompatible land in Impact Area III; Acoustical treatment and study of impacted schools; Development of an ongoing airport/community compatibility forum to adjust the part 150 NCP and a computer based land use/noise monitoring system; Prohibition of nighttime jet engine runups for maintenance purposes; and Continue to obtain aviation easements for all new construction of incompatible uses with the projected 12 Million Annual Passenger Level, 65 CNEL.

The Nine (9) elements that were disapproved include Achieving a 65% or greater Stage III fleet mix at ONT by 1995 and 100% by 2000 through the use of a noise regulation. Modification of the PRADO TWO Standard Instrument Departure Procedure; Extension of Runway 26R; Relocation of Bon View Elementary School; Monitoring and maintenance of the 65–CNEL noise exposure level, Annual funding commitment from the DOA, City of Ontario and the FAA; Prohibition of pilot training in jet powered air carrier aircraft; and the active pursuit of an amendment of Title 21—Airport Noise Standards.

No action was taken on one (1) measure that proposed modification to three (3) SIDs for the airport.

These determinations are set forth in detail in a Record of Approval endorsed by the Assistant Administrator for Airports on September 27, 1991. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Department of Airports.

Issued in Hawthorne, California on October 7, 1991.

Herman C. Bliss,

Manager, Airports Division, AWP–600, Western-Pacific Region.

[FR Doc. 91–25242 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–01–M

Aviation System Capacity Advisory Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. I), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Aviation System Capacity Advisory Committee to be held on Thursday, November 14, 1991. The meeting will take place at 9 a.m. in the MacCracken Room, 10th Floor, FAA, 800 Independence Avenue, SW., Washington, DC.

The agenda for this meeting is:

- Report of Noise Working Group
- Report of Airport Development and Government Roles Working Group
- Report of Finance Working Group
- Report of System Capacity Technology and Procedures Development Working Group

Attendance is open to the interested public, but limited to space available. With the approval of the committee chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact Mr. James McMahon, FAA, Office of System Capacity and Requirements, (202) 267–7425.

Any member of the public may present a written statement to the Subcommittee at any time.

Issued in Washington, DC, on October 9, 1991.

E.T. Harris,

Director, Office of System Capacity and Requirements.

[FR Doc. 91–25243 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

Environmental Impact Statement on the Northeast Corridor Electrification From New Haven, Connecticut to Boston, Massachusetts

AGENCY: Federal Railroad Administration; Department of Transportation.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Railroad Administration gives notice that it intends to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), on the proposed electrification of the Northeast Corridor Rail Route, from New Haven, Connecticut to Boston, Massachusetts. The FRA will prepare the EIS so that it also satisfies the requirements of the

Massachusetts Environmental Policy Act (MEPA), the Rhode Island Department of Environmental Management (DEM), and the Connecticut Department of Environmental Protection (CDEP). In addition to electrification, the EIS will evaluate no-action and any other alternatives identified through the scoping process. Scoping will be accomplished through correspondence with interested persons, organizations, and Federal, State and local agencies, and through public meetings.

DATES: Written comments on the scope of alternatives and impacts to be considered should be sent to the Volpe National Transportation Systems Center by November 18, 1991. Public scoping meetings will be held in each State as follows:

Connecticut—November 4, 1991 at 2 p.m. and 7 p.m.
Rhde Island—November 5, 1991 at 2 p.m. and 7 p.m.
Massachusetts—November 6, 1991 at 2 p.m. and 7 p.m.

ADDRESSES: Written comments on the project scope should be sent to: US DOT/RSPA Volpe National Transportation Systems Center, Attn: NEC Electrification Project, Glenn Goulet, DTS—77, Kendall Square, Cambridge, MA 02142–1093.

The scoping mettings will be held at three locations:

Connecticut: Martin Center Auditorium, 120 Broad Street, New London, CT, Phone (203) 447–5250.
Rhode Island: Omni Biltmore, 11 Dorrance Street, Providence, RI 02903 Phone (401) 421–0700.
Massachusetts: Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142, (617) 494–2002.

FOR FURTHER INFORMATION CONTACT: Mark E. Yachmetz, Federal Railroad Administration. Phone (202) 366–6593.

SUPPLEMENTARY INFORMATION:

Scoping

The FRA invites interested individuals, organizations, and Federal, State and local agencies to participate in defining the issues to be evaluated in the EIS. Scoping comments may be made verbally at the public scoping meetings or in writing. Written comments will be received for a period of 30 days after the publication of this notice (See the **DATES** and **ADDRESSES** sections above for locations and times). During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated and suggesting alternatives that are less costly or less environmentally damaging while achieving similar objectives. Scoping is not the time to indicate a preference for a particular alternative. There will be an opportunity to comment on preferences after the Draft EIS has been completed.

Mailing List

If you wish to be placed on the mailing list to receive further information as the project develops, contact Glenn Goulet or Mark Yachmetz as previously described.

Description of Study Area and Project Need:

The study area begins at New Haven, extends through New London, Connecticut and Providence, Rhode Island, and terminates at Boston, Massachusetts, a distance of approximately 160 miles. The proposed action is extension of electrification—catenary installation with all necessary support systems—along the Northeast Corridor. A significant part of the project involves providing adequate clearance at the roadway bridges and tunnels. Various means such as lowering the tracks or raising roadway bridges may be necessary. Other aspects of the project include, but are not limited to, construction of electrical substations and switching stations at specific intervals along the route, modification of railroad bridges to support the new catenary system, and elimination or improved protection of public and private highway and pedestrian grade crossings.

The current use of diesel locomotives along this route limits train acceleration and imposes a delay in New Haven while locomotives are switched between diesel and electric. The project will produce a shorter trip time between New York and Boston, achieved due to the higher acceleration capability and top speed of electric motive power and the elimination of the engine change at New Haven. A shorter trip time is projected to increase ridership substantially and thus reduce highway and airport congestion.

Alternatives:

The Alternatives proposed for evaluation include: (1) No-action, resulting in continued use of diesel locomotives,

(2) Construction of 25 kV-60 Hz constant tension catenary system for electrification of the entire route, including substations and switching stations. The design is to be compatible with a maximum train speed of up to 150 mph., and

(3) Any other alternatives identified during the scoping process.

Probable Effects:

The FRA will evaluate all significant environmental, social, and economic impacts of the alternatives analyzed in the EIS. Impacts include changes in the natural environment (air and water quality, rare and endangered species), changes in the social environment (land use and neighborhoods, noise and vibration, aesthetics, historic and archaeological resources), human health (electromagnetic field effects), and changes in transportation patterns and protection at grade crossings. The impacts will be evaluated both for the construction period and for the long-term period of operation. Measures to mitigate significant adverse impacts will be addressed.

Procedures:

The Draft EIS will be prepared in conjunction with Preliminary Engineering. After its publication, the Draft EIS will be available for public and agency review and comment, and a public hearing will be held. On the basis of the Draft EIS and the comments received, the FRA will prepare the Final EIS.

Issued in Washigton, DC on October 15, 1991.

James T. McQueen,

Associate Administrator for Railroad Development.

[FR Doc. 91–25212 Filed 10–18–91; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated October 15, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

INTERNAL REVENUE SERVICE

OMB Number: 1545–0155.
Form Number IRS Form 3468.
Type of Review: Revision.

Title: Investment Credit.

Description: Taxpayers are allowed a credit against their income tax for certain expenses they incur for their trades or businesses. Form 3468 is used to compute this investment tax credit. The information collected is used by the IRS to verify that the credit has been correctly computed.

Respondents: Individuals or households, Farms, Businesses or other for-profit, Non-profit institutions, Small businesses of organizations.

Estimated Number of Respondents/ Recordkeepers: 360,000.

Estimated Burden Hours Per Respondent/Recordkeeper: Recordkeeping—12 hours, 26 minutes. Learning about the form or the law—3 hours, 28 minutes. Preparing and sending the form to IRS—3 hours, 50 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 7,110,000 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 91–25270 Filed 10–18–91; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: October 15, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Departmental Offices

OMB Number: 1505–0121.

Form Number: None.

Type of Review: Extension.

Title: Regulations Pertaining to Mergers, Acquisitions, and Takeovers by Foreign Persons.

Description: Treasury will disseminate this information to seven other agencies which are members of the Committee on Foreign Investment in the United States to enable the Committee to review and/or investigate certain acquisitions for their possible impact on the national security. Respondents are companies in the United States or abroad.

Respondents: Individuals or households, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Number of Respondents: 155.

Estimated Burden Hours Per Response: 35 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1 hour.

Clearance Officer: Lois K. Holland (202) 566–6579, Departmental Offices, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 91–25271 Filed 10–18–91; 8:45 am]

BILLING CODE 4810–25–M

Fiscal Service

[Dept. Circ. 570, 1991 Rev., Supp. No. 3]

Surety Companies Acceptable on Federal Bonds; Mid-Century Insurance Co.

The Certificate of Authority as an acceptable surety on Federal Bonds is hereby renewed for the following company under sections 9304 to 9308, title 31, of the United States Code effective July 1, 1991. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 Revision, on page 30153 to reflect this addition:

Mid-Century Insurance Company, Business Address: P.O. Box 2478, Terminal Annex, Los Angeles, CA 90051. Underwriting Limitation *b/*: $1,390,000. Surety Licenses *c/*: AZ, AR, CA, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, WY. Incorporated in: California.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, part 223). A list of qualified companies is published annually as of July 1 in the Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874–6850.

Dated: October 10, 1991.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 91–25215 Filed 10–18–91; 8:45 am]

BILLING CODE 4810–35–M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 203
Monday, October 21, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet jointly with the Board of Directors of the Resolution Trust Corporation in open session at 9:00 a.m. on Thursday, October 17, 1991, to consider the following matter:

Memorandum re: Proposed amendments to the Bylaws of the Resolution Trust Corporation, of which the Federal Deposit Insurance Corporation is exclusive manager, and appointment of its President and Chief Executive Officer.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: October 16, 1991.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 91–25365 Filed 10–16–91; 4:44 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:05 a.m. on Thursday, October 17, 1991, the Board of Directors of the Federal Deposit Insurance Corporation met jointly with the Board of Directors of the Resolution Trust Corporation to consider the following matter:

Memorandum re: Proposed amendments to the Bylaws of the Resolution Trust Corporation, of which the Federal Deposit Insurance Corporation is exclusive manager, and appointment of its President and Chief Executive Officer.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision) and Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matter on less than seven days' notice to the public and that no notice earlier than October 16, 1991, of the meeting was practicable.

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: October 17, 1991.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 91–25441 Filed 10–17–91; 3:58 pm]

BILLING CODE 6714–01–M

RURAL TELEPHONE BANK, USDA

ACTION: Regular Meeting of the Board of Directors.

TIME AND DATE: 9:30 a.m., Wednesday, October 30, 1991.

PLACE: The Renoir Room, 2nd Floor, Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW, Washington, D.C.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Blaine D. Stockton, Jr., Assistant Secretary, Rural Telephone Bank (202) 382–9552.

AGENDA:

I. Call to Order.
II. Approval of Minutes of the August 7, 1991, RTB Board meeting.
III. Loans Approved in FY 1991.
IV. Financial Statements for FY 1991.
V. Report on Requests for Waiver of Prepayment Premiums.
VI. Tabled Motion from May 1991 Meeting Regarding a Committee to Review Bylaws.
VII. Election of Vice Chairperson in Accordance with Amended Bylaws.
VIII. Resolution to Approve Schedule for February 1992 Election.
IX. Resolution to Appoint Tellers for February 1992 Election.
X. Resolution to Declare C Stock Dividend.
XI. Privatization Committee Status Report.
XII. Legal Counsel for Elected Members of the RTB.
XIII. FY 1992 RTB Budget.
XIV. Federal Credit Reform Update.
XV. Conversion of Class B Stock to Class C Stock for Paid in Full Borrowers.
XVI. Date and location of next meeting.
XVII. Adjournment.

Dated: October 16, 1991.

Gary C. Byrne,

Governor, Rural Telephone Bank.

[FR Doc. 91–25437 Filed 10–17–91; 3:50 pm]

BILLING CODE 3410–K–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of October 21, 1991.

A closed meeting will be held on Tuesday, October 22, 1991, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 22, 1991, at 2:30 p.m., will be:

Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Kramer at (202) 272–2000.

Dated: October 16, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–25416 Filed 10–17–91; 1:48 pm]

BILLING CODE 8010–01–M

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Federal Register

Vol. 56, No. 203

Monday, October 21, 1991

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List October 18, 1991

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$12.00	Jan. 1, 1991
3 (1990 Compilation and Parts 100 and 101)	14.00	[1] Jan. 1, 1991
4	15.00	Jan. 1, 1991
5 Parts:		
1-699	17.00	Jan. 1, 1991
700-1199	13.00	Jan. 1, 1991
1200-End, 6 (6 Reserved)	18.00	Jan. 1, 1991
7 Parts:		
0-26	15.00	Jan. 1, 1991
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52	24.00	Jan. 1, 1991
53-209	18.00	Jan. 1, 1991
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1940-1949	22.00	Jan. 1, 1991
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8	14.00	Jan. 1, 1991
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140-199	10.00	Jan. 1, 1991
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200-End	9.50	Apr. 1, 1991
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400-499	25.00	Apr. 1, 1991
500-End	21.00	Apr. 1, 1991
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§§ 1.301-1.400	17.00	Apr. 1, 1991
§§ 1.401-1.500	30.00	Apr. 1, 1991
§§ 1.501-1.640	16.00	Apr. 1, 1991
§§ 1.641-1.850	19.00	[5] Apr. 1, 1990
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200-End	11.00	Apr. 1, 1991
28	28.00	July 1, 1991

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0–99	18.00	July 1, 1991
100–499	7.50	July 1, 1991
500–899	26.00	July 1, 1990
900–1899	12.00	July 1, 1991
1900–1910 (§§ 1901.1 to 1910.999)	24.00	July 1, 1991
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50 Parts:		
1–199	20.00	Oct. 1, 1990
200–599	16.00	Oct. 1, 1990
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CFR Index and Findings Aids	30.00	Jan. 1, 1991
Complete 1991 CFR set	620.00	1991
Microfiche CFR Edition:		
Complete set (one-time mailing)	185.00	1988
Complete set (one-time mailing)	185.00	1989
Subscription (mailed as issued)	188.00	1990
Subscription (mailed as issued)	188.00	1991

Title	Price	Revision Date
Individual copies	2.00	1991

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1990. The CFR volume issued January 1, 1987, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1991. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1990 to June 30, 1991. The CFR volume issued July 1, 1990, should be retained.

10-21-91
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Federal Register

Book 2 of 3 Books
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Federal Register

federal register

Monday
October 21, 1991

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB memoranda implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry, and publication in a uniform format. In addition, the Office of Federal Procurement Policy Act Amendments of 1988 (41 U.S.C. 402) require the development and semiannual publication of a report on procurement regulations. The Unified Agenda helps fulfill the procurement requirement. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the October 1991 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESSES: Regulatory Information Service Center, Suite 500, 750 17th Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, (202) 634-6222, or Margaret M. Donohoe, Project Director, (202) 634-6220.

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INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

About the Unified Agenda

The Regulatory Information Service Center (the Center) compiles the **Unified Agenda of Federal Regulations** for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing Executive Orders 12291 (Federal Regulation) (46 FR 13193; 3 CFR 1981 Comp., p. 127) and 12498 (Regulatory Planning Process) (50 FR 1036; 3 CFR 1985 Comp., p. 323). Under E.O. 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs)

that will be conducted during the program year to which it pertains.

The Regulatory Program and the Unified Agenda differ in several ways. The Unified Agenda includes more regulatory actions, because it covers all Federal agencies that issue regulations and includes virtually all the rulemakings they have under development. The Regulatory Program includes fewer than half of those agencies and contains only the most significant of the regulatory actions that each of those agencies plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

The regulatory actions described in the **Regulatory Program of the United States Government** are included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 59 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included. The Federal Mediation and Conciliation Service, the Institute of Museum Services, and the National Capital Planning Commission have published regulatory agendas in the past but have nothing to report for this edition of the Unified Agenda.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under E.O. 12291 such as those concerning military or foreign affairs functions and regulations related to internal agency management.

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the **Unified Agenda of Federal Regulations.**

In addition, Executive Order 12612 of October 26, 1987, entitled "Federalism" (3 CFR 1987 Comp., p. 252) directs executive departments and agencies to identify proposed regulatory provisions that have significant federalism implications. As part of this effort, agencies include in their submissions for the **Unified Agenda of Federal Regulations** information on whether their regulatory actions may have an effect on various levels of government.

The Agenda also helps fulfill the statutory requirement that the Office of Federal Procurement Policy (OFPP) publish a **Procurement Regulatory Activity Report** as required by the Office of Federal Procurement Policy Act Amendments of 1988 (102 Stat. 4055; 41 U.S.C. 402). In their agendas, agencies indicate which regulatory actions are procurement-related, as well as whether or not there is a statutory requirement or a paperwork burden associated with the procurement-related actions. This procurement information is used by OFPP to produce its report.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In order to further facilitate producing the Agenda, many agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, legal deadline, abstract, timetable, small entities affected, government levels affected, procurement, agency contact, and a unique Regulation Identifier Number. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

Congress generally authorizes a single Federal agency to implement, through regulation, a specific policy objective. Sometimes, however, a statute may require that several agencies issue regulations to accomplish the objective. In such cases, the agencies, working with a central coordinator, jointly publish the documents issued in the course of the rulemaking proceeding. These proceedings are referred to as Governmentwide common rules.

In this edition of the Unified Agenda, one Governmentwide common rule is reported by the agencies participating in its development. It is "New Restrictions on Lobbying." Agencies participating in the development of this common rule have reported it in their individual parts of the Unified Agenda.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

How To Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register.** The parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency lists its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking (NPRM) as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

All entries are numbered sequentially from the beginning to the end of the Agenda. The Agenda Sequence Number (Seq. No.) preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same

number is used in the indexes to enable readers to find entries on specific subjects.

For each agency that requests it, the Center provides a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them. Sequence numbers also appear in agency Tables of Contents.

The Agenda contains three indexes. The first two indexes list the regulatory actions that agencies believe may have effects on small entities and/or levels of government. In addition, the Agenda contains a Subject Index based on the **Federal Register Thesaurus of Indexing Terms** to help readers locate entries from various agencies that may affect a particular area of interest. The index also contains cross references to assist the reader's search.

Entries describing regulations in the Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Significance -- an indication of the significance of the entry that appears when:
  a. The action is included in the **Regulatory Program of the United States Government** for the current program year, or
  b. the agency otherwise considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (U.S.C.) or Public Law (P.L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.
- CFR Citation -- the section(s) of the Code of Federal Regulations that affects or will be affected by the action.
- Legal Deadline -- an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some "Other" action.
- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; to the extent available, the alternatives that the agency is considering to address the problem; and the potential costs and benefits of the action.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 10/00/92 means the agency can predict the month and year the action will take place but not the day it will occur.
- Small Entities Affected -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, if so, whether the small entities are businesses, governmental jurisdictions, and/or organizations.
- Government Levels Affected -- indicates whether the rule is expected to affect levels of government and, if so, whether the governments are local, State, and/or Federal.
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.
- Procurement -- a statement identifying procurement-related actions and indicating whether there is a statutory requirement for the action and whether or not there is a paperwork burden associated with the action. The Procurement heading appears only if the entry is a procurement-related action.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of August 23, 1991, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles. Where applicable, individual actions will be subject to review for compliance with E.O. 12291, the Regulatory Flexibility Act, the Office of Federal Procurement Policy Act Amendments of 1988, and the Paperwork Reduction Act at appropriate points in the regulatory process.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles, and each title covers a broad area subject to Federal regulation. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register**.

EO -- An Executive order is a directive from the President to an executive agency, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal departments and agencies.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public

laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 102-5 is the fifth public law of the 102nd Congress.

RFA -- A Regulatory Flexibility Analysis describes the impact of a proposed rule on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM, and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by E.O. 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of section 2 of E.O. 12291; namely, that it:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Agenda. Many agencies include RIN numbers in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**.

Seq. No. -- An Agenda Sequence Number identifies entries in the Agenda's indexes.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles, and each title covers a broad area of Federal law.

Information About Additional Copies

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Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

Dated: October 1, 1991.

Mark G. Schoenberg,
Executive Director.

[FR Doc. 91-23326 Filed 10-18-91; 8:45 am]
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Federal Register

Monday
October 21, 1991

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda; October 1991

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and nonmajor regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291 "Federal Regulation." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

Requests for copies of the agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147-E, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-1272.

Dated: August 23, 1991.

Marvin Shapiro,

Chief, Legislative, Regulatory, and Automative Systems Division.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1	National Laboratory Accreditation Program	0581-AA38
2	Pesticide Recordkeeping for Private Applicators	0581-AA39
3	Title XXI Organic Certification or Organic Food Production Act of 1990	0581-AA40

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4	Review of Pricing Provisions in All Federal Milk Marketing Orders	0581-AA37
5	Establish a Processor-Funded Milk Promotion Program	0581-AA44
6	Revision of Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products	0581-AA45
7	Mushroom Promotion, Research, and Consumer Information Order	0581-AA49
8	Regulations Under the Federal Seed Act	0581-AA52
9	Mandatory Inspection of Eggs and Egg Products	0581-AA55
10	Policy Statement and Regulations Governing Availability of Tobacco Inspection Services to Burley Tobacco on Designated Markets	0581-AA56
11	Review of Basic Formula Price in All Federal Milk Orders	0581-AA57
12	Voluntary Inspection of Egg Products and Grading	0581-AA58
13	Egg Research and Promotion Rules and Regulations	0581-AA59
14	Grading of Shell Eggs	0581-AA60
15	Voluntary Grading of Poultry Products and Rabbit Products	0581-AA61
16	Fees and Charges, Mandatory Tobacco Inspection	0581-AA62

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
17	Cotton Research and Promotion Order	0581-AA41
18	Fee Increase for Dairy Grading Program	0581-AA42
19	Lime Research, Promotion and Consumer Information Order	0581-AA48
20	Pecan Promotion and Research Order	0581-AA50

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Agricultural Marketing Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
21	Inspection and Certification of Quality of Agricultural and Vegetable Seed Under the Agricultural Marketing Act of 1946 Increase Testing Fees	0581-AA51

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
22	Fees for Service for Voluntary and Mandatory Programs	0581-AA19
23	Proposed New Marketing Agreement and Order for Seedless European Cucumbers	0581-AA30
24	Amendment of Honey Research, Promotion, and Consumer Order	0581-AA46
25	Amendment of Potato Research and Promotion Plan	0581-AA47
26	Soybean Promotion, Research and Consumer Information Act	0581-AA53
27	Pork Promotion, Research, and Consumer Information Act of 1985	0581-AA54

Agricultural Research Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
28	Federal Policy for the Protection of Human Subjects	0518-AA00

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
29	Colorado River Basin Salinity Control Program—Project Approval Guidelines	0560-AB85
30	Wetland Reserve Program	0560-AC08
31	Dairy-State Make Allowance	0560-AC23
32	1992 Rice Loan Rate, Target Price, and Acreage Reduction Level	0560-AC32
33	1992 Upland Cotton Loan Rate, Target Price, and Acreage Reduction Level	0560-AC33
34	1992 Wool and Mohair Program	0560-AC34
35	1992 Crop Marketing Quotas for Five Kinds of Tobacco	0560-AC40
36	1992 Extra Long Staple (ELS) Cotton Loan Rate, Target Price, and Acreage Reduction Level	0560-AC44
37	Agricultural Water Quality Incentive Program	0560-AC46
38	1993 Feed Grain Loan Rates, Target Prices, and Acreage Reduction Levels	0560-AC54

Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
39	Amend U.S. Warehouse Act (USWA) Regulations to Provide 1) Liquidation Procedures, and 2) Informal Hearings for USWA Licensed Warehousemen	0560-AC05
40	Allocation of Procurement of Processed Agricultural Commodities for Donation on a Lowest Landed Cost Basis	0560-AC27
41	1992 Wheat Loan Rate, Target Price, and Acreage Reduction Level	0560-AC30
42	1992 Feed Grain Loan Rates, Target Prices, and Acreage Reduction Levels	0560-AC31
43	Farmer-Owned Reserve (FOR) Program for the 1991 Crop of Wheat	0560-AC35
44	1992 Oilseed Program	0560-AC37
45	1992-Crop Marketing Quota and Price Support Level for Burley Tobacco	0560-AC38
46	1992-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco	0560-AC39
47	1992-Crop Price Support Levels for Six Kinds of Tobacco	0560-AC41

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Agricultural Stabilization and Conservation Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
48	1992-Crop Peanuts National Poundage Quota	0560-AC42
49	National Average Loan Rates for 1992-Crop Quota and Additional Peanuts and Minimum Commodity Credit Corporation (CCC) Export-Edible Sales Price for Additional Peanuts	0560-AC43
50	Application of CCC Debt Settlement Policies and Procedures to Foreign Transactions	0560-AC52
51	First Handler and Domestic User/Exporter Certificate Programs for Upland Cotton	0560-AC53
52	1992 CCC Cotton Loan Program Regulations—Bale Packaging Materials	0560-AC55
53	Common Provisions for the 1992 Wheat, Feed Grain, Cotton, and Rice Programs	0560-AC56
54	Marketing Assessments for 1991-1995 Crop Sugar Beets and Sugarcane	0560-AC57

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
55	1990-Crop Honey Price Support Program	0560-AB60
56	1991-Crop Peanuts National Poundage Quota	0560-AB66
57	1991-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB74
58	1991-Crop Flue-Cured Tobacco Marketing Quota and Price Support Level	0560-AB75
59	1991-Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco	0560-AB77
60	Regulations for Procurement of Processed Agricultural Commodities for Donation Under Title II, P.L. 480	0560-AB79
61	1991 CCC Cotton Loan Program Regulations—Bale Packaging Materials	0560-AB80
62	1991 Marketing Year Penalty Rate for All Kinds of Tobacco Subject to Quotas	0560-AB83
63	Cotton Warehouse Regulations Governing 1) Issuance of Warehouse Receipts for Non-gradable Cotton and 2) Inclusion of Lien Language in Warehouseman's Schedules of Charges	0560-AB86
64	1990-Crop Disaster Program	0560-AB89
65	Amendments to the Crop Loss Assistance Regulations Regarding Sugarcane, Valencia Oranges, and the Wind River Indian Reservation	0560-AB91
66	Farm Marketing Quotas, Acreage Allotments, and Production Adjustment Regulations for Tobacco—Sale, Lease, and Transfer of Quota	0560-AB92
67	Tobacco Marketing Assessments for the 1991-1995 Crops	0560-AB94
68	General Price Support Regulations for Cotton for the 1991-1995 Crop Years	0560-AB95
69	Marketing Loan Programs and General Price Support Regulations for the 1991-1995 Crops of Wheat, Feed Grains, and Oilseeds	0560-AB96
70	General Production Adjustment Regulations and Integrated Farm Management Program Option for the 1991-1995 Commodity Programs	0560-AB97
71	Wool and Mohair Price Support Program Regulations for 1991-1995 Marketing Years	0560-AB99
72	1991-1995 Peanut Poundage Quota Regulations	0560-AC00
73	1991-1995 Peanut Price Support Regulations	0560-AC01
74	Collection of Producer Refunds of 1988 and 1989 Advance Deficiency Overpayments	0560-AC02
75	1991 Wheat Loan Rate, Target Price, and Acreage Reduction Level	0560-AC03
76	1991 Rice Loan Rate, Target Price, and Acreage Reduction Level	0560-AC04
77	Highly Erodible Land and Wetland Conservation Program Amendments	0560-AC07
78	Conservation Reserve Program (CRP) Amendments	0560-AC09
79	1991 Feed Grain Loan Rates, Target Prices, and Acreage Reduction Levels	0560-AC10
80	1991 Upland Cotton Loan Rate, Target Price, and Acreage Reduction Level	0560-AC11
81	General Regulations for the 1991-1995 Crop Acreage Limitation and Payment Programs	0560-AC12
82	1991-95 Crops Sugar Beet and Sugarcane Program	0560-AC14
83	1991 Oilseed Program	0560-AC15
84	1991 Wool and Mohair Program	0560-AC16
85	Farmer-Owned Reserve (FOR) Program for the 1990 Crop of Feed Grains	0560-AC19
86	Amendments to the Payment Limitation Regulations for 1991-1995	0560-AC21
87	1991-Crop Honey Price Support Program	0560-AC22
88	Designation of "Other" Minor Oilseeds and Crops That May Be Planted on Flex Acreage	0560-AC24
89	1991 Extra Long Staple (ELS) Cotton Loan Rate, Target Price, and Acreage Reduction Level	0560-AC26
90	Farmer-Owned Reserve (FOR) Program Regulations for the 1990 and Subsequent Crops	0560-AC28
91	Farmer-Owned Reserve (FOR) Program for the 1991 Crop of Feed Grains	0560-AC36
92	Amend Warehouse Standards To Include Minor Oilseeds as Eligible for Storage Under the Uniform Grain Storage Agreement	0560-AC48
93	Amend U.S. Warehouse Act (USWA) Regulations To Clarify the Responsibilities of USWA Inspectors and Weighers	0560-AC49
94	Disaster Payments for 1989 Non-Program, Double-Cropped Commodities Affected by Hurricane Hugo	0560-AC50

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Agricultural Stabilization and Conservation Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
95	CCC Contractual Requirements for the Procurement of Agricultural Commodities of U.S. Origin	0560-AC51

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
96	Revision of 7 CFR 319.56, Importation of Fruits and Vegetables	0579-AA12
97	Exotic Newcastle Disease in All Birds and Poultry; Psittacosis and Ornithosis in Poultry	0579-AA22
98	Imported Fire Ant	0579-AA25
99	Importation of Certain Animals and Poultry and Certain Animal and Poultry Products—Communicable Animal Diseases	0579-AA28
100	Regulation of Horses and Farm Animals Under the Animal Welfare Act	0579-AA31
101	National Environmental Policy Act Implementing Regulations	0579-AA33
102	Cyclical Review of 9 CFR Part 92, Phase II	0579-AA34
103	Gypsy Moth	0579-AA39
104	Ruminants and Swine Imported From Foot-and-Mouth-Disease Countries	0579-AA40
105	Importation of Nursery Stock Plants, Roots, Bulbs, Seeds, and Other Plant Products - Phase II	0579-AA41
106	Animal Welfare; Random Source Dogs and Cats	0579-AA42
107	Broadleaf Paper Bark Tree; Noxious Weed	0579-AA46
108	Importation of Unmanufactured Wood	0579-AA47

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
109	Importation of Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products- Phase I	0579-AA21
110	Animals Destroyed Because of Scrapie	0579-AA24
111	Importation of Certain Animal Embryos	0579-AA35
112	Honeybees and Honeybee Semen; Removing Certain Restrictions on Honeybees and Honeybee Semen From New Zealand	0579-AA37
113	Importation of Certain Animals and Poultry and Certain Animal and Poultry Products—Prevention of Poultry Diseases	0579-AA38
114	User Fees	0579-AA43
115	Chicken Disease Caused by Salmonella Enteritidis	0579-AA45

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
116	Importation of Horses From Countries Affected With Contagious Equine Metritis	0579-AA36

Cooperative State Research Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
117	Higher Education Challenge Grants Program; Administrative Provisions	0524-AA02

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Cooperative State Research Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
118	1890 Institution Capacity Building Grants Program; Administrative Provisions	0524-AA03

Cooperative State Research Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
119	USDA Guidelines for Research Involving Planned Introduction Into the Environment of Organisms With Deliberately Modified Hereditary Traits	0524-AA00
120	Agency Procedures To Implement the National Environmental Policy Act	0524-AA01

Farmers Home Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
121	Rural Rental Housing Policies, Procedures, and Authorizations 1944-E	0575-AA77
122	Housing Application Assistance Grants	0575-AA92
123	Adverse Decisions and Administrative Appeals FmHA Instruction 1900-B	0575-AB09

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
124	Acquisition, Management and Disposition of Real Property Which Secured Single Family Housing (SFH) Loans	0575-AA03
125	Housing Preservation Grants	0575-AA18
126	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations	0575-AA35
127	Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients	0575-AA49
128	Real Property Insurance	0575-AA53
129	Deny Credit to Applicants Delinquent on any Federal Debt; Except When the Delinquency Is an FmHA Farm Program Loan	0575-AA66
130	Rural Rental Housing Loan Policies, Procedures and Authorizations —Processing Preapplications	0575-AA67
131	Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Multiple Family Housing	0575-AA69
132	Establishment of Wetland Conservation Easements on Farmers Home Administration (FmHA) Inventory Property	0575-AA81
133	Civil Rights Compliance Requirements - 1940-D	0575-AA83
134	Planning and Performing Site Development Work	0575-AA88
135	Supplemental Requirements for Making Section 502 Loans for Housing Units Located in Condominiums or Planned Unit Developments	0575-AA90
136	Implementation of the Fact Act of 1990	0575-AA91
137	Section 504 Rural Housing Loans and Grants	0575-AA93
138	Rural Rental and Rural Cooperative Housing Loan Policies, Procedures, and Authorizations	0575-AB08

Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
139	Recapture of Section 502 Rural Housing Subsidy	0575-AA29
140	Management and Collection of Nonprogram (NP) Loans	0575-AA39
141	Complaints and Compensation for Construction Defects	0575-AA41
142	Security Servicing for Multiple Housing Loans	0575-AA51
143	Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations	0575-AA60

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Farmers Home Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
144	Processing and Servicing FmHA Assistance to Employees, Relatives, and Associates	0575-AA64
145	Adverse Decisions and Administrative Appeals FmHA Instruction 1900-B	0575-AA70
146	Rural Rental Housing Policies, Procedures, and Authorizations 1944-E	0575-AA73
147	1951-K Account Servicing and Collections	0575-AA74
148	Rural Rental Housing Policies, Procedures and Authorizations, 1944-E or (Accountability in Funding Rural Housing Program Awards or Assistance)	0575-AA79
149	Farmer Programs Guaranteed Interest Assistance Program	0575-AA80
150	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations (Deferred Mortgage Program)	0575-AA87

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
151	Security Servicing for Multiple Housing Loans	0575-AA38
152	Security Servicing for Single Family Rural Housing Loans	0575-AA54
153	Farm Labor Loan and Grant Policies, Procedures, and Authorization	0575-AA62
154	Community Programs Guaranteed Loans	0575-AA72
155	Rural Housing Program Loans	0575-AA78
156	Disaster Assistance for Rural Business Enterprises	0575-AA85
157	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations (Creditworthiness Criteria)	0575-AA89

Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
158	General Administrative Regulations; Collection and Storage of Social Security Account Numbers and Employer Identification Numbers	0563-AA54

Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
159	General Crop Insurance Regulations: Amount of Insurance Option	0563-AA56
160	ASCS Farm Program Payment Yield Option	0563-AA57
161	Hybrid Corn Seed Endorsement	0563-AA59
162	General Administrative Regulations, Submission of Policies, Provisions of Policies, and Rates of Premium	0563-AA61
163	Hybrid Sorghum Seed Endorsement	0563-AA62
164	General Administrative Regulations: Appeal Procedures	0563-AA63
165	Peanut Crop Insurance Regulations	0563-AA64
166	Special CA Citrus Crop Insurance Regulations	0563-AA66

Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
167	General Crop Insurance Regulations; Soybean Endorsement	0563-AA55
168	General Insurance Regulations: Information Collection Requirement of Paperwork Reduction Act	0563-AA65

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Federal Grain Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
169	United States Standards for Rice	0580-AA11
170	Aflatoxin Testing Services	0580-AA24

Federal Grain Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
171	A Review of the Regulations Under the United States Grain Standards Act: Part 800	0580-AA08
172	Regulatory Application of Water to Grain	0580-AA25

Federal Grain Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
173	United States Standards for Sorghum	0580-AA10
174	United States Standards for Canola	0580-AA12
175	United States Standards for Soybeans	0580-AA14
176	United States Standards for Wheat	0580-AA15
177	Fees for Rice Inspection and Laboratory Test Services	0580-AA18
178	Official Performance Requirements for Grain Inspection Equipment	0580-AA21
179	Official Performance and Procedural Requirements for Grain Weighing Equipment and Related Grain Handling Systems	0580-AA23

Federal Grain Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
180	Fees for Railroad Track Scale Testing Services	0580-AA17
181	Fees for Official Inspection and Official Weighing Services	0580-AA22

Food and Nutrition Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
182	Food Stamp Program: Limit the Number of Shipping Points in Each State to One, and Require States To Submit Only One Coupon Order Per Month for the Needs of the Entire State	0584-AA94
183	Food Stamp Program: Introduction of $20 Coupons for Issuing Benefits and Allowing the Use of More Than One Coupon Denomination for Changemaking in Food Stamp Transactions	0584-AA95
184	Confidentiality of Information Provided on Applications for Free and Reduced Price Meals	0584-AB22

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Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
185	Rules of Procedure	0584-AA75
186	Outcome-Based Performance Standards for Food Stamp Employment and Training Programs	0584-AA82
187	Special Supplemental Food Program for Women, Infants, and Children Non-Discretionary Funding Rule	0584-AA83
188	Food Stamp Program: Emergency Assistance for Victims of Disasters	0584-AA85
189	Food Stamp Program: Standards for Approval and Operation of Food Stamp Electronic Transfer Systems	0584-AA89
190	Food Stamp Program: Quality Control Review of Negative Actions	0584-AB07
191	Recipient Claims and Automated Data Processing (ADP) Funding Requirements from the Mickey Leland Memorial Domestic Hunger Relief Act	0584-AB08
192	Special Supplemental Food Program for Women, Infants, and Children (WIC): Part 246.10, Food Package III Children/Women With Special Dietary Needs	0584-AB09
193	(WIC): Nutrition Education Participant Contacts, Age of Medical Data, Participant Confidentiality, Application Processing, Timeframes, and Miscellaneous Minor Amendments	0584-AB10
194	Nutrition Education and Training (NET) Program Changed Administrative Requirements	0584-AB15
195	Child and Adult Care Food Program: Authority To Collect Overclaims	0584-AB19
196	Child and Adult Care Food Program: Prohibition of Institutionalized Adults	0584-AB21
197	Food Distribution Programs—Paperwork Reduction	0584-AB27
198	Food Distribution Programs—Implementation of 1990 Farm Bill	0584-AB28
199	Food Distribution Program on Indian Reservations	0584-AB29
200	State Processing and National Commodity Processing Activities	0584-AB30
201	State Administrative Expense Funds: National School Lunch Program, Special Milk Program, School Breakfast Program, Child and Adult Care Food Programs, Food Distribution Program	0584-AB31

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
202	Food Distribution Programs - Part 250 Rewrite	0584-AA07
203	Systematic Alien Verification for Entitlements	0584-AA73
204	Child and Adult Care Food Program—Adult Day Care Provision	0584-AA74
205	Miscellaneous QC Provisions of Hunger Prevention Act of 1988	0584-AA76
206	Employment and Training Requirements—Nondiscretionary Provisions From the Hunger Prevention Act of 1988	0584-AA79
207	Special Supplemental Food Program for Women, Infants and Children (WIC): Food Delivery Systems	0584-AA80
208	Food Stamp Program: Miscellaneous Provisions of the Mickey Leland Memorial Domestic Hunger Relief Act and Food Stamp Certification Policy	0584-AA88
209	Food Stamp Program: Student Eligibility and Treatment of Educational Assistance	0584-AA90
210	Food Stamp Application and Income Exclusion Provisions of the 1990 Farm Bill	0584-AA91
211	Categorical Eligibility and Application Provisions of the Mickey Leland Memorial Domestic Hunger Relief Act	0584-AA92
212	Food Stamp Program: Treatment of Foster Care Individuals and Foster Care Payments	0584-AA93
213	Food Stamp Program: Income Exemption for Homeless Households in Transitional Housing From the Mickey Leland Memorial Domestic Hunger Relief Act	0584-AA96
214	Food Stamp Program: Monthly Reporting and Retrospective Amendments and Mass Changes	0584-AA98
215	Food Stamp Program: Income Deduction and Disaster Provisions From the Mickey Leland Memorial Domestic Hunger Relief Act	0584-AA99
216	Food Stamp Program: Resource Exemption for Public Assistance/Supplemental Security Income From the M Memorial Domestic Hunger Relief Act	0584-AB00
217	Food Stamp Program: Authority To Require Retail Food Stores and Wholesale Food Concerns To Submit Taxpayer Identification Numbers	0584-AB01
218	Miscellaneous Farm Bill Provisions Relating to the Authorization of Retail Firms and Wholesale Food Concerns	0584-AB02
219	Food Stamp Program: Retailer Wholesaler Changes	0584-AB03
220	Employment and Training Provisions From the Mickey Leland Memorial Domestic Hunger Relief Act	0584-AB04
221	Food Stamp Program: Good Cause Relief From Quality Control Error Rate Liabilities	0584-AB05
222	Food Stamp Program: Quality Control Claims Adjustments for State Agency Investments	0584-AB06
223	Special Supplemental Food Program for Women, Infants and Children (WIC): Food Cost Containment Requirements	0584-AB11
224	Participation of the Homeless in the Special Supplemental Food Program for Women, Infants and Children (WIC)	0584-AB12
225	Special Supplemental Food Program for Women, Infants and Children (WIC): Nonfunding Mandates of Public Law 101-147	0584-AB13
226	Special Supplemental Food Program for Women, Infants and Children (WIC): Drug Abuse and Other Harmful Substances, Information and Referrals	0584-AB14
227	Child and Adult Care Food Program: Child Nutrition and WIC Reauthorization Act Amendments	0584-AB16

USDA

Food and Nutrition Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
228	Determination of Eligibility for Free Meals by Summer Food Service Program Sponsors and Free and Reduced Price Meals by Child and Adult Care Food Program Institution	0584-AB17
229	Adult Meal Pattern for the Child and Adult Care Food Program	0584-AB18
230	Summer Food Service Program: Child Nutrition and WIC Reauthorization Act Amendments	0584-AB20
231	Meal Supplements in the National School Lunch Program	0584-AB24
232	Food Distribution Programs—Implementation of the Hunger Prevention Act of 1988	0584-AB25
233	Food Distribution Programs—Commodity Distribution Reform	0584-AB26
234	Benefit Delivery Requirement From the Mickey Leland Memorial Domestic Hunger Relief Act	0584-AB32

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
235	Coordinated Review Effort	0584-AA84

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
236	Amenability of Specific Poultry Species Under the Poultry Products Inspection Act	0583-AB29
237	Control of Direct Entry From Outside to Product Preparation Area	0583-AB38
238	Conditions for Use of Truck Trailers, Railroad Boxcars, and Shipboard Containers as Refrigeration and/or Dry Storage Facilities	0583-AB40
239	Separation of Federally Inspected Establishments From Other Adjacent Facilities Not Under Federal or State Inspection	0583-AB43
240	Prohibiting Vinyl Flooring and Coving in Certain Areas of Federally Inspected Establishments	0583-AB45
241	Restrictions on the Storage and Handling of Immediate-Container Packaging Materials Used for Meat and Poultry Products	0583-AB46

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
242	Voluntary Residue Control Program	0583-AA29
243	Sulfonamide Residues in Swine	0583-AA31
244	Use and Protection of Approved Water Systems	0583-AA54
245	Certain Products With Meat Ingredients—Exemptions From Definition of a "Meat Food Product"	0583-AA62
246	Sulfonamide and Antibiotic Residues in Young Veal Calves; Reduced Testing	0583-AA68
247	Increase in Use Levels of Sodium Citrate as an Anticoagulant	0583-AA76
248	Requirements for the Production of Fermented Sausage	0583-AA77
249	Use of Various Binders in Cured Pork Products	0583-AA78
250	Use of Sorbitol as a Flavoring Agent in Specific Meat Products	0583-AA79
251	Sodium/Potassium Lactate as Means of Reducing Certain Pathogenic Microorganisms in Specific Meat and Poultry Products	0583-AA83
252	Cross-Contamination Prevention for All Heat Processed Meat and Poultry Products	0583-AA88
253	Substances Approved for Use in Meat Products—Revision of Listings	0583-AA93
254	Revision of Requirements for Finished Product Inspection	0583-AA95
255	Review of Retail Store Inspection Exemptions	0583-AA96
256	Processing Requirements for Dried Ready-to-Eat Meat and Poultry Products	0583-AA97
257	Ante-Mortem Inspection of Disabled Animals on Transport Vehicles	0583-AA98
258	Jar Closure Requirements	0583-AB00
259	Food Additives and GRAS Substances Used as Ingredients in Meat Food and Poultry Products	0583-AB02
260	Poultry Post-Mortem Inspection System	0583-AB03

USDA

Food Safety and Inspection Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
261	Export Certification Procedures	0583-AB04
262	Pest Control in Official Establishments	0583-AB08
263	Use of Tricalcium Phosphate as a Sequestrant in Mechanically Deboned Chicken	0583-AB09
264	Undenuded Beef Stomachs; Finished Product Standards and Manufacturing and Inspection Procedures	0583-AB11
265	Labeling Requirements for Packaged Products Which Require Special Handling To Maintain Their Wholesome Condition	0583-AB12
266	Use of Compressed Air in Boning Operations	0583-AB13
267	Processing, Distribution, Storage, and Retail Handling of Ready-to-Eat, Uncured, Perishable Meat and Poultry Products Packaged in Sealed Containers	0583-AB14
268	Use of Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Citrate, and Sodium Ascorbate in Fresh Beef and Lamb	0583-AB15
269	Heat Processing Procedures; Cooking Instructions and Cooling, Handling and Storage Requirements for Uncured Comminuted Meat and Poultry Products	0583-AB19
270	Use of Citric Acid as a Color Preservative on the Surface of Cured Meat Cuts	0583-AB20
271	Use of Tocopherols as Antioxidants and Citric Acid as a Synergist in Various Meat Products	0583-AB25
272	Use of Substances That Flavor and Provide Other Functions in Meat and Poultry Products	0583-AB26
273	Irradiation of Poultry	0583-AB27
274	Removal of Piece Size Requirements and Packaging Limitations of Imported Fresh or Cured Meat and Meat Products	0583-AB31
275	Notification of Residue Violators and Testing of Subsequent Shipments of Animals	0583-AB32
276	Requirements for Effective Establishment Sanitation	0583-AB33
277	Nutrition Labeling of Meat and Poultry Products	0583-AB34
278	Administrative Practices and Procedures	0583-AB35
279	Smoke Flavorings and Artificial Smoke Flavorings	0583-AB36
280	Listing of Minor Ingredients in Other Than Order of Predominance	0583-AB37
281	Imported Product: Facility Requirements	0583-AB39
282	Limitation on the Use of Strip Doors in Product Preparation Areas	0583-AB41
283	Requirements for Imported Poultry Products	0583-AB42
284	Approval of Re-Use of Water in Federally Inspected Establishments	0583-AB44
285	Use of New Technologies in Red Meat Slaughter Establishments	0583-AB48

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
286	Cattle Post-Mortem Inspection Procedures and Staffing Procedures	0583-AA32
287	Requirements for Foreign Country Import Certification and Live Animal Importation	0583-AA47
288	Labeling of Meat Food Products That Contain Mechanically Separated (Species) Under Certain Circumstances	0583-AA71
289	Use of Sodium Lactate and Potassium Lactate as Flavor Enhancers in Meat and Poultry Products	0583-AA75
290	Processing Procedures and Cooking Instructions for Cooked, Uncured Meat Patties	0583-AA81
291	PFF for Turkey Ham	0583-AA84
292	Imported Product; Movement Prior to Reinspection	0583-AA94
293	Imported Canadian Product; Provision for "Streamlined" Inspection Procedures; Exemption From Official Mark of Inspection	0583-AA99
294	Additional Methods for Destroying Trichinae in Dry-Cured Ham and Dry-Sausage	0583-AB17
295	Policy for Differentiating Between Calves and Adult Cattle	0583-AB18
296	Poultry Products Containing Pork; Trichina Treatment	0583-AB28
297	Imported Product: Further Implementation of U.S.-Canada Free-Trade Agreement	0583-AB30

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
298	Requirements for Partially Defatted Meat Products	0583-AA27
299	Trichina Control Requirements for Dry-Cured Ham	0583-AA49
300	Importation of Livestock Carcasses With Tissues Removed	0583-AA85
301	Automatic Expiration System for Approved Labels	0583-AA87

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Food Safety and Inspection Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
302	Labeling of Frankfurters and Similar Products Containing Binders	0583-AA92

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
303	Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 for Each Fiscal Year	0551-AA23
304	Proposed Regulations Governing Implementation of the Cooperator Market Development Program Overseas	0551-AA26
305	Section 22 Import Quotas	0551-AA27
306	Emerging Democracies Agricultural Facility Guarantee Program	0551-AA35
307	Regulations Governing the Financing of Commercial Sales of Agricultural Commodities	0551-AA36

Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
308	Regulations Governing Implementation of the Market Promotion Program (MPP) Overseas	0551-AA24
309	Program Criteria for the Export Enhancement Program (EEP) and the Dairy Export Incentive Program (DEIP) and the Operational Regulations for the DEIP	0551-AA29
310	CCC Export Credit Guarantee Program (GSM-102) and CCC Intermediate Export Credit Guarantee Program (GSM-103)	0551-AA30
311	Program Criteria for the Sunflowerseed Oil Assistance Program (SOAP) and the Cottonseed Oil Assistance Program (COAP)	0551-AA31
312	Reporting Requirements Related to Tobacco Exports	0551-AA32
313	Sunflowerseed Oil Assistance Program Operations (SOAP) and Cottonseed Oil Assistance Program Operations (COAP)	0551-AA33
314	Direct Credit Programs (GSM-5, GSM-201, GSM-301) Regulations	0551-AA34

Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
315	Regulations Governing the Operation of the Export Enhancement Program (EEP)	0551-AA25
316	Sugar To Be Re-Exported in Refined Form, Sugar To Be Re-Exported in Sugar Containing Products and Sugar for Production of Polyhydric Alcohol	0551-AA28

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
317	Whiskeytown-Shasta-Trinity National Recreation Area	0596-AA68
318	Changing the Term "Fair Market Value" in 36 CFR 223.60 to "Fair Exchange Value" and Changing Emphasis Away From Transaction Evidence	0596-AB26
319	Species Surplus to Domestic Manufacturing Needs	0596-AB27
320	Retention of Downpayment on Timber Sale Contracts	0596-AB28

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Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
321	Grazing and Livestock Use	0596-AA35
322	Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
323	Prohibition on Mechanical Transport and Other Activities in Wilderness	0596-AA39
324	Land Exchanges	0596-AA42
325	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands	0596-AA47
326	Locatable Minerals	0596-AA49
327	Use of "Smokey Bear" Symbol	0596-AA66
328	National Forest Prohibitions; Law Enforcement Support Activities	0596-AA75
329	Revise Small Tracts Act Regulations	0596-AA79
330	Revise Rules Governing Special Uses of National Forest System Lands and Resources at 36 CFR 251 To Remove Ambiguities Regarding First Amendment Rights	0596-AA80
331	36 CFR 241 Wildlife: Cooperation in Wildlife Protection, Wildlife Management, and Federal Refuge Regulations	0596-AA81
332	Hells Canyon National Recreation Area—Private Lands	0596-AA88
333	Solid Waste Disposal Policy	0596-AA92
334	Irrevocable Letter of Credit	0596-AA93
335	Disposal of Quartz Minerals on the Ouachita National Forest	0596-AB01
336	Federal Cave Resources Protection	0596-AB02
337	Pre-Award Information Requirements	0596-AB03
338	Recreation Residence Authorization Policy	0596-AB06
339	Fee Policy for Reservoirs	0596-AB07
340	Graduated Rate Fee System	0596-AB11
341	Expanded Use of Prospecting Permits and Preference Right Sales for Mineral Materials	0596-AB12
342	Clarification and Revision of Appealable Decisions Under 36 CFR Part 251, Subpart C	0596-AB17
343	Oil and Gas Resources; Surface Operations	0596-AB19
344	Land and Resource Management Planning	0596-AB20
345	Government Cancellation of Timber Sale Contracts	0596-AB21
346	Firefighting Preparedness and Mobilization Assistance	0596-AB29
347	Requesting Review of National Forest Plans and Project Decisions	0596-AB30

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
348	Conservation of Fish, Wildlife, and Their Habitats; Chugach National Forest, Alaska	0596-AA41
349	Indian Allotments on National Forest System Lands	0596-AA52
350	Surety Bond Form Revision	0596-AA94
351	National Environmental Policy Act Revised Implementing Policy and Procedures	0596-AB05
352	Hells Canyon National Recreation Area—Use of National Forest Lands	0596-AB08
353	Intervention in Appeals	0596-AB15
354	Contributions to the National Commission on Wildfire Disasters	0596-AB16
355	Improving Financial Security of Timber Sale Contracts	0596-AB18
356	Federal Timber Export and Substitution Restrictions (Comprehensive Revision)	0596-AB22
357	Below-Cost Timber Sale Program Policy and Guidelines	0596-AB24
358	Sale and Disposal of National Forest System Timber; Log Export and Substitution Restriction Exceptions	0596-AB25

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
359	Land Status and Title Records	0596-AA24
360	Access to Non-Federal Lands	0596-AA31
361	Downpayment/Periodic Payments on National Forest System Timber Sale Contracts	0596-AA33
362	Prohibitions; Fossil Collecting	0596-AA56
363	Special Areas	0596-AA91
364	Douglas-Fir Lumber Price Index Review	0596-AB00

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Office of Finance and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
365	Audits of State, Local, and Indian Tribal Governments	0505-AA09

Office of Finance and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
366	Audits of Institutions of Higher Education and Other Nonprofit Organizations	0505-AA07

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
367	Small or Limited Resource Farmers' Initiative	0503-AA04

Rural Electrification Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
368	Loan Security Documents—Telephone Program	0572-AA30
369	Credit Support of Power Supply Borrowers	0572-AA39
370	Revision of Telecommunication Policies and Procedures for Approval of Standards, Specifications, Contract Forms, and Drawings	0572-AA45
371	Rural Business Incubator Project	0572-AA46
372	Electric System Construction Policies and Procedures—Electric Materials and Construction	0572-AA47
373	Electric System Planning and Design—Policies and Procedures	0572-AA48
374	Margin Stabilization Plans and Revenue and Expense Deferrals	0572-AA50
375	REA Specification for Filled Telephone Cables	0572-AA55
376	REA Specification for Filled Telephone Cables with Expanded Insulation	0572-AA56
377	REA Specification for Filled Buried Wires	0572-AA57
378	General Specification for Digital, Stored, Program Controlled Central Office Equipment	0572-AA58
379	Loan Payment Deferments for Economic Development Programs	0572-AA60
380	Specification for Fiber Optic Splice Closures	0572-AA62
381	REA Software License Agreement	0572-AA63
382	REA Specification for Mechanical Fiber Optic Splices	0572-AA64
383	Loan Account Computations, Policies, and Procedures	0572-AA65
384	Electric Standards and Specifications for Materials and Construction	0572-AA67
385	Pre- and Post-Loan Policies and Procedures for Guaranteed Electric and Telephone Loans	0572-AA68
386	Pre-Loan Policies and Procedures for Insured Electric Loans	0572-AA69

Rural Electrification Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
387	REA Form 525: Central Office Equipment Contract (Including Installation)	0572-AA20
388	Accounting Requirements for REA Electric Borrowers	0572-AA23
389	REA Policy on Audits of Electric and Telephone Borrowers	0572-AA36
390	Rural Economic Development Loan and Grant Program	0572-AA37
391	Wholesale Contracts for the Purchase and Sale of Electric Power and Energy	0572-AA41
392	Pre- and Post-Loan Policies and Procedures for Guaranteed Electric and Telephone Loans	0572-AA59

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Rural Electrification Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
393	Meetings of the Board of Directors of the Rural Telephone Bank	0572-AA61
394	Rescission of REA Bulletins 345-13 and 345-29	0572-AA66

Rural Electrification Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
395	REA Requirements for Engineering and Economic Support Requests for Loans and Loan Guarantees for New Generation and Related Transmission Facilities	0572-AA38
396	General and Pre- and Post-Loan Policies and Procedures for Electric Loans	0572-AA43
397	Public Information and Public Comments to Proposed Rules	0572-AA49
398	Rural Telephone Bank and Telephone Program Loan Policies, Procedures and Requirements	0572-AA51
399	Amendments to REA's Telephone Program regulations required by Subtitle D of the Rural Economic Development Act of 1990	0572-AA52
400	Discounted Prepayments on REA Notes in the Event of a Merger of Certain REA Electric Borrowers	0572-AA53
401	Principal and Interest Deferments Pursuant to Section 12 of the Rural Electrification Act	0572-AA54

Soil Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
402	Farmland Protection Policy Act	0578-AA14

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
403	Soil Surveys	0578-AA00

Soil Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
404	Snow Surveys and Water Supply Forecasts	0578-AA01

Office of Operations—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
405	Agriculture Acquisition Regulation	0599-AA00

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Office of Operations—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
406	New Restrictions on Lobbying	0599-AA01

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Agricultural Marketing Service (AMS)

1. NATIONAL LABORATORY ACCREDITATION PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-624, Sec 1321 to 1330

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The 1990 Farm Bill authorized the creation of a National Accreditation Program (NALP) for laboratories that request accreditation and conduct residue testing of agricultural products or that make claims to the public or buyers of agricultural products concerning chemical residue levels on agricultural products. The program is designed to protect human health by ensuring that laboratories which make claims to the public concerning pesticide residue levels meet minimum quality and reliability standards. The standards for the NALP will be provided by the Food and Drug Administration with the operation of the program under the Agricultural Marketing Service, USDA. The program costs will be off-set by a fee schedule. The one-time appropriation will be used to construct a fully equipped pesticide laboratory to verify the findings of those laboratories applying for accreditation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Craig A. Reed, Director, Science Division, Department of Agriculture, Agricultural Marketing Service, Room 3064 South Building, Washington, DC 20090-6456, 202 447-5231

RIN: 0581–AA38

2. PESTICIDE RECORDKEEPING FOR PRIVATE APPLICATORS

Significance: Agency Priority

Legal Authority: PL 101-624, Sec 1491

CFR Citation: 07 CFR 110

Legal Deadline: None

Abstract: The USDA, in consultation with EPA, will establish requirements for recordkeeping by all certified applicators of federally restricted use pesticides. Annual reports to Congress on agricultural/nonagricultural uses of federally restricted pesticides are mandated. The identity of individual producers in these reports and surveys will be protected. Currently no recordkeeping requirements exist at the Federal level for certified private applicators. Most State commercial applicator certification programs require some form of recordkeeping. All certified applicators will be required to keep records similar to those maintained by commercial applicators. States that do not have any type of recordkeeping regulations will fall under a Federal program which requires the following information; product name, amount applied, agricultural commodity, approximate date of application, and location of application. To implement, USDA will delegate operational responsibilities to States through cooperative agreements. AMS will oversee the Federal program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Public Compliance Cost: Initial Cost: $1,500,000; Base Year for Dollar Estimates: 1992

Agency Contact: Craig A. Reed, Director, Science Division, Department of Agriculture, Agricultural Marketing Service, Room 3064 South Building, Washington, DC 20090-6456, 202 447-5231

RIN: 0581–AA39

3. TITLE XXI ORGANIC CERTIFICATION OR ORGANIC FOOD PRODUCTION ACT OF 1990

Significance: Agency Priority

Legal Authority: PL 101-624, Sec 2101 to 2123

CFR Citation: None

Legal Deadline: NPRM, Statutory, May 28, 1992. Final, Statutory, October 1, 1993. Other, Statutory, May 28, 1991. Act calls for the Secretary to appoint the National Organic Standards Board 180 days after enactment and convene it within 60 days thereafter.

Abstract: Public Law 101-624 calls for necessary regulations to implement the Organic Foods Production Act of 1990. The legislation calls for a national program to develop standards for certifying products as organic. Actions called for under this Act include: a. Notice for applicants to apply for membership on the National Organic Standards Board; b. Notice of nominations to the Board and announcement of meetings; c. Notice inviting States and other individuals to apply to be Certifying agents; d. Notice, hearings and comments for development of regulations for standards for organic livestock products; e. Notice and comment on proposed and final National List of

USDA—AMS **Prerule Stage**

Approved and Prohibited Substances for Organic Production and Handling; f. Notice and comment on proposed amendments to the National List; g. Issue a proposed rule to implement the title for comment; and h. Issue a final rule to implement the program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Harold S. Ricker, Assistant Director, Transportation and Marketing Division, Department of Agriculture, Agricultural Marketing Service, Room 4006 South Building, PO Box 96456, Washington, DC 20090-6456, 202 447-2704

RIN: 0581–AA40

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Proposed Rule Stage

4. REVIEW OF PRICING PROVISIONS IN ALL FEDERAL MILK MARKETING ORDERS

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674 Agricultural Marketing Agreement Act

CFR Citation: 7 CFR 1001 to 1139

Legal Deadline: None

Abstract: To consider proposed amendments to the Class I milk price, Class II milk price, classification of milk products, and reconstituted milk provisions of all milk orders. Certain of these provisions have not been reviewed at a hearing for many years.

Timetable:

Action	Date	FR Cite
Advance Notice for Proposals Submit Proposed Amendments by May 31, 1990	04/03/90	55 FR 12369
Notice of Hearing	07/17/90	55 FR 29034
Public Hearing	09/15/90	
Public Hearing on Amendments Ends	11/20/90	
Comment Period Extended to 04/30/91	04/03/91	56 FR 13603

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Clayton H. Plumb, Chief, Order Formulation Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Bldg., Washington, DC 20250, 202 447-6274

RIN: 0581–AA37

5. ESTABLISH A PROCESSOR-FUNDED MILK PROMOTION PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-624, Sec 1999(A)

CFR Citation: None

Legal Deadline: Other, Statutory, 00/00/00.
A final order, if approved by fluid milk processors shall become effective not later than 180 days following publication of the proposed order.

Abstract: The "Fluid Milk Promotion Act of 1990," authorized the establishment of a processor-funded milk promotion program which will provide an orderly procedure for developing, financing through assessments on fluid milk products produced in the United States, and carrying out a coordinated program of advertising designed to strengthen the position of the dairy industry in the market place.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John F. Borovies, Marketing Specialist, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, 202 382-9366

RIN: 0581–AA44

6. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICES OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: The regulations have not been updated since December 1, 1976. The revisions of regulations are needed to reflect more desirable ways of carrying out the dairy inspection and grading program. The changes are not expected to have any major impact on program participation however, in that most participants are operating in a manner that is consistent with the proposed changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Tracy Schonrock, Chief, Inspection and Grading Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, 202 475-5530

RIN: 0581–AA45

7. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

Significance: Agency Priority

Legal Authority: PL 101-624

CFR Citation: 07 CFR 1209

Legal Deadline: None

Abstract: Establishes a national research and promotion program for

domestically produced and imported mushrooms to increase the consumption of mushrooms. The program is financed by assessments on producers and importers. The Act specifies that, 60 days after receipt of a proposal by an interested person, or when the Secretary determines to propose an Order, the Secretary shall publish the proposal with opportunity for public comment. The Act specifies that an Order shall be issued, and if approved in referendum shall become effective not later than 120 days following publication of the proposed Order.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/91	55 FR 3425
ANPRM Comment Period End	03/01/91	55 FR 3425
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	02/00/92	
Final Action Effective	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Building, Washington, DC 20250, **202 447-2491**

RIN: 0581–AA49

8. REGULATIONS UNDER THE FEDERAL SEED ACT

Legal Authority: 7 USC 1551 to 1611 Federal Seed Act

CFR Citation: 7 CFR 201 to 202

Legal Deadline: None

Abstract: Changes in the regulations of the Federal Seed Act (FSA) are to be proposed to eliminate differences between FSA and Association of Official Seed Analysts (AOSA) testing rules as well as differences between minimum seed certification standards of the FSA and those of the Association of Official Seed Certifying Agencies (AOSCA). The FSA regulates the interstate shipment of agricultural and vegetable seed, which is required to be labeled with certain information needed by the seed buyer. The Agricultural Marketing Service (AMS) has cooperative agreements with each of the 50 states who inspect and test seed being sold in their state. Interstate shipments of seed found to be mislabeled can be submitted to AMS for action under the FSA. States test seed according to AOSA rules. AMS must test according to FSA rules. Any alternative to the changes, could in some cases cause seed labeled according to a test conducted by AOSA rules to be mislabeled when tested according to FSA rules, or cause seed certified by an AOSCA member agency to be not in compliance with the FSA. On balance these changes will likely result in no cost or a net savings to the seed industry.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Department of Agriculture, Agricultural Marketing Service, Building 506, BARC-E, Beltsville, MD 20705, **301 344-4430**

RIN: 0581–AA52

9. ● MANDATORY INSPECTION OF EGGS AND EGG PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 1031 to 1056 Egg Products Inspection Act

CFR Citation: 7 CFR 59

Legal Deadline: None

Abstract: The proposal clarifies areas of responsibility and authority in regard to the time of inspection, operating schedules of official plants, facilities to be furnished for the inspectors, a new authority regarding an appeal grading or inspection, air flow in liquid holding rooms, hand washing and sanitizing, covering facial hair, and results of laboratory tests and analyses. Changes to make this regulation consistent with other Division regulations affect the definition of "Dirty Egg," a new definition for "Nest run eggs," and the rinse water temperature in egg cleaning operations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington, DC 20090-6456, **202 447-3506**

RIN: 0581–AA55

10. ● POLICY STATEMENT AND REGULATIONS GOVERNING AVAILABILITY OF TOBACCO INSPECTION SERVICES TO BURLEY TOBACCO ON DESIGNATED MARKETS

Significance: Agency Priority

Legal Authority: 7 USC 511 et seq

CFR Citation: 7 CFR 29

Legal Deadline: None

Abstract: The Secretary established the Burley Tobacco Advisory Committee effective May 14, 1990, to assist in the regulation of sales at designated markets selling burley tobacco. The Committee has met twice and will meet again in September to approve a statement of policies and procedures. Following a trial period of using these procedures, a proposed rule will be submitted. We would expect a final rule to appear in the Federal Register in July 1992.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	07/01/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Ernest L. Price, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456, **202 205-0567**

RIN: 0581–AA56

11. ● REVIEW OF BASIC FORMULA PRICE IN ALL FEDERAL MILK ORDERS

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674 Agricultural Marketing Agreement Act

CFR Citation: 7 CFR 1001 to 1139

Legal Deadline: Other, Statutory, October 1, 1991.
An advance notice of proposed rulemaking shall be issued not later than October 1, 1991 (PL 101-624, Sec. 103).

Abstract: To consider the proposed replacement of the Minnesota-Wisconsin price serves as the basic formula price in federal milk marketing orders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Clayton H. Plumb, Chief, Order Formulation Branch Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, 202 447-6274

RIN: 0581–AA57

12. ● VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 55

Legal Deadline: None

Abstract: The proposal will broaden the definition of "Product" to include certain products that are now exempt and will change the terminology describing facilities to be furnished by official plants. These are the same changes being proposed for 7 CFR Part 59 and would make both regulations consistent to avoid confusion among the inspectors who must enforce both regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 447-3506

RIN: 0581–AA58

13. ● EGG RESEARCH AND PROMOTION RULES AND REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 2701 to 2718 Egg Research and Consumer Information Act

CFR Citation: 7 CFR 1250

Legal Deadline: None

Abstract: The proposal will change representation on the American Egg Board to more accurately reflect egg production in the six geographical areas and will add a late-payment charge on past-due assessments. These changes were approved by the Board and the proposal will assist the Board in carrying out provisions of the "Egg Research and Consumer Information Act."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 447-3506

RIN: 0581–AA59

14. ● GRADING OF SHELL EGGS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 56

Legal Deadline: None

Abstract: The proposal clarifies and updates provisions of the regulations in response to changing industry practices, program direction, and policy interpretation. Changes to reflect current industry practices would affect grading room requirements, references to the tape used to seal cartons, and the reuse of oil from shell egg protecting operations. Changes to clarify and strengthen existing regulations would affect the definition of "quality assurance inspector," the facilities and equipment required for graders, the temperature of the spray rinse in shell egg cleaning operations, and the nest run B quality shell definition. Other changes will be to require a specific level of humidity in cooler rooms to help maintain egg quality and to eliminate wholesale grades and weight classes because they are no longer used.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 447-3506

RIN: 0581–AA60

15. ● VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 70

Legal Deadline: None

Abstract: The proposal updates the poultry grade standards to reflect changes in marketing practices. Changes to reflect current industry practices will reclassify discolorations, will expand the range allowable, will eliminate the two procurement grades, will change new carcass weight categories, and will establish new grading criteria for large poultry parts. Change to clarify and strengthen existing regulations related to the definition of "exposed flesh."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

USDA—AMS **Proposed Rule Stage**

Government Levels Affected: Undetermined

Agency Contact: Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, **202 447-3506**

RIN: 0581–AA61

16. ● FEES AND CHARGES, MANDATORY TOBACCO INSPECTION

Significance: Agency Priority

Legal Authority: 7 USC 511 et seq

CFR Citation: 7 CFR 29

Legal Deadline: None

Abstract: An increase in the user fee may be necessary to provide adequate funding of this service.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	05/00/92	
Final Action	07/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Ernest L. Price, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, PO Box 96456, Washington, DC 20090-6456, **202 205-0567**

RIN: 0581–AA62

DEPARTMENT OF AGRICULTURE (USDA) Final Rule Stage

Agricultural Marketing Service (AMS)

17. COTTON RESEARCH AND PROMOTION ORDER

Significance: Agency Priority

Legal Authority: 7 USC 2106; 7 USC 2114

CFR Citation: 7 CFR 1205

Legal Deadline: Final, Statutory, November 24, 1991.
120 days after referendum. Referendum ends 7/26/91.

Abstract: The promulgation of revisions to the Cotton Research and Promotion Order within statutory guidelines is mandated by the "Cotton Research and Promotion Act Amendments of 1990," if the Secretary determines that such revisions to the Order will assist in carrying out the Act. This Act dictates basic provisions which require a revised Order to include: (1) terminating the right of producers to demand a refund of assessments; (2) importer representation on the Cotton Board; (3) the assessment of imported cotton and cotton containing products; (4) increasing the amount that the Secretary of Agriculture can be reimbursed for conduct of a referendum from $200,000 to $300,000; (5) reimbursing government agencies who assist in administering the collection of assessments on imported cotton and cotton products; and (6) to provide for a producer and importer requested referenda every five years. The Act does not provide for the Secretary's discretion to consider alternatives. (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/10/91	56 FR 14482
Interim Final Rule	07/09/91	56 FR 31289
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The expected effect of these revisions is an increase in funding to the Cotton Research and Promotion program of $13 million to $20 million annually.

Agency Contact: Craig Shackelford, Assistant Chief, Research and Promotion Staff, Department of Agriculture, Agricultural Marketing Service, Room 2641 South Building, Washington, DC 20050, **202 447-2259**

RIN: 0581–AA41

18. FEE INCREASE FOR DAIRY GRADING PROGRAM

Legal Authority: 7 USC 1621 to 1629 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: The main purpose of the program changes is to increase fees charged for inspection and grading services. The program is voluntary, with all cost being covered by user fees.

Timetable:

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10382
NPRM Comment Period End	04/11/91	56 FR 10382
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Tracy Schonrock, Chief, Inspection and Grading Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20050, **202 475-5530**

RIN: 0581–AA42

19. LIME RESEARCH, PROMOTION AND CONSUMER INFORMATION ORDER

Significance: Agency Priority

Legal Authority: PL 101-624

CFR Citation: 07 CFR 1212

Legal Deadline: None

Abstract: Establishes a national research and promotion program for domestically produced and imported limes to increase the consumption of limes. The program is financed by assessments on producers and importers. Public Law 101-624 specifies that 60 days after receipt of a proposal by an interested person, the Secretary shall publish the proposal with opportunity for public comment. Public Law 101-624 does not specify any time periods for further actions after publishing the initial proposed order.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/91	56 FR 3425
ANPRM Comment Period End	03/01/91	56 FR 3425
NPRM	05/02/91	56 FR 23239

USDA—AMS

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	06/20/91	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Jay Guerber, Marketing Order Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Building, Washington, DC 20250, 202 447-2491

RIN: 0581–AA48

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20. PECAN PROMOTION AND RESEARCH ORDER

Significance: Agency Priority

Legal Authority: PL 101-624 Pecan Promotion and Research Act

CFR Citation: 07 CFR 1211

Legal Deadline: None

Abstract: Establishes a national promotion and research program for domestically produced and imported pecans to increase the consumption of pecans. The program is financed by assessments on producers and importers. Public Law 101-624 specifies that 60 days after receipt of a proposal by an interested person, or when the Secretary determines to propose an order, the Secretary shall publish the proposal with opportunity for public comment. The Act specifies that an Order shall be issued and become effective not later than 120 days after publication of the proposed Order.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/91	56 FR 3425
ANPRM Comment Period End	03/01/91	56 FR 3425
Extension of Comment Period	07/03/91	56 FR 30517
Final Action	10/00/92	

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Agency Contact: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Building, Washington, DC 20250, 202 447-2491

RIN: 0581–AA50

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21. INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEED UNDER THE AGRICULTURAL MARKETING ACT OF 1946 INCREASE TESTING FEES

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 75

Legal Deadline: None

Abstract: An increase in seed testing fees is being proposed. The Agricultural Marketing Act (AMA) provides for the inspection and certification of quality of agricultural and vegetable seed in order to bring about efficient, orderly marketing of seed and to assist the development of new and expanding markets. The AMA provides for the collection of fees and charges equal to the cost of providing the service. The service is voluntary and available to anyone. Most seed tested under the program is exported to countries requiring a Federal Seed Analysis Certificate on U.S. Seed. Alternatives to an increase in the fees and charges are eliminating the service or reducing the cost for providing the service. Eliminating the service will make the shipment of seed to some countries more difficult because there is no other source for a Federal Seed Analysis Certificate. Reducing costs such as for supplies, equipment and personnel will reduce the accuracy of the tests and undermine the credibility of the program. A fee increase is needed to generate approximately $20,000 in additional revenue to cover expenses at the 1990 workload level.

Timetable:

Action	Date	FR Cite
NPRM	05/02/91	56 FR 20146
NPRM Comment Period End	06/03/91	56 FR 20146
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Department of Agriculture, Agricultural Marketing Service, Building 506, BARC-E, Beltsville, MD 20705, 301 344-4430

RIN: 0581–AA51

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

22. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

CFR Citation: 7 CFR 27 to 209

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 27898

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Katherine E. Dennis, 202 447-3785

RIN: 0581–AA19

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23. PROPOSED NEW MARKETING AGREEMENT AND ORDER FOR SEEDLESS EUROPEAN CUCUMBERS

Significance: Agency Priority

CFR Citation: 7 CFR 968, (New)

Completed:

Reason	Date	FR Cite
Withdrawn	02/08/91	56 FR 5161

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jay Guerber, 202 447-2491

RIN: 0581–AA30

USDA—AMS — **Completed Actions**

24. AMENDMENT OF HONEY RESEARCH, PROMOTION, AND CONSUMER ORDER

Significance: Agency Priority

CFR Citation: 07 CFR 1240

Completed:

Reason	Date	FR Cite
Final Action	08/07/91	56 FR 37453
Final Action Effective	08/07/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Jay Guerber, 202 447-2491

RIN: 0581–AA46

25. AMENDMENT OF POTATO RESEARCH AND PROMOTION PLAN

Significance: Agency Priority

CFR Citation: 07 CFR 1207

Completed:

Reason	Date	FR Cite
Final Action	08/14/91	56 FR 40226
Final Action Effective	08/14/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Jay Guerber, 202 447-2491

RIN: 0581–AA47

26. SOYBEAN PROMOTION, RESEARCH AND CONSUMER INFORMATION ACT

Significance: Agency Priority

CFR Citation: 7 CFR 1220

Completed:

Reason	Date	FR Cite
Final Action	07/09/91	56 FR 31043

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph L. Tapp, 202 382-8133

RIN: 0581–AA53

27. PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ACT OF 1985

Significance: Agency Priority

CFR Citation: 7 CFR 1230

Completed:

Reason	Date	FR Cite
Final Action	06/10/91	56 FR 25589

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph L. Tapp, 202 382-8133

RIN: 0581–AA54

BILLING CODE 3410-02-F

DEPARTMENT OF AGRICULTURE (USDA) — **Completed Actions**

Agricultural Research Service (ARS)

28. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

CFR Citation: 7 CFR 1c

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28003
Final Action Effective	08/19/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Jacqueline Dupont, 301 344-3216

RIN: 0518–AA00

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA) — **Proposed Rule Stage**

Agricultural Stabilization and Conservation Service (ASCS)

29. COLORADO RIVER BASIN SALINITY CONTROL PROGRAM—PROJECT APPROVAL GUIDELINES

Legal Authority: 43 USC 1592(c); Colorado River Basin Salinity Control Act of 1974

CFR Citation: 07 CFR 702

Legal Deadline: None

Abstract: This action would amend the regulations to include guidelines to be followed by USDA when approving requests for new salinity control projects. This action is needed because requests for new salinity projects are anticipated to be received in the near future. Requests for projects will be initially reviewed by the Colorado River Salinity Control Forum, which will provide recommendations to USDA regarding requests to be considered for final evaluation and approval. No cost to the Government is expected.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S P.O. Box 2415, Washington DC 20013, 202 475-3646

RIN: 0560–AB85

30. WETLAND RESERVE PROGRAM

Significance: Regulatory Program

Legal Authority: 16 USC 3831; The Food Security Act of 1985, as amended, Sec. 1230 and 1237

CFR Citation: 7 CFR 705

Legal Deadline: Final, Statutory, May 20, 1991.

Abstract: The objective of this action is to assist owners and operators of eligible land in restoring and protecting wetlands. The primary determinations are 1) land eligibility criteria, 2) wetland restoration and management plans, 3) duration of easements, 4) offer acceptability criteria, 5) cost-share percentage for restoration, 6) easement modification and termination criteria, and 7) delegation of easement administration. Outlays are expected to be about $750 million.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC08

31. DAIRY-STATE MAKE ALLOWANCE

Significance: Agency Priority

Legal Authority: 7 USC 1446e-1; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: None

Legal Deadline: Final, Statutory, November 28, 1991.

Abstract: The Food, Agriculture, Conservation, and Trade Act of 1990 requires that, beginning 12 months after enactment, no State shall provide for (and no person shall collect, directly or indirectly) a greater allowance for the processing of milk ("make allowance") than is permitted under a Federal program to establish a Grade A price for manufacturing butter, nonfat dry milk, or cheese. The law provides for penalties and investigations by the Secretary if a producer provides evidence of such action. The expected cost to the Government has not yet been determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC23

32. 1992 RICE LOAN RATE, TARGET PRICE, AND ACREAGE REDUCTION LEVEL

Significance: Regulatory Program

Legal Authority: 7 USC 1441-2; The Agricultural Adjustment Act of 1949, as amended, Sec. 101B; PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990; PL 101-508; The Agricultural Reconciliation Act of 1990, Sec. 1102

CFR Citation: None

Legal Deadline: Final, Statutory, January 31, 1992.

Abstract: The objective of this action is to assure sufficient supplies of rice for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. The primary determinations are 1) loan and purchase rate, 2) target price, 3) acreage limitation, 4) marketing loan, and 5) Inventory Reduction Program. The net cost is expected to be $0.7 to $1.0 billion.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC32

33. 1992 UPLAND COTTON LOAN RATE, TARGET PRICE, AND ACREAGE REDUCTION LEVEL

Significance: Regulatory Program

Legal Authority: 7 USC 1444-2; The Agricultural Act of 1949, as amended, Sec 501; PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: None

Legal Deadline: Final, Statutory, January 1, 1992.

Abstract: The objective of this action is to assure supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. The primary determinations are 1) loan and purchase rate, 2) target price, 3) acreage limitation, 4) marketing loan, and 5) base quality. The net cost is expected to be $0.6 billion to $1 billion.

Timetable:

Action	Date	FR Cite
NPRM	09/13/91	56 FR 46574
NPRM Comment Period End	10/15/91	56 FR 46574
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC33

34. 1992 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1781 et seq; The National Wool Act of 1954, as amended, Sec 201; PL 101-624; The Food, Agriculture, Conservation and Trade Act of 1990

CFR Citation: 7 CFR 1468; 7 CFR 1472; 7 CFR 1497

Legal Deadline: None

USDA—ASCS **Proposed Rule Stage**

Abstract: The objective of this action is to encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner that will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The primary determinations are 1) support mohair at a level not more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported, and 2) support pulled wool through payments based on the liveweight of unshorn lambs marketed for slaughter. The net cost is expected to be $150 to $200 million.

Timetable:

Action	Date	FR Cite
NPRM	01/31/92	
Final Action	03/29/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC34

35. 1992 CROP MARKETING QUOTAS FOR FIVE KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Act of 1938, as amended, Sec 312

CFR Citation: None

Legal Deadline: None

Abstract: Marketing quotas and acreage allotments are required by legislation for these five kinds of tobacco (Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia sun-cured (type 37), and Cigar Filler and Binder (types 42-44 and 53-55)). The purpose of quotas and allotments is to balance supply with demand at levels that assure stable supplies for domestic and export use at prices that are fair to producers. Marketing quota and acreage allotment determinations are based on 10-year average marketings adjusted for trends to yield the "reserve supply level" as defined by legislation. Marketing quotas are implemented if approved by producers in referenda. Producers approved quotas for the 1992 crop for Type (42-44, 53-55). Referenda for the other types are scheduled for 3/91 and 3/92. Producers of these types have historically voted in favor of quotas. Gross loan outlays under the price support and quota program of $2 million are expected in FY 1993. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1993 and subsequent years, for a net cost of $0.

Timetable:

Action	Date	FR Cite
NPRM	12/13/91	
Final Action	03/02/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC40

36. 1992 EXTRA LONG STAPLE (ELS) COTTON LOAN RATE, TARGET PRICE, AND ACREAGE REDUCTION LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1444(h); The Agricultural Act of 1949, as amended, Sec 103(h); PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: None

Legal Deadline: Final, Statutory, December 1, 1991.

Abstract: The objective of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. The primary determinations are 1) loan rate, 2) target price, and 3) Acreage Reduction Program (ARP) level. The net cost is expected to be $0.5 to $1 million.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	11/29/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC44

37. AGRICULTURAL WATER QUALITY INCENTIVE PROGRAM

Significance: Agency Priority

Legal Authority: 16 USC 3831 et seq; The Food Security Act of 1985, as amended, Title XII; PL 101-624; The Food, Agriculture, Conservation and Trade Act of 1990

CFR Citation: 7 CFR 705

Legal Deadline: None

Abstract: The objective of this action is to provide incentives and assistance to agricultural producers for development and implementation of on-farm water quality protection plans designed to mitigate or reduce the release of agricultural pollutants into the environment, as required by the Food, Agriculture, Conservation and Trade Act of 1990. The primary determinations are 1) length of agreement, 2) size of per-acre incentive payments, 3) conditions for lump-sum payments, 4) conditions for contract modification and termination, 5) penalties for violation and/or termination of contract, 6) extent of program yield and base protection, 7) scope and extent of water quality protection plans, 8) eligible land criteria, 9) contract acceptance criteria, and 10) demonstration and pilot programs and sponsors. The net cost is expected to be $5 million.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC46

USDA—ASCS

Proposed Rule Stage

38. ● 1993 FEED GRAIN LOAN RATES, TARGET PRICES, AND ACREAGE REDUCTION LEVELS

Significance: Regulatory Program

Legal Authority: 7 USC 1444 et seq; The Agricultural Act of 1949, Section 105B, as amended

CFR Citation: 7 CFR 1413

Legal Deadline: Final, Statutory, September 30, 1992. for ARP only.

Abstract: The objective of this action is to provide an adequate supply of feed grains for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. The net cost to the Government is expected to be $3.0 billion to $4.5 billion.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC54

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

39. AMEND U.S. WAREHOUSE ACT (USWA) REGULATIONS TO PROVIDE 1) LIQUIDATION PROCEDURES, AND 2) INFORMAL HEARINGS FOR USWA LICENSED WAREHOUSEMEN

Legal Authority: 7 USC 268; The United States Warehouse Act

CFR Citation: 7 CFR 735 to 742

Legal Deadline: None

Abstract: Under current procedures, when a USWA warehouse is in violation of USWA regulations, the warehouseman's license is suspended until the problem is corrected. If it cannot be corrected, liquidation may be initiated by a State or financial institution to satisfy liens against the warehouse. Because USWA regulations do not currently provide liquidation authority, the Secretary cannot assure that all grain storage depositors will be equally protected. This action would provide the authority for the Secretary to close and take control of a warehouse, including stock liquidation, to protect all grain depositors. This action would also give USWA licensees an opportunity for informal hearings in cases of license suspension. There are no expected outlays as a result of this action.

Timetable:

Action	Date	FR Cite
NPRM	05/09/91	56 FR 21452
NPRM Comment Period End	07/08/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC05

40. ALLOCATION OF PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATION ON A LOWEST LANDED COST BASIS

Significance: Agency Priority

Legal Authority: 46 USC 1241f(c); The Merchant Marine Act, 1936, as amended, Sec 901b(c)

CFR Citation: 7 CFR 1496

Legal Deadline: None

Abstract: The objective of this action is to amend the regulations governing the procurement of commodities as required by the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act). The 1990 Act requires that CCC shall, without detriment to any port range, allocate, on the principle of lowest landed cost (LLC) without regard to the country of documentation of the vessel, 50 percent of the bagged, processed, or fortified commodities for Title II (PL 480) donations. In addition, the 1990 Act provides that CCC limit the Great Lakes port range to a percentage share under this procedure that is no greater than in 1984, and that cargo allocated to Great Lakes ports may not be shipped from other port ranges except to meet U.S. flag cargo preference requirements. This action will result in no more than a $5 million increase in annual Government outlays.

Timetable:

Action	Date	FR Cite
NPRM	02/08/91	56 FR 5161
NPRM Comment Period End	03/11/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC27

41. 1992 WHEAT LOAN RATE, TARGET PRICE, AND ACREAGE REDUCTION LEVEL

Significance: Regulatory Program

Legal Authority: 7 USC 1445 et seq; The Agricultural Act of 1949, as amended, Sec 107B

CFR Citation: None

Legal Deadline: Final, Statutory, June 1, 1991.

Abstract: The objective of this action is to assure sufficient supplies of wheat for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. The primary determinations are 1) loan and purchase rate, 2) target price, and 3)

USDA—ASCS **Final Rule Stage**

Acreage Reduction Program (ARP) level. The net cost is expected to be $2 billion to $3 billion.

Timetable:

Action	Date	FR Cite
NPRM	04/04/91	56 FR 13787
NPRM Comment Period End	05/10/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC30

42. 1992 FEED GRAIN LOAN RATES, TARGET PRICES, AND ACREAGE REDUCTION LEVELS

Significance: Regulatory Program

Legal Authority: 7 USC 1444 et seq; The Agricultural Act of 1949, as amended, Sec 105B

CFR Citation: None

Legal Deadline: Final, Statutory, September 30, 1991.

Abstract: The objective of this action is to provide an adequate supply of feed grains for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. The primary determinations are 1) loan and purchase rates, 2) target prices, and 3) Acreage Reduction Program (ARP). The net cost is expected to be $3.0 to $4.5 billion.

Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32132
NPRM Comment Period End	08/26/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC31

43. FARMER-OWNED RESERVE (FOR) PROGRAM FOR THE 1991 CROP OF WHEAT

Significance: Regulatory Program

Legal Authority: 7 USC 1445e; The Agricultural Act of 1949, as amended, Sec 1123; PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: 7 CFR 1421

Legal Deadline: Final, Statutory, December 15, 1991.

Abstract: The objective of this action is to formulate and administer a FOR program as required by legislation. The FOR program provides extended loans (at no less than the current loan rate) and storage payments to producers to enable this to store their crops when supplies are abundant, extend the time period for orderly marketing, and provide adequate carryover stocks to ensure a reliable supply. The primary determinations are 1) terms and conditions, and 2) maximum quantity of wheat to be stored in the FOR. Entry of wheat into the FOR would be expected to reduce loan redemptions by about $400 million in FY 1991. Loan redemptions and storage payments in FY's 1992 through 1995 would result in a net cost over the FY 1991-95 period of about $100 million.

Timetable:

Action	Date	FR Cite
Final Action	12/13/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC35

44. 1992 OILSEED PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446 et seq; The Agricultural Act of 1949, as amended, Sec 201 & 205

CFR Citation: None

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: The objective of this action is to provide an adequate oilseed supply for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. The primary determination is loan and purchase rates. The net cost is expected to be $0 to $50 million.

Timetable:

Action	Date	FR Cite
Final Action	11/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC37

45. 1992-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1314; The Agricultural Act of 1938, as amended, Sec 314; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: None

Legal Deadline: Final, Statutory, February 1, 1992.

Abstract: The burley tobacco marketing quota and price support are required by legislation. The purpose of the quota and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weights average market prices (2/3) and a cost index (1/3), plus discretion to limit any increase to 65 percent of the formula increase. Gross loan outlays of $55 million are expected in FY 1993. These outlays will be offset by loan

redemptions and no-net-cost assessments in FY 1992 and subsequent years, for a net cost of $0.

Timetable:

Action	Date	FR Cite
Final Action	01/31/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC38

46. 1992-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1314; The Agricultural Adjustment Act of 1938, as amended, Sec 314; 7 USC 1445; The Agricultural Act of 1949, as amended, Sec 106

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1991.

Abstract: The flue-cured tobacco marketing quota and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weights average market prices (2/3) and a cost index (1/3), with discretion to limit any increase to 65 percent of the formula increase. Gross loan outlays of $50 million are expected in FY 1992 and FY 1993. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1992 and subsequent years, for a net cost of $0.

Timetable:

Action	Date	FR Cite
Final Action	12/13/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC39

47. 1992-CROP PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1445 et seq; The Agricultural Act of 1949, as amended, Sec 106

CFR Citation: None

Legal Deadline: None

Abstract: Price support is required by legislation to stabilize prices for these six kinds of tobacco (Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia sun-cured (type 37), Puerto Rican Cigar Fill (type 46), and Cigar Filler and Binder (types 42-44 and 53-55)) when marketing quotas are in effect. Marketing quotas are implemented, if approved by producers in referenda, to achieve a supply equal to the "reserve supply level" as defined by legislation. No quota will be in effect for type 46 because supplies are well above that level. Producers approved quotas for the 1992 crop for type (42-44, 53-55). Referenda for the other types are scheduled for 3/91 and 3/92. Producers of these types have historically voted in favor of quotas. The primary determination to be made is price support levels. Gross loan outlays under the price support and quota program of $2 million are expected in FY 1993. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1993 and subsequent years, for a net cost of $0.

Timetable:

Action	Date	FR Cite
Final Action	04/15/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC41

48. 1992-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358-1; The Agricultural Adjustment Act of 1938, as amended; PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: 7 CFR 729

Legal Deadline: Final, Statutory, December 15, 1991.

Abstract: The objective of this action is to balance supply with demand at a level that will assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic food, seed, and related uses, and may not be less than 1.34 million tons. The primary determination is in regards to the national poundage quota. The quota is set by statutory formula, based on the Secretary's estimate of the amount of peanuts required for domestic food, seed, and related uses for the 1992 marketing year. The 1992 marketing year is from August 1, 1992, through July 31, 1993. The net cost is expected to be $3 million.

Timetable:

Action	Date	FR Cite
Final Action	12/13/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC42

49. NATIONAL AVERAGE LOAN RATES FOR 1992-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT-EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

USDA—ASCS **Final Pule Stage**

Legal Authority: 7 USC 1445c-3; The Agricultural Act of 1949, as amended, Sec 108B; PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: 7 CFR 1446

Legal Deadline: Final, Statutory, February 15, 1992.

Abstract: The objective of this action is to determine the peanut price support levels for quota and additional peanuts, as required by legislation. The price support levels provide a domestic price floor for quota and additional peanuts. The primary determinations are 1) price support level for quota peanuts, 2) price support level for additional peanuts, and 3) minimum CCC export-edible sales price for additional peanuts. The net cost is expected to be $3 million.

Timetable:

Action	Date	FR Cite
Final Action	02/14/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Tom Witzig**, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AC43

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50. ● APPLICATION OF CCC DEBT SETTLEMENT POLICIES AND PROCEDURES TO FOREIGN TRANSACTIONS

Legal Authority: 15 USC 714b to 714c; The Commodity Credit Corporation Charter Act, Sections 4-5

CFR Citation: 7 CFR 1403

Legal Deadline: None

Abstract: Current CCC debt settlement regulations are applicable only to debts incurred by, or owed to, CCC as a result of domestic transactions. The purpose of this action is to amend the regulations to make the same provisions applicable to all debts, whether domestic or foreign. This action will also amend other existing provisions for clarity, and to make necessary technical changes. This action will pertain only to private debt. Government-to-Government debt settlement procedures will not be affected. There are no costs to the Government associated with this action.

Timetable:

Action	Date	FR Cite
NPRM	05/21/91	56 FR 23250
NPRM Comment Period End	06/20/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Tom Witzig**, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AC52

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51. ● FIRST HANDLER AND DOMESTIC USER/EXPORTER CERTIFICATE PROGRAMS FOR UPLAND COTTON

Significance: Agency Priority

Legal Authority: 7 USC 1444-2; The Agricultural Act of 1949, as amended, Section 103B

CFR Citation: 7 CFR 1427

Legal Deadline: None
Provisions must be in place when the 1991 marketing year begins on August 1, 1991.

Abstract: The objective of this action is to promulgate rules regarding the issuance of marketing certificates to first handlers of upland cotton whenever the adjusted world price is below the loan repayment rate. The purpose of the certificates is to make U.S. cotton competitive in world markets and to maintain and expand domestic use and exports. Provisions that need to be determined include the types of cotton eligible and the general terms and conditions of the program. The net cost to the Government is expected to be $0 to $50 million.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/91	56 FR 27902
Interim Final Rule Effective	08/01/91	
Interim Final Rule	08/21/91	56 FR 41431
Interim Final Rule Comment Period End	09/20/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Tom Witzig**, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AC53

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52. ● 1992 CCC COTTON LOAN PROGRAM REGULATIONS—BALE PACKAGING MATERIALS

Legal Authority: 7 USC 714b to 714c; Commodity Credit Corporation Charter Act, Sections 4-5

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: The objective of this action is to incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1992 that are approved by the Joint Cotton Industry Bale Packaging Committee and that are acceptable to CCC. There are no expected costs to the Government associated with this action.

Timetable:

Action	Date	FR Cite
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Tom Witzig**, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AC55

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53. ● COMMON PROVISIONS FOR THE 1992 WHEAT, FEED GRAIN, COTTON, AND RICE PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: None

Legal Deadline: None

Abstract: The objective of this action is to implement the Wheat, Feed Grain, Cotton, and Rice Programs as required

USDA—ASCS **Final Rule Stage**

by the Agricultural Act of 1949, as amended. The net cost to the government is expected to be $0 to $500 million as a result of this action.

Timetable:

Action	Date	FR Cite
NPRM	08/19/91	56 FR 41082
NPRM Comment Period End	09/13/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC56

54. ● MARKETING ASSESSMENTS FOR 1991-1995 CROP SUGAR BEETS AND SUGARCANE

Legal Authority: 7 USC 1446g; The Agricultural Act of 1949, as amended, Sec 206

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: The objective of this action is to implement the marketing assessment provisions of the Agricultural Act of 1949, as amended. Nonrefundable marketing assessments on first processors of sugar are set by statute at 0.18 cents per pound of raw cane sugar and at 0.193 cents per pound of processed beet sugar. The net revenue to the Government is expected to be $44 million per year.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/19/91	56 FR 28034
Interim Final Rule Comment Period End	07/19/91	56 FR 28034
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC57

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

55. 1990-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Completed:

Reason	Date	FR Cite
No Further Action	03/23/91	55 FR 11415

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB60

56. 1991-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	04/05/91	56 FR 14067

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB66

57. 1991-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	05/01/91	56 FR 19973

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB74

58. 1991-CROP FLUE-CURED TOBACCO MARKETING QUOTA AND PRICE SUPPORT LEVEL

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	05/01/91	56 FR 19975

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB75

59. 1991-CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	05/06/91	56 FR 20577

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB77

60. REGULATIONS FOR PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATION UNDER TITLE II, P.L. 480

CFR Citation: 07 CFR 1496

Completed:

Reason	Date	FR Cite
Withdrawn	05/23/91	

Small Entities Affected: None

Government Levels Affected: None

USDA—ASCS

Completed Actions

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB79

61. 1991 CCC COTTON LOAN PROGRAM REGULATIONS—BALE PACKAGING MATERIALS

CFR Citation: 07 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	08/23/91	56 FR 41749
Final Action Effective	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB80

62. 1991 MARKETING YEAR PENALTY RATE FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	06/28/91	56 FR 29617

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-3646

RIN: 0560–AB83

63. COTTON WAREHOUSE REGULATIONS GOVERNING 1) ISSUANCE OF WAREHOUSE RECEIPTS FOR NON-GRADABLE COTTON AND 2) INCLUSION OF LIEN LANGUAGE IN WAREHOUSEMAN'S SCHEDULES OF CHARGES

Significance: Agency Priority

CFR Citation: 07 CFR 735.2; 07 CFR 735.16; 07 CFR 735.29; 07 CFR 735.69; 07 CFR 735.70

Completed:

Reason	Date	FR Cite
Final Action	05/21/91	56 FR 23234

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-3646

RIN: 0560–AB86

64. 1990-CROP DISASTER PROGRAM

CFR Citation: 7 CFR 777

Completed:

Reason	Date	FR Cite
Final Action	06/04/91	56 FR 25345

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB89

65. AMENDMENTS TO THE CROP LOSS ASSISTANCE REGULATIONS REGARDING SUGARCANE, VALENCIA ORANGES, AND THE WIND RIVER INDIAN RESERVATION

CFR Citation: 7 CFR 1477

Completed:

Reason	Date	FR Cite
Final Action	05/06/91	56 FR 20519

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB91

66. FARM MARKETING QUOTAS, ACREAGE ALLOTMENTS, AND PRODUCTION ADJUSTMENT REGULATIONS FOR TOBACCO—SALE, LEASE, AND TRANSFER OF QUOTA

CFR Citation: 7 CFR 723

Completed:

Reason	Date	FR Cite
Final Action	05/09/91	56 FR 21439

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB92

67. TOBACCO MARKETING ASSESSMENTS FOR THE 1991-1995 CROPS

CFR Citation: 7 CFR 1464

Completed:

Reason	Date	FR Cite
Final Action	05/08/91	56 FR 21259

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB94

68. GENERAL PRICE SUPPORT REGULATIONS FOR COTTON FOR THE 1991-1995 CROP YEARS

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	08/23/91	56 FR 41749
Final Action Effective	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB95

69. MARKETING LOAN PROGRAMS AND GENERAL PRICE SUPPORT REGULATIONS FOR THE 1991-1995 CROPS OF WHEAT, FEED GRAINS, AND OILSEEDS

Significance: Regulatory Program

CFR Citation: 7 CFR 1421; 7 CFR 1443

Completed:

Reason	Date	FR Cite
Final Action	05/02/91	56 FR 20101

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB96

70. GENERAL PRODUCTION ADJUSTMENT REGULATIONS AND INTEGRATED FARM MANAGEMENT PROGRAM OPTION FOR THE 1991-1995 COMMODITY PROGRAMS

CFR Citation: 7 CFR 718; 7 CFR 719; 7 CFR 1413

Completed:

Reason	Date	FR Cite
Final Action	04/19/91	56 FR 16156

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB97

USDA—ASCS

Completed Actions

71. WOOL AND MOHAIR PRICE SUPPORT PROGRAM REGULATIONS FOR 1991-1995 MARKETING YEARS

CFR Citation: 7 CFR 1472; 7 CFR 1497

Completed:

Reason	Date	FR Cite
Final Action	08/14/91	56 FR 40232
Final Action Effective	08/14/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AB99

72. 1991-1995 PEANUT POUNDAGE QUOTA REGULATIONS

CFR Citation: 7 CFR 729

Completed:

Reason	Date	FR Cite
Final Action	08/13/91	56 FR 38319
Final Action Effective	08/13/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC00

73. 1991-1995 PEANUT PRICE SUPPORT REGULATIONS

CFR Citation: 7 CFR 1446

Completed:

Reason	Date	FR Cite
Final Action	08/13/91	56 FR 38319

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC01

74. COLLECTION OF PRODUCER REFUNDS OF 1988 AND 1989 ADVANCE DEFICIENCY OVERPAYMENTS

CFR Citation: 7 CFR 1403

Completed:

Reason	Date	FR Cite
Final Action	07/16/91	56 FR 32319

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC02

75. 1991 WHEAT LOAN RATE, TARGET PRICE, AND ACREAGE REDUCTION LEVEL

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/18/91	56 FR 47125
Final Action Effective	09/18/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC03

76. 1991 RICE LOAN RATE, TARGET PRICE, AND ACREAGE REDUCTION LEVEL

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/18/91	56 FR 47125
Final Action Effective	09/18/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC04

77. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION PROGRAM AMENDMENTS

Significance: Agency Priority

CFR Citation: 7 CFR 12

Completed:

Reason	Date	FR Cite
Final Action	04/23/91	56 FR 18630

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC07

78. CONSERVATION RESERVE PROGRAM (CRP) AMENDMENTS

Significance: Regulatory Program

CFR Citation: 7 CFR 704; 7 CFR 705

Completed:

Reason	Date	FR Cite
Final Action	04/19/91	56 FR 15980

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC09

79. 1991 FEED GRAIN LOAN RATES, TARGET PRICES, AND ACREAGE REDUCTION LEVELS

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/18/91	56 FR 47125
Final Action Effective	09/18/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC10

80. 1991 UPLAND COTTON LOAN RATE, TARGET PRICE, AND ACREAGE REDUCTION LEVEL

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	08/23/91	56 FR 41749

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC11

81. GENERAL REGULATIONS FOR THE 1991-1995 CROP ACREAGE LIMITATION AND PAYMENT PROGRAMS

Significance: Regulatory Program

CFR Citation: 7 CFR 1413

USDA—ASCS **Completed Actions**

Completed:

Reason	Date	FR Cite
Final Action	04/29/91	56 FR 16156

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC12

82. 1991-95 CROPS SUGAR BEET AND SUGARCANE PROGRAM

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/18/91	56 FR 47125
Final Action Effective	09/18/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC14

83. 1991 OILSEED PROGRAM

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/18/91	56 FR 47125
Final Action Effective	09/18/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC15

84. 1991 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 1468; 7 CFR 1472; 7 CFR 1497

Completed:

Reason	Date	FR Cite
Final Action	08/26/91	56 FR 42023
Final Action Effective	08/26/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC16

85. FARMER-OWNED RESERVE (FOR) PROGRAM FOR THE 1990 CROP OF FEED GRAINS

Significance: Regulatory Program

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	04/18/91	56 FR 15812

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC19

86. AMENDMENTS TO THE PAYMENT LIMITATION REGULATIONS FOR 1991-1995

Significance: Agency Priority

CFR Citation: 7 CFR 1497; 7 CFR 1498

Completed:

Reason	Date	FR Cite
Final Action	04/18/91	56 FR 15964

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC21

87. 1991-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1434

Completed:

Reason	Date	FR Cite
Final Action	05/21/91	56 FR 23195

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC22

88. DESIGNATION OF "OTHER" MINOR OILSEEDS AND CROPS THAT MAY BE PLANTED ON FLEX ACREAGE

Significance: Agency Priority

CFR Citation: 7 CFR 1413

Completed:

Reason	Date	FR Cite
Final Action	04/19/91	56 FR 16156

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC24

89. 1991 EXTRA LONG STAPLE (ELS) COTTON LOAN RATE, TARGET PRICE, AND ACREAGE REDUCTION LEVEL

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	08/23/91	56 FR 41749
Final Action Effective	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC26

90. FARMER-OWNED RESERVE (FOR) PROGRAM REGULATIONS FOR THE 1990 AND SUBSEQUENT CROPS

Significance: Agency Priority

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	04/18/91	56 FR 15812

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC28

91. FARMER-OWNED RESERVE (FOR) PROGRAM FOR THE 1991 CROP OF FEED GRAINS

Significance: Regulatory Program

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	04/22/91	56 FR 16263

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560–AC36

92. ● AMEND WAREHOUSE STANDARDS TO INCLUDE MINOR OILSEEDS AS ELIGIBLE FOR STORAGE UNDER THE UNIFORM GRAIN STORAGE AGREEMENT

Legal Authority: 15 USC 714; Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1421

Legal Deadline: None

Abstract: The objective of this action is to amend warehouse standards to include minor oilseeds as eligible for storage under the Uniform Grain Storage Agreement (UGSA). In order to carry out a price support program for oilseeds, adequate commercial storage space must be available. Current warehouse standards permit only wheat, oats, corn, rye, barley, sorghum, flaxseed, and soybeans to be stored under UGSA. Therefore, it is proposed that the standards be amended to include the sunflower, canola, rapeseed, safflower seed, and mustard seed as eligible commodities under UGSA. There are no expected costs to the government associated with this action.

Timetable:

Action	Date	FR Cite
NPRM	07/01/91	56 FR 29912
Final Action	09/12/91	56 FR 46369
Final Action Effective	09/12/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC48

93. ● AMEND U.S. WAREHOUSE ACT (USWA) REGULATIONS TO CLARIFY THE RESPONSIBILITIES OF USWA INSPECTORS AND WEIGHERS

Legal Authority: 7 USC 268; The United States Warehouse Act

CFR Citation: 7 CFR 736

Legal Deadline: None

Abstract: This action will clarify the duties, responsibilities, and authorities of inspectors licensed under the USWA and the USGSA. There has been recent concern over possible conflicts between the USWA and the USGSA with respect to inspection requirements for various grain transactions. FGIS regulates and implements the USGSA, and ASCS regulates and implements the USWA. FGIS inspections and weights are mandatory on exported grain, and are classified as "official." FGIS "official" inspections and weights are provided, upon request, for grain in domestic trade. The USWA allows quality and quantity determinations to be made unofficially. Most USWA warehousemen operate as grain merchants as well as warehousemen. Therefore, it is necessary to establish the quality and quantity of grain to be stored or in storage. "Official" inspection and weighing is often not necessary or unavailable, especially at interior country elevators. This action will amend the regulations to identify inspections and weights available to producers, warehousemen, and others. There are no expected costs to the government associated with this action.

Timetable:

Action	Date	FR Cite
NPRM	05/09/91	56 FR 21454
Final Action	08/14/91	56 FR 40219

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC49

94. ● DISASTER PAYMENTS FOR 1989 NON-PROGRAM, DOUBLE-CROPPED COMMODITIES AFFECTED BY HURRICANE HUGO

Legal Authority: 7 USC 1421; The Disaster Assistance Act of 1989, Section 104(a)

CFR Citation: 7 CFR 1477

Legal Deadline: None

Abstract: The objective of this action is to implement the provisions of the Disaster Assistance Act of 1989 that apply to producers of non-program agricultural commodities in South Carolina, North Carolina, Virginia, Puerto Rico, or the U.S. Virgin Islands that are eligible for disaster payments as the result of Hurricane Hugo. Current provisions require that repeat crops (i.e., multiple croppings of the same commodity) that were damaged by Hurricane Hugo qualify for benefits on the basis of the percentage of the entire season's production of the commodity. The net cost to the government is expected to be $1.4 million.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/91	56 FR 26761
Final Action	08/19/91	56 FR 41055
Final Action Effective	08/19/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AC50

95. ● CCC CONTRACTUAL REQUIREMENTS FOR THE PROCUREMENT OF AGRICULTURAL COMMODITIES OF U.S. ORIGIN

Legal Authority: 7 USC 1732; The Agriculture Trade Development Assistance Act of 1954

CFR Citation: None

Legal Deadline: None

Abstract: The objective of this notice is to inform the public of certain new contractual requirements that CCC intends to adopt effective with all contracts entered into on and after October 1, 1991, for both export and domestic distribution programs. CCC will require that each nonagricultural ingredient, whether added separately to the end product or as a component of a premix package, be produced in the United States. Primary determinations associated with this action are 1) definition of an ingredient, 2) provisions for exemption, and 3) determination of "fair and reasonable" price. There are

USDA—ASCS **Completed Actions**

no expected costs to the government associated with this action.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/91	56 FR 36049
Final Action	07/30/91	56 FR 36049

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AC51

BILLING CODE 3410-05-F

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

96. REVISION OF 7 CFR 319.56, IMPORTATION OF FRUITS AND VEGETABLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 154; 7 USC 155; 7 USC 157; 7 USC 159; 7 USC 160; 7 USC 162; 7 USC 164a

CFR Citation: 7 CFR 319.56

Legal Deadline: None

Abstract: To prevent the introduction of plant pests, APHIS prohibits or restricts the importation of various fruits and vegetables. APHIS is updating the regulations governing the importation of fruits and vegetables. The revised regulations will allow the importation of certain fruits and vegetables under appropriate regulatory controls.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Public Hearing	02/00/92	
NPRM Comment Period End	03/00/92	
Interim Final Rule	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 639-C Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-5231**

RIN: 0579–AA12

97. EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Significance: Regulatory Program

Legal Authority: 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 123 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 82

Legal Deadline: None

Abstract: Exotic Newcastle Disease (also known as viscerotropic velogenic Newcastle disease and as VVND) and psittacosis or ornithosis (now generally referred to as chlamydiosis) are communicable diseases of birds and poultry. The spread of these diseases in the United States could have serious consequences for the United States poultry industry. A review of the Department's regulations to prevent the interstate spread of these diseases indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. A. Mixson, Chief Staff Veterinarian, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 747, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8073**

RIN: 0579–AA22

98. IMPORTED FIRE ANT

Significance: Regulatory Program

Legal Authority: 7 USC 150bb; 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 161 to 162; 7 USC 164 to 167

CFR Citation: 7 CFR 301

Legal Deadline: None

Abstract: The Department is proposing to revise "Subpart--Imported Fire Ant," which contains quarantine and interstate movement regulations for the containment and control of this destructive plant pest. Executive Order 12291 and Department Regulation 1512-1 require that agencies initiate reviews of currently effective rules to bring about the goal of reduction of regulatory burdens and to minimize impacts on small entities. The proposed rule is part of the scheduled review of "Subpart--Imported Fire Ant" to meet regulatory review requirements. Revising the regulations would make them easier to understand, thereby increasing compliance and the effectiveness of the regulations in preventing the interstate spread of the imported fire ant.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mike Stefan, Assistant Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 661 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-6365**

RIN: 0579–AA25

USDA—APHIS **Proposed Rule Stage**

99. IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS—COMMUNICABLE ANIMAL DISEASES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department currently regulates the importation of certain animals and animal products to prevent the introduction of communicable animal diseases into the United States. With certain exceptions, most animals imported into the United States must be quarantined upon arrival at facilities operated by the Federal Government; only sheep, birds, and horses may be quarantined in privately-operated facilities. Some importers have expressed interest, however, in importing ruminants and swine, other than sheep, in greater numbers per shipment than can be handled at existing Federal facilities. The Department is considering amending the regulations to allow all species of domesticated ruminants and swine, from countries free of certain serious diseases, to be quarantined upon arrival in the United States at privately operated facilities.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sam Richeson, Senior Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 764 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8144

RIN: 0579–AA28

100. REGULATION OF HORSES AND FARM ANIMALS UNDER THE ANIMAL WELFARE ACT

Significance: Agency Priority

Legal Authority: 7 USC 2131 to 2157

CFR Citation: 9 CFR 1; 9 CFR 2; 9 CFR 3

Legal Deadline: None

Abstract: The Department is authorized to regulate the treatment of certain horses and other farm animals under the Animal Welfare Act (the Act). Under the Act, the Department is authorized to regulate the treatment of horses used for research purposes, and is authorized to regulate the treatment of other farm animals, unless those animals are used or intended for use as food or fiber, for breeding management or production efficiency, or for improving the quality of food fiber. As a matter of policy, however, the Department has not been regulating such horses and other farm animals. However, because of the increasing use of these animals for research purposes, the Department has given notice of its intent to regulate such animals, and has requested comments on standards to be developed for the inclusion of these animals under the regulations. These actions will help ensure that the animals are treated humanely, in accord with the Act.

Timetable:

Action	Date	FR Cite
ANPRM	04/05/90	55 FR 12667
Notice to Extend Comment Period	06/12/90	55 FR 23748
Notice to Extend Comment Period	07/12/90	55 FR 28638
ANPRM Comment Period End	09/10/90	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Dr. R.L. Crawford, Director, Animal Care, Regulatory Enforcement and Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Room 565, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 303 436-7833

RIN: 0579–AA31

101. NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 40 USC 4321

CFR Citation: 7 CFR 372

Legal Deadline: None

Abstract: The National Environmental Policy Act (NEPA) (42 USC 4321, et seq.) and the regulations promulgated by the Council on Environmental Quality (CEQ) (40 CFR 1500 et seq.) require that every Federal agency establish procedures to implement NEPA. The proposed APHIS NEPA Implementing Regulations have been developed to ensure compliance with NEPA and are consistent with the Regulations of CEQ for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1509) and the USDA Regulations for Implementing NEPA (7 CFR lb). These Agency-specific regulations will enable APHIS decision makers to reach decisions in which environmental concerns are fully reviewed and will ensure timely public involvement in the NEPA process. The regulations will identify Agency actions, requirements, guidance, and references for completion of environmental assessments, and environmental reviews. The new APHIS NEPA Implementing Regulations will supersede the previous issues, APHIS Guidelines for Implementing NEPA Procedures (44 FR 50381-50384 and 44 FR 51272-51274), upon publication of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	01/00/92	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terry L. Medley, Deputy Director, Environmental Documentation, Department of Agriculture, Animal and Plant Health Inspection Service, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8565

RIN: 0579–AA33

USDA—APHIS **Proposed Rule Stage**

102. CYCLICAL REVIEW OF 9 CFR PART 92, PHASE II

Significance: Regulatory Program

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102; 21 USC 103; 21 USC 104; 21 USC 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department is reviewing the regulations in 9 CFR Part 92, which, among other things, govern the importation into the United States of certain animals and poultry, and certain animal and poultry products. This is in compliance with Executive Order 12291 and Departmental Regulation 1512-1, which requires agencies to periodically review regulations.

The Department is conducting this Cyclical Review in phases. Phase I, effective August 2, 1990, reorganized the regulations. The Department is now starting Phase II. Subpart C of 9 CFR Part 92, covering horses and certain other equines, is now being reviewed. If the Department determines the regulations should be changed, a notice of proposed rulemaking will be published.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Karen A. James, Senior Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 760, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8170**

RIN: 0579–AA34

103. GYPSY MOTH

Significance: Agency Priority

Legal Authority: 7 USC 150(dd) to 150(ff); 7 USC 161; 7 USC 162; 7 USC 164 to 167; 7 USC 150(bb)

CFR Citation: 7 CFR 301.45

Legal Deadline: None

Abstract: Current regulations quarantine certain States to control Gypsy Moth, establish high-risk and low-risk regulated areas within those States, and restrict the interstate movement of regulated articles and outdoor household articles from regulated areas. Plant Protection and Quarantine is developing new definitions and restrictions for these areas and articles to more effectively control Gypsy Moth.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Flanigan, Operations Officer, Operational Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 646, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8247**

RIN: 0579–AA39

104. RUMINANTS AND SWINE IMPORTED FROM FOOT-AND-MOUTH-DISEASE COUNTRIES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: Current regulations prohibit, with certain limited exceptions, the importation of ruminants and swine from countries where foot-and-mouth disease (FMD) exists. However, the regulations are unclear with respect to the application of this prohibition to animals that originate in an FMD country but are moved to a FMD-free country and are then offered for importation into the United States. Veterinary Services is developing regulations to clarify import restrictions for these situations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Richeson, Senior Staff Veterinarian, Import-Export Products Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 759, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8144**

RIN: 0579–AA40

105. IMPORTATION OF NURSERY STOCK PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS - PHASE II

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 154; 7 USC 155; 7 USC 157; 7 USC 159; 7 USC 160; 7 USC 162; 7 USC 164a

CFR Citation: 7 CFR 319.37

Legal Deadline: None

Abstract: To prevent the introduction of plant pests and diseases, Plant Protection and Quarantine prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. Plant Protection and Quarantine is updating the lists of prohibited and restricted articles and is revising the regulatory requirements for importation of various articles including imported plants established in growing media.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	
NPRM Comment Period End	08/00/92	
Final Action	01/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 639-C, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-5231**

RIN: 0579–AA41

USDA—APHIS **Proposed Rule Stage**

106. ANIMAL WELFARE; RANDOM SOURCE DOGS AND CATS

Significance: Regulatory Program

Legal Authority: 7 USC 2133; 7 USC 2135; 7 USC 2136; 7 USC 2140; 7 USC 2141; 7 USC 2142; 7 USC 2143; 7 USC 2144; 7 USC 2146; 7 USC 2147; 7 USC 2151; 7 USC 2158

CFR Citation: 9 CFR 2

Legal Deadline: Final, Statutory, May 25, 1991.

Abstract: Section 2503 of the Farm Bill, entitled "Protection of Pets" instructs APHIS to amend the Animal Welfare regulations to require that dogs and cats be held for at least 5 days at pounds and shelters and at licensed research facilities. Additionally, the Farm Bill instructs APHIS to require that dealers provide a valid certification to anyone acquiring random source dogs and cats from those dealers. The certification would have to identify the dealer, the animal, and the source of the animal, and would have to accompany the shipment of the animal. The intent of these provisions is to prevent stolen animals from being entered into research channels and to provide owners with the opportunity to locate their animals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Joan Arnoldi, Deputy Administrator, Regulatory Enforcement and Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Room 558, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301 436-8323

RIN: 0579–AA42

107. ● BROADLEAF PAPER BARK TREE; NOXIOUS WEED

Significance: Agency Priority

Legal Authority: 7 USC 2803; 7 USC 2809

CFR Citation: 7 CFR 360

Legal Deadline: None

Abstract: The Department currently lists noxious weeds, allowing for their movement into or through the United States only under a written permit and under conditions that would not involve a danger of dissemination of the weeds. The Department is considering amending the regulations by adding a weed, Melaleuca quenquinervia (Cav.) Blake, referred to as broadleaf paper bark tree, to the list of noxious weeds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Thomas G. Flanigan, Operations Officer, Operations Support Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 646, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8247

RIN: 0579–AA46

108. ● IMPORTATION OF UNMANUFACTURED WOOD

Legal Authority: 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 151 to 167

CFR Citation: 7 CFR 319

Legal Deadline: None

Abstract: USDA is developing regulations to restrict the importation of certain types of manufactured wood, such as logs, lumber, wood chips, bark, and pulp wood. There are a variety of plant pests and diseases associated with these articles, and there has recently been increased interest in importing large quantities of these articles into the U.S. At this time we are considering prohibiting the importation of logs and unmanufactured wood from certain tree genera and species, unless they meet importation criteria contained in the regulations and are imported under a permit issued by APHIS. The trees we are considering regulating in this manner are: all coniferous species; Carya; Fagus; Juglans; Liquidambar; Liriodendron; Nyssa; Populus; Quercus; Salix; and Thuja. The importation criteria would address the genus or species of the tree; the nature of the wood article; the country or area or origin; and methods by which the trees were harvested, stored, and treated.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Michael J. Shannon, Chief Operations Officer, Operational Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 814, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8716

RIN: 0579–AA47

DEPARTMENT OF AGRICULTURE (USDA)
Animal and Plant Health Inspection Service (APHIS) **Final Rule Stage**

109. IMPORTATION OF NURSERY STOCK, PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS- PHASE I

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 154; 7 USC 155; 7 USC 157; 7 USC 159; 7 USC 160; 7 USC 162; 7 USC 164a

CFR Citation: 7 CFR 319.37

Legal Deadline: None

Abstract: To prevent the introduction of plant pests and diseases, Plant Protection and Quarantine (PPQ) prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. PPQ is updating the lists of prohibited and restricted articles and is revising the regulatory requirements for importation of various articles. These revisions will allow the importation of certain living plants and

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related articles under appropriate regulatory controls, and will prohibit the importation of other living plants and related articles.

Timetable:

Action	Date	FR Cite
NPRM	02/15/91	56 FR 6297
Public Hearing	03/28/91	
NPRM Comment Period End	04/16/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Port Operations Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 639-C, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-5231**

RIN: 0579–AA21

110. ANIMALS DESTROYED BECAUSE OF SCRAPIE

Significance: Regulatory Program

Legal Authority: 21 USC 111; 21 USC 114; 21 USC 114a; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134e; 21 USC 134f; 21 USC 134g; 21 USC 134h

CFR Citation: 9 CFR 54

Legal Deadline: None

Abstract: APHIS is utilizing negotiated rulemaking procedures to develop alternatives to the current Scrapie Eradication Program and the regulations in 9 CFR Part 54. During the negotiated rulemaking sessions, members of APHIS, representatives of the sheep industry, and representatives of other parties with a definable stake in scrapie issues are meeting to frame a recommended rulemaking proposal as an alternative to the current regulatory program for the control of scrapie.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/88	53 FR 44200
ANPRM Comment Period End	03/06/89	
ANPRM Response to Comments	07/13/89	54 FR 29576
Notice-Intent To Form Advisory Committee Negotiated Rulemaking	02/26/90	55 FR 6662
Notice of Meeting	04/19/90	55 FR 14843
Notice of Meeting	06/19/90	55 FR 24914
Notice of Meeting	07/25/90	55 FR 30259
Notice of Meeting	08/23/90	55 FR 34581
Notice of Meeting	09/26/90	55 FR 39311
Notice of Meeting	10/30/90	55 FR 45627
Notice of Meeting	12/05/90	55 FR 50202
NPRM	07/16/91	56 FR 32342
NPRM Comment Period End	09/16/91	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: William E. Ketter, Chief, Staff Veterinarian, Veterinary Services, Department of Agriculture, Animal and Plant Health Inspection Service, Room 769, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-6954**

RIN: 0579–AA24

111. IMPORTATION OF CERTAIN ANIMAL EMBRYOS

Significance: Agency Priority

Legal Authority: 21 USC 103; 21 USC 104; 21 USC 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f

CFR Citation: 9 CFR 98

Legal Deadline: None

Abstract: The Department regulates the importation of certain animals, animal products, and animal embryos, to prevent the introduction of communicable animal diseases into the United States. Under the current regulations, cattle embryos may not be imported into the United States from countries where rinderpest or foot-and-mouth disease exists. This limits the importation of cattle germplasm to live animals and semen. Live cattle from countries where rinderpest or foot-and-mouth disease exist may be imported through the Harry S. Truman Animal Import Center; importations of animal semen do not provide complete genetics. The Department has proposed to amend the regulations to establish conditions under which cattle embryos could be imported from countries where rinderpest or foot-and-mouth disease exists.

Timetable:

Action	Date	FR Cite
NPRM	11/23/90	55 FR 48854
NPRM Comment Period End	01/22/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Teachman, Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8590**

RIN: 0579–AA35

112. HONEYBEES AND HONEYBEE SEMEN; REMOVING CERTAIN RESTRICTIONS ON HONEYBEES AND HONEYBEE SEMEN FROM NEW ZEALAND

Significance: Agency Priority

Legal Authority: 7 USC 281

CFR Citation: 7 CFR 322

Legal Deadline: None

Abstract: The regulations governing the importation into the United States of honeybees and honeybee semen, set forth the criteria for determining which countries may import honeybees and honeybee semen and under what conditions. This change will allow the importation of honeybees and honeybee semen from New Zealand, for other than research purposes, if accompanied by a certificate of origin.

Timetable:

Action	Date	FR Cite
NPRM	02/06/90	55 FR 3968
NPRM Comment Period End	02/21/90	
Notice to Extend Comment Period	03/02/90	55 FR 7499
NPRM Comment Period End	04/02/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

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Government Levels Affected: Undetermined

Agency Contact: Philip J. Lima, Staff Specialist, Department of Agriculture, Animal and Plant Health Inspection Service, Room 624, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8677**

RIN: 0579–AA37

113. IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS—PREVENTION OF POULTRY DISEASES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department currently regulates the importation of poultry and poultry products, including eggs for hatching, to prevent the introduction of certain poultry diseases into the United States. These regulations need to be revised to add restrictions to prevent the introduction of Salmonella enteritidis, serotype enteritidis, phage-type 4 (referred to below as S. enteritidis, phage-type 4), a virulent type of Salmonella that has not been detected in poultry flocks in the United States. Canada is the only country other than the United States in which poultry flocks are recognized as being free of S. enteritidis, phage-type 4. Because poultry and poultry eggs for hatching are being imported from countries where this organism is considered to exist, the Department needs to take prompt action to prevent its introduction into the United States. Safeguards under consideration include testing of individual poultry of the flock of origin in the country of origin, and testing and inspection during quarantine in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/92	
Interim Final Rule Comment Period End	03/00/92	
Final Action	09/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Keith Hand, Senior Staff Veterinarian, Import-Export Animal Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 830, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8172**

RIN: 0579–AA38

114. USER FEES

Significance: Regulatory Program

Legal Authority: PL 101-508; PL 101-624

CFR Citation: 7 CFR 319.8-25; 7 CFR 319.27-10; 7 CFR 319.37-13; 7 CFR 319.55-6(c)(1); 7 CFR 319.56-2b(a)(5); 7 CFR 319.56-2f(a)(7); 7 CFR 319.56-2j(a)(5); 7 CFR 319.56-2k(f); 7 CFR 319.56-2l(a)(5); 7 CFR 319.56-2m(d); 7 CFR 319.56-2n(d); 7 CFR 319.56-2o(d); 7 CFR 319.56-2p(b)(7); 7 CFR 319.56-2q(b); 7 CFR 352.14

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) and the Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624) authorize the Secretary of Agriculture to prescribe and collect fees to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of international passengers, commercial vessels, commercial aircraft, and commercial trucks or railroad cars. APHIS intends to begin collecting fees April 1, 1991, for inspection services provided at ports in the customs territory of the United States. APHIS plans to collect fees for agricultural quarantine and inspection services, and for preclearance or preinspection services at sites outside the customs territory of the United States, starting at a later date.

Timetable:

Phase 1
- NPRM 02/27/91 (56 FR 8148)
- NPRM Comment Period End 03/14/91
- Final Action, AQI Services 04/12/91 (56 FR 14837)
- Final Action, Hawaii/Puerto Rico 04/23/91 (56 FR 18496)
- Final Action Eff., AQI Services 05/13/91
- Final Action Eff., HI/PR 08/01/91
- Postponement of HI/PR Eff. Date 08/01/91 (56 FR 36724)
- New Effective Date, HI/PR 00/00/00

Phase 2
- NPRM 08/07/91 (56 FR 37481)
- NPRM Comment Period End 09/06/91
- Final Action 11/00/91
- Final Action Effective 12/00/91

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles A. Havens, Chief Operations Officer, Port Operations, Department of Agriculture, Animal and Plant Health Inspection Service, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8295**

RIN: 0579–AA43

115. ● CHICKEN DISEASE CAUSED BY SALMONELLA ENTERITIDIS

Significance: Regulatory Program

Legal Authority: 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 123 to 126; 21 USC 134a; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 82

Legal Deadline: None

Abstract: USDA has established regulations to control the spread of Salmonella enteritidis serotype enteritidis (SE) in egg-type chicken breeding flocks and egg production flocks. These regulations restrict the interstate movement of table eggs, hatching eggs, and newly-hatched chicks that may be infected with SE, and require testing of egg production flocks that have been associated with SE outbreaks in poultry or humans. We believe that future SE control efforts must move beyond the present program's emphasis on identifying and cleaning up infected flocks by trace-back from human disease outbreaks. SE control programs should move toward risk reduction throughout the continuum of food production, distribution, preparation, and consumption, and identify critical control points in this

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continuum for preventing SE spread. USDA is currently developing necessary research data and standards to measure success in SE control. USDA will then coordinate with other involved Federal agencies to determine whether there is a need for new or revised Federal regulations.

Timetable:

Action	Date	FR Cite
Final	01/30/91	56 FR 3730
Final Action	01/30/91	
Final Action Effective	01/30/91	
Final Action Effective	01/30/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dr. John Mason, Director, Salmonella Task Force, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 205, Federal Bldg., 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-4363

RIN: 0579–AA45

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions
Animal and Plant Health Inspection Service (APHIS)

116. IMPORTATION OF HORSES FROM COUNTRIES AFFECTED WITH CONTAGIOUS EQUINE METRITIS

Significance: Agency Priority

CFR Citation: 9 CFR 92

Completed:

Reason	Date	FR Cite
Final Action	04/17/91	56 FR 15486
Final Action Effective	05/17/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: William Ketter, 301 436-6954

RIN: 0579–AA36

BILLING CODE 3410-34-F

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage
Cooperative State Research Service (CSRS)

117. HIGHER EDUCATION CHALLENGE GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS

Significance: Agency Priority

Legal Authority: 7 USC 3152

CFR Citation: 7 CFR 3405

Legal Deadline: None

Abstract: Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the Higher Education Challenge Grants Program.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	
Provision to OMB for Publication	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Louise Ebaugh, Grant Program Specialist, Department of Agriculture, Cooperative State Research Service, Rm 350-A Administration Building, 14th Street & Independence Ave., SW., Washington, DC 20250-2200, 202 447-7854

RIN: 0524–AA02

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Cooperative State Research Service (CSRS)

118. 1890 INSTITUTION CAPACITY BUILDING GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS

Significance: Agency Priority

Legal Authority: 7 USC 3318

CFR Citation: 7 CFR 3406

Legal Deadline: None

Abstract: Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and award of project grants under the 1890 Institution Capacity Building Grants Program.

Timetable:

Action	Date	FR Cite
Provision to OMB for Publication	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie Olson, Grant Program Specialist, Department of Agriculture, Cooperative State Research Service, Rm 350-A Administration Building, 14th Street & Independence Ave., SW., Washington DC 20250-2200, 202 447-7854

RIN: 0524–AA03

DEPARTMENT OF AGRICULTURE (USDA)
Cooperative State Research Service (CSRS)

Final Rule Stage

119. USDA GUIDELINES FOR RESEARCH INVOLVING PLANNED INTRODUCTION INTO THE ENVIRONMENT OF ORGANISMS WITH DELIBERATELY MODIFIED HEREDITARY TRAITS

Significance: Regulatory Program

Legal Authority: PL 99-198 Food Security Act of 1985; 7 USC 450(h); 7 USC 3121 Sec 1405(12) as amended

CFR Citation: 7 CFR 3015.205; 7 CFR 3200.4(d)(7); 7 CFR 3400.4(c)(12); 7 CFR 1b; 7 CFR 2.30(e)

Legal Deadline: None

Abstract: These Guidelines describe principles for assessing the safety of research in specific organisms and designing confinement measures to promote safety. The Guidelines are not mandatory. They are intended as points to consider to any principal investigators and institutions in determining conditions for safe research. The Guidelines also encourage institutions to utilize Institutional Biosafety Committees to aid investigators in the safety evaluation of confinement design.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/86	51 FR 23367
ANPRM Comment Period End	09/26/86	
NPRM	02/01/91	56 FR 04134
NPRM Comment Period End	04/02/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alvin Young, Director, Office of Agricultural Biotechnology, Department of Agriculture, Cooperative State Research Service, Rm 1001 - RPE, Washington, DC 20250-2200, 703 235-4419

RIN: 0524–AA00

120. AGENCY PROCEDURES TO IMPLEMENT THE NATIONAL ENVIRONMENTAL POLICY ACT

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; EO 11514; EO 11991; EO 12144; 5 USC 301

CFR Citation: 7 CFR 3704

Legal Deadline: None

Abstract: The Cooperative State Research Service (CSRS) of the USDA is proposing regulations for agency compliance with the National Environmental Policy Act (NEPA). These regulations will provide the framework for assuring consideration of environmental perspectives in agency decisionmaking.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patrick Casula, Assistant to the Administrator, Department of Agriculture, Cooperative State Research Service, Rm 305-A Administration Building, 14th Street & Independence Ave., SW., Washington DC 20250-2200, 202 447-4423

RIN: 0524–AA01

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Prerule Stage

121. RURAL RENTAL HOUSING POLICIES, PROCEDURES, AND AUTHORIZATIONS 1944-E

Significance: Regulatory Program

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart D; 7 CFR 1944 Subpart E; 7 CFR 1910 Subpart A; 7 CFR 1940 Subpart L; 7 CFR 1930 Subpart C; 7 CFR 1965 Subpart B

Legal Deadline: Final, Statutory, June 15, 1990.

Abstract: To implement provisions of the HUD Reform Act of 1989 that relate to rural housing, specifically establishment of a reserve fund for equity loans, prepayment of rural housing loans, etc.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/90	55 FR 25072
Begin Review	10/00/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th Street and Independence Ave., NW., Washington, DC 20250, 202 382-9744

RIN: 0575–AA77

122. HOUSING APPLICATION ASSISTANCE GRANTS

Legal Authority: 42 USC 1479

CFR Citation: 7 CFR 1944 Subpart K

Legal Deadline: Other, Statutory, April 1, 1991.
Not later than the expiration of the 120-day period beginning on the date of enactment of the Cranston-Gonzalez National Affordable Housing Act.

Abstract: Complete revision to provide grant program for application packaging in targeted underserved areas and colonias.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th Street and

USDA—FmHA **Prerule Stage**

Independence Ave., NW., Washington, DC 20250, **202 382-9744**

RIN: 0575–AA92

123. ● ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS FMHA INSTRUCTION 1900-B

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1900 Subpart B; 7 CFR 2.70

Legal Deadline: None

Abstract: The Agency proposes to amend FmHA Instruction 1900-B, "Adverse Decisions and Administrative Reviews" to incorporate an appeal "standard of review" and make editorial changes.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/92	
ANPRM Comment Period End	03/10/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, 14th Street & Independence Ave, NW., Washington, DC 20250, **202 382-9744**

RIN: 0575–AB09

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Farmers Home Administration (FmHA)

124. ACQUISITION, MANAGEMENT AND DISPOSITION OF REAL PROPERTY WHICH SECURED SINGLE FAMILY HOUSING (SFH) LOANS

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1955

Legal Deadline: None

Abstract: Create a new Subpart D to cover liquidation of Single Family Housing (SFH) loans, and management and sale of SFH inventory property; and revise existing Subparts A, B, and C to have them apply to all programs other than SFH. Costs to create new subpart and revise and/or amend existing ones is minimal and would enhance all programs' ability to revise and/or amend the regulations with reduced clearances and provide personnel with clearer and simpler regulations to follow and implement. Will avoid "tie-up" of the regulations for one program subject to changes mandated by legislation or court order for another program, such as SFH changes being held up subject to Farmer Program changes being completed as has frequently been the case.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	08/00/92	
Final Action	01/00/93	
Final Action Effective	02/00/93	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Action on this project was effectively paralyzed during calendar year 1988 by extensive changes by Farmer Programs pursuant to the Agriculture Act of 1987.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, **202 382-9744**

RIN: 0575–AA03

125. HOUSING PRESERVATION GRANTS

Legal Authority: 42 USC 1490 (m)

CFR Citation: 7 CFR 1944, Subpart N

Legal Deadline: None

Abstract: Expansion of HPG program to include residential rental properties (single and multi-unit) and cooperative housing. Maintain availability of adequate and decent, safe, and sanitary rental housing for very low and low income individuals and families in the rural areas. Compliance with the Housing and Urban Recovery Act of 1983 and Community Development Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	04/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, **202 382-9744**

RIN: 0575–AA18

126. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944 Subpart A; 7 CFR 1910 Subpart A; 7 CFR 1922 Subpart C; 7 CFR 1951 Subpart G; 7 CFR 1955 Subpart C

Legal Deadline: None

Abstract: Change Interest Credit. Remove Earned Income Tax Credit. Require SFH applicants to provide income tax returns. Set forth new modest housing concept. Exempt Agent Orange payments. Remove posting of names. Appraisal Fees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA35

127. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Legal Authority: 42 USC 1480; 5 USC 1989; 5 USC 301

CFR Citation: 7 CFR 1930, Subpart C; 7 CFR 1944, Subpart E; 7 CFR 1965, Subpart K; 7 CFR 1065, Subpart B; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: General revision to keep the regulations current with policy clarification and incorporate changes to comply with recent legislative changes. Alternatives were to not revise or only incorporate some changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Public Compliance Cost: Initial Cost: $10,741,732; Yearly Recurring Cost: $10,741,732; Base Year for Dollar Estimates: 1992

Additional Information: Proposed rule submitted to OMB, May 9, 1991. OMB Review still pending.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA49

128. REAL PROPERTY INSURANCE

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1806

Legal Deadline: None

Abstract: To update and clarify insurance requirements for FmHA owners.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA53

129. DENY CREDIT TO APPLICANTS DELINQUENT ON ANY FEDERAL DEBT; EXCEPT WHEN THE DELINQUENCY IS AN FMHA FARM PROGRAM LOAN

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1910(a); 7 CFR 1941(a); 7 CFR 1943(a); 7 CFR 1945(d); 7 CFR 1980(b)

Legal Deadline: None

Abstract: OMB Circular A-129 dated November 25, 1988, recommends that the processing of applications for Federal direct loans be suspended and require private lenders to suspended processing of loan guarantee applications when an applicant is found to be delinquent on a Federal debt.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA66

130. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS —PROCESSING PREAPPLICATIONS

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E

Legal Deadline: None

Abstract: Revise and simplify the manner in which Multifamily Housing preapplications are rated, ranked, and funded, and add provisions for cooperation between FmHA and HUD when working in the same market area.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	04/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA67

131. SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED—MULTIPLE FAMILY HOUSING

Legal Authority: 5 USC 301; PL 93-357; 42 USC 1480; 42 USC 2942

CFR Citation: 7 CFR 1951, Subpart N; 7 CFR 2.70

Legal Deadline: None

Abstract: General revision to keep the regulation current with the clarification of policy and incorporation of changes regarding automated processing of payments. The alternative was to not make the revision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA69

132. ESTABLISHMENT OF WETLAND CONSERVATION EASEMENTS ON FARMERS HOME ADMINISTRATION (FMHA) INVENTORY PROPERTY

Significance: Regulatory Program

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1951(s); 7 CFR 1955(b); 7 CFR 1955(c); 7 CFR 1910(a); 7 CFR 1940(g); 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Present regulations require the Agency to place conservation easements on inventory farm property. Previous owners and operators have the option of leasing back or buying back such property from inventory. This regulation revision will allow these parties to lease or buy these properties back with limited easements. There should be little cost involved for the Government as the value of the easement is reflected in the lease or sale value of the property. It is estimated that less than seven percent of the inventory farm property is involved. The benefit is that the previous owner/operator will receive the property back in a similar condition as when it was taken into inventory, and the Federal Government will be taking affirmative action to reduce wetland loss.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA81

133. CIVIL RIGHTS COMPLIANCE REQUIREMENTS - 1940-D

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1840; 5 USC 301; 16 USC 3844; 40 USC 442; 42 USC 2942; EO 11246; 15 USC 1691; 41 USC 2000(d)(1); 20 USC 1682; 29 USC 794; 42 USC 6101; EO 11246

CFR Citation: 7 CFR 15; 12 CFR 202; 28 CFR 42; 45 CFR 90; 41 CFR 20

Legal Deadline: None

Abstract: Will effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA), Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (The Fair Housing Act), of the Rehabilitation Act of 1973, as amended, to include Federally conducted programs, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Executive Order 11246. The revised regulations will provide detailed guidelines for field offices for improved enforcement and compliance with these laws which heavily impact FmHA's programs. Mechanisms for monitoring compliance be field offices and recipients of FmHA's financial assistance at all levels will decrease the Agency's vulnerability due to noncompliance with recently enacted Civil Rights legislation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA83

134. PLANNING AND PERFORMING SITE DEVELOPMENT WORK

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1924-C

Legal Deadline: None

Abstract: This regulation will be amended to no longer require approval of individual subdivisions before FmHA loans are approved within the subdivision. Instead, there will be individual site approval requirements. The cost of implementing the changes would include procedure development, training, and development of forms. The benefits would be that FmHA site requirements would be consistent with HUD and VA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA88

135. SUPPLEMENTAL REQUIREMENTS FOR MAKING SECTION 502 LOANS FOR HOUSING UNITS LOCATED IN CONDOMINIUMS OR PLANNED UNIT DEVELOPMENTS

Legal Authority: 42 USC 1490f

CFR Citation: 7 CFR 1944-A; 7 CFR 1924-A; 7 CFR 1922-C

Legal Deadline: None

Abstract: Housing in some areas is not affordable for low and very low income families. Existing condominiums in these areas may meet the housing needs of these families. The alternatives considered were to implement the financing of existing condominiums or take no action. The cost of implementing the program would include procedure development, training, and completion of forms. The benefits would include reduced housing costs for families and reduced interest subsidy cost for the Government.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA90

USDA—FmHA

Proposed Rule Stage

136. IMPLEMENTATION OF THE FACT ACT OF 1990

Legal Authority: PL 101-624, Sec 1816; 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1900 Subpart B; 7 CFR 1924 Subpart A; 7 CFR 1924 Subpart B; 7 CFR 1941 Subpart A; 7 CFR 1941 Subpart B; 7 CFR 1943 Subpart A; 7 CFR 1943 Subpart B; 7 CFR 1945 Subpart A; 7 CFR 1951 Subpart A; 7 CFR 1951 Subpart L; 7 CFR 1951 Subpart S; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: Other, Statutory, November 28, 1990.
Regulations shall be issued as soon as practicable.

Abstract: Provisions of the Food, Agriculture, Conservation and Trade Act of 1990, as they affect the Farmers Home Administration's Farmer Programs, plus relevant provisions of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA91

137. SECTION 504 RURAL HOUSING LOANS AND GRANTS

Legal Authority: 42 USC 1474

CFR Citation: 7 CFR 1944 Subpart J

Legal Deadline: None

Abstract: This regulation will be amended to remove some confusion in the wording of several paragraphs. The benefits will be more consistency in administering the 504 Loan and Grant Program. The cost of implementing the changes would be only procedure development.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA93

138. ● RURAL RENTAL AND RURAL COOPERATIVE HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1924; 7 CFR 1944

Legal Deadline: None

Abstract: Revision of existing regulation to provide additional guidance to reduce program vulnerability.

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	
NPRM Comment Period End	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, 14th Street & Independence Ave., NW., Washington, DC 20250, 202 382-9744

RIN: 0575–AB08

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Final Rule Stage

139. RECAPTURE OF SECTION 502 RURAL HOUSING SUBSIDY

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1951 Subpart I

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to revise the regulation for the recapture of subsidy granted on Section 502 Rural Housing Loans. This action is necessary because of an accounting system change resulting from the September 1987 congressionally mandated rural housing asset sale. The intended effect of this action is to adjust the formula to coincide with the revised method of applying monthly subsidy to interest credit accounts. In addition, this action will also shorten and simplify the recapture process.

Timetable:

Action	Date	FR Cite
NPRM	10/25/90	55 FR 42987
NPRM Comment Period End	12/24/90	55 FR 42987
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA29

140. MANAGEMENT AND COLLECTION OF NONPROGRAM (NP) LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1951 Subpart J

Legal Deadline: None

Abstract: A new instruction to provide policy and guidance for FmHA field office personnel to make, manage, collect and liquidate nonprogram (NP) loans.

USDA—FmHA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/17/89	54 FR 33906
NPRM Comment Period End	10/16/89	54 FR 33906
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA39

141. COMPLAINTS AND COMPENSATION FOR CONSTRUCTION DEFECTS

Legal Authority: 42 USC 1479

CFR Citation: 7 CFR 1924 F

Legal Deadline: None

Abstract: Clarify handling of construction defect complaints on newly constructed homes and provide for handling of construction defect complaints on manufactured homes.

Timetable:

Action	Date	FR Cite
NPRM	07/20/90	55 FR 29597
NPRM Comment Period End	09/18/90	55 FR 29597
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA41

142. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1965, Subpart B; 7 CFR 1930; 7 CFR 1944; 7 CFR 1951; 7 CFR 1955

Legal Deadline: Final, Statutory, April 22, 1989.

Abstract: This action seeks to implement amendments to the Housing Act of 1949, affording tenants some protection against being displaced from multi-housing projects. An interim rule with request for comments was published on April 22, 1988. An emergency change to correct a legal concern was published on February 13, 1990. As a result of comments received a proposed rule was published on July 20, 1990. In addition, an interim final rule was published on July 20, 1990, implementing added changes required by law. The final rulemaking action plans to incorporate all of these earlier rulemaking actions. directly to a final rulemaking action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/88	53 FR 13244
NPRM	07/20/90	55 FR 29601
NPRM Comment Period End	09/18/90	55 FR 29601

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA51

143. FARM LABOR HOUSING LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATIONS

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1944, Subpart D; 7 CFR 1930, Subpart C

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to amend its Farm Labor Housing Loan and Grant regulations. The intended effect is to make changes to the basic rules of the Labor Housing regulations affecting potential applicants and the FmHA field staff concerning unauthorized rents, income eligibility, occupancy of labor housing, and delegation of authority. These revisions are proposed because of Agency agreements with the Inspector General and are determined to be in the best interest of farm labor tenants and the government.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	55 FR 39982
NPRM Comment Period End	11/30/90	
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA60

144. PROCESSING AND SERVICING FMHA ASSISTANCE TO EMPLOYEES, RELATIVES, AND ASSOCIATES

Legal Authority: 7 USC 1988, Sec 336b

CFR Citation: 7 CFR 1900 Subpart D

Legal Deadline: None

Abstract: FmHA Instruction 2045-BB, Employee Responsibilities and Conduct (available in any FmHA office), requires the maintenance of high standards of honesty, integrity, and impartiality by employees. Within the limitations of that instruction and specific program restrictions, FmHA employees, family members, close relatives, and other associates are eligible to receive certain types of FmHA loan and grant assistance. To assure that employee conduct is above reproach, any processing, approval, servicing or review activity is conducted only by authorized FmHA employees who (1) are not themselves the recipient; (2) are not family members or close relatives of the recipient; (3) do not have an immediate working relationship with the recipient, the employee related to the recipient, or the employee who would normally conduct the activity; or (4) do not have a business or close personal relationship with the recipient, the employee related to the recipient or the employee who would normally conduct

the activity. Nothing in this instruction takes precedence over individual program requirements or restrictions.

Timetable:

Action	Date	FR Cite
NPRM	07/09/90	55 FR 28057
NPRM Comment Period End	09/07/90	55 FR 28057
Final Action	06/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA64

145. ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS FMHA INSTRUCTION 1900-B

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 270

CFR Citation: 7 CFR 1900 Subpart B

Legal Deadline: Final, Statutory, July 1, 1987.
The Agency was required to implement the Act within 150 days of its enactment on January 6, 1988.

Abstract: The Agency proposes to amend FmHA instruction 1900-B, "Adverse Decisions and Administrative Appeals" to provide for multi-party appeal hearings for denials of leaseback/buyback and homestead protection rights and the sale of suitable farmland to eligible applicants. No other alternatives are available since this action is necessary as a result of Section 611 of the Agricultural Credit Act of 1987, and will be published as an interim rule with comment period. This rule is to remain in interim rule status since passage of Public Law 101-624, commonly known as the 1990 Farm Bill further clarifies the sale of suitable farmland and effects the multi-party appeal process.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/90	55 FR 9870
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA70

146. RURAL RENTAL HOUSING POLICIES, PROCEDURES, AND AUTHORIZATIONS 1944-E

Significance: Regulatory Program

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1944 Subpart D; 7 CFR 1910 Subpart A; 7 CFR 1940 Subpart L

Legal Deadline: Final, Statutory, June 15, 1990.

Abstract: Implement the rural housing provisions of the HUD Reform Act of 1989, which relate to application procedures, award selection criteria and the funding formula.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/90	55 FR 29558
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA73

147. 1951-K ACCOUNT SERVICING AND COLLECTIONS

Significance: Regulatory Program

Legal Authority: PL 101-235, Sec 207

CFR Citation: 7 CFR 1951

Legal Deadline: NPRM, Statutory, June 16, 1990. Final, Statutory, January 20, 1992.

Abstract: Add a provision to the existing regulation to establish a "Special Reserve Account" for multiple family projects approved after July 1, 1990. An interim rulemaking action implementing these provisions was published on June 20, 1990, with a request for public comment until August 20, 1990. Final rulemaking will take place after evaluation of public comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/90	55 FR 25072
Final Action	01/00/92	

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA74

148. RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS, 1944-E OR (ACCOUNTABILITY IN FUNDING RURAL HOUSING PROGRAM AWARDS OR ASSISTANCE)

Significance: Regulatory Program

Legal Authority: 42 USC 1285

CFR Citation: 7 CFR 1944 Subpart D; 7 CFR 1944 Subpart E; 7 CFR 1910 Subpart A; 7 CFR 1930 Subpart C; 7 CFR 1940 Subpart L; 7 CFR 1944 Subpart I; 7 CFR 1944 Subpart N

Legal Deadline: Final, Statutory, June 15, 1990.

Abstract: To implement that portion of the HUD Reform Act of 1989 which deals with accountability in the award of federal assistance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/90	55 FR 25072
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control

USDA—FmHA **Final Rule Stage**

Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA79

149. FARMER PROGRAMS GUARANTEED INTEREST ASSISTANCE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980(a); 7 CFR 1980(b); 7 CFR 1980(d); 7 CFR 1980(e); 7 CFR 1980(g); 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The problem is the need to reduce the Government's cost of providing financial assistance to Farmer Programs Borrowers. Lenders and loan applicants prefer that applicants use the insured loan programs rather than the guaranteed programs due to the lower interest rates on insured loans. This regulation will provide for a government subsidy to lenders for interest rates for guaranteed Farmer Programs loans so the borrower will be paying interest rates for guaranteed loans that is similar to insured loans. This should provide an incentive for using the guaranteed loan program. The potential cost to the Government will be reduced as the Government will only pay a lender up to 90 percent of the losses on loans and only part of the interest rate rather than loaning a borrower the full amount of the loan and paying an investor the full cost of the Government borrowing the money for an insured loan. The benefit is that the borrower will be paying an interest rate for guaranteed loans that is comparable to that for insured loans, the lender will receive the subsidy for the lower interest rate, and the Government (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/91	56 FR 8258
Interim Final Rule Comment Period End	04/29/91	56 FR 8258
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: will reduce the amount of money needed for the program. The alternative is to continue with the present program.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA80

150. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS (DEFERRED MORTGAGE PROGRAM)

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1944-A; 7 CFR 1951-G

Legal Deadline: Other, Statutory, April 1, 1991.
Requirements of the "Cranston-Gonzalez National Affordable Housing Act." The Act requires publication within 120 days of the effective date.

Abstract: The regulation is being amended to include a mortgage deferral program to enable the Agency to assist a greater number of low-income families. The program is intended to provide additional assistance to those families with low-income who do not have adequate repayment ability to afford the costs of homeownership with full interest credit benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA87

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions

Farmers Home Administration (FmHA)

151. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

CFR Citation: 7 CFR 1930; 7 CFR 1944; 7 CFR 1965; 7 CFR 1956, Subpart B

Completed:

Reason	Date	FR Cite
Final Action	06/04/91	56 FR 25350
Final Action Effective	07/05/91	56 FR 25350

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, 202 382-9744

RIN: 0575–AA38

152. SECURITY SERVICING FOR SINGLE FAMILY RURAL HOUSING LOANS

Significance: Agency Priority

CFR Citation: 7 CFR 1951; 7 CFR 1965

Completed:

Reason	Date	FR Cite
Final Action	02/21/91	56 FR 6939
Final Action Effective	03/25/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, 202 382-9744

RIN: 0575–AA54

153. FARM LABOR LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATION

CFR Citation: 7 CFR 1930 Subpart C; 7 CFR 1944 Subpart D

USDA—FmHA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	06/21/91	56 FR 28469
Final Action Effective	07/22/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, 202 382-9744

RIN: 0575–AA62

154. COMMUNITY PROGRAMS GUARANTEED LOANS

Significance: Agency Priority

CFR Citation: 7 CFR 1980

Completed:

Reason	Date	FR Cite
Final Action	06/26/91	56 FR 29169

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, 202 382-9744

RIN: 0575–AA72

155. RURAL HOUSING PROGRAM LOANS

Significance: Regulatory Program

CFR Citation: 7 CFR 1980 Subpart D; 7 CFR 2.23; 7 CFR 2.70

Completed:

Reason	Date	FR Cite
Final Action	04/17/91	56 FR 15748
Final Action Effective	05/17/91	56 FR 15748

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 382-9744

RIN: 0575–AA78

156. DISASTER ASSISTANCE FOR RURAL BUSINESS ENTERPRISES

Significance: Agency Priority

CFR Citation: 7 CFR 1980

Completed:

Reason	Date	FR Cite
Final Action	05/09/90	55 FR 19244

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 382-9744

RIN: 0575–AA85

157. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS (CREDITWORTHINESS CRITERIA)

CFR Citation: 7 CFR 1944-A

Completed:

Reason	Date	FR Cite
Final Action	07/02/91	56 FR 30311
Final Action Effective	08/01/91	56 FR 30311

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 382-9744

RIN: 0575–AA89

BILLING CODE 3410-07-F

DEPARTMENT OF AGRICULTURE (USDA)
Federal Crop Insurance Corporation (FCIC)

Proposed Rule Stage

158. GENERAL ADMINISTRATIVE REGULATIONS; COLLECTION AND STORAGE OF SOCIAL SECURITY ACCOUNT NUMBERS AND EMPLOYER IDENTIFICATION NUMBERS

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 400 Subpart Q

Legal Deadline: None

Abstract: Implements provisions of the FCIC Act as amended by the Farm Act of 1990 to collect, store, and provide security for Social Security numbers and employer identification numbers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA54

DEPARTMENT OF AGRICULTURE (USDA)
Federal Crop Insurance Corporation (FCIC)

Final Rule Stage

159. ● GENERAL CROP INSURANCE REGULATIONS: AMOUNT OF INSURANCE OPTION

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 401.158

Legal Deadline: None

Abstract: Implements amendments to the FCIC Act which would offer producers a program of insurance quotes in terms of dollars per acre.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building, 14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA56

USDA—FCIC

Final Rule Stage

160. ● ASCS FARM PROGRAM PAYMENT YIELD OPTION

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 401.149

Legal Deadline: None

Abstract: Implements amendments to the FCIC Act to permit the amount of insurance for certain crops to be based on the adjusted yield which the ASCS has used for the farming unit, rather than the recorded and appraised yield.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building, 14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA57

161. ● HYBRID CORN SEED ENDORSEMENT

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 401.151

Legal Deadline: None

Abstract: Provide regulations for insuring Hybrid Corn Seed as an endorsement to the General Crop Insurance policy which has one set of insurance regulations and a master policy.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building, 14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA59

162. ● GENERAL ADMINISTRATIVE REGULATIONS, SUBMISSION OF POLICIES, PROVISIONS OF POLICIES, AND RATES OF PREMIUM

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 400 Subpart R

Legal Deadline: None

Abstract: Implements amendments to the FCIC Act to permit persons to submit to the Board of Directors for consideration and approval other crop insurance policies, provisions of policies, and rates of premium.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building, 14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA61

163. ● HYBRID SORGHUM SEED ENDORSEMENT

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 401.109

Legal Deadline: None

Abstract: Amends the regulation for insuring Hybrid Sorghum Seed to allow insurance without a contract, require all acreage in a count to be insured at the same coverage level and price election, clarifying the beginning and ending of sorghum insurance coverage, and adding definitions for terms to be used in the policy.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building, 14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA62

164. ● GENERAL ADMINISTRATIVE REGULATIONS: APPEAL PROCEDURES

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 400 Subpart J

Legal Deadline: None

Abstract: Establishes the FCIC Appeal Procedures for staffing, authority, and the administrative procedures for complete and independent review of determinations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building, 14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA63

165. ● PEANUT CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 425

Legal Deadline: None

Abstract: To finalize the proposed rule amending the Peanut Crop Insurance Regulations which were published on February 6, 1991.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building,

USDA—FCIC

Final Rule Stage

14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA64

166. ● SPECIAL CA CITRUS CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 458

Legal Deadline: None

Abstract: Provides a special 3-year crop insurance program for CA Citrus Producers, following the 1990 freeze damage to trees affecting the potential Citrus Crop (1992 cy).

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/91	56 FR 30489
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building, 14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA66

DEPARTMENT OF AGRICULTURE (USDA)
Federal Crop Insurance Corporation (FCIC)

Completed Actions

167. GENERAL CROP INSURANCE REGULATIONS; SOYBEAN ENDORSEMENT

CFR Citation: 7 CFR 401.117

Completed:

Reason	Date	FR Cite
Final Action	01/28/91	56 FR 3005

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, 202 447-3325

RIN: 0563–AA55

168. ● GENERAL INSURANCE REGULATIONS: INFORMATION COLLECTION REQUIREMENT OF PAPERWORK REDUCTION ACT

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 400 Subpart H

Legal Deadline: None

Abstract: Updates the list of the Office of Management and Budget (OMB) approved control numbers of the forms used by the FCIC.

Timetable:

Action	Date	FR Cite
Final Action	09/20/91	56 FR 49389
Final Action Effective	09/20/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Room 4096 South Building, 14th Street & Independence Ave., SW., Washington, DC 20250, 202 235-1168

RIN: 0563–AA65

BILLING CODE 3410-08-F

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Prerule Stage

169. UNITED STATES STANDARDS FOR RICE

Legal Authority: 7 USC 1621 to 1627

CFR Citation: 7 CFR 68.201 to 68.316

Legal Deadline: None

Abstract: Waxy varieties of rice being grown in the United States are being downgraded under current rice standards because of their chalky characteristic. In the current market for this rice, the chalky characteristic is not a detriment. The Federal Grain Inspection Service will propose establishment of a subclass for this short grain rice to facilitate its marketing. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	55 FR 4582
NPRM Comment Period End	04/09/90	55 FR 4582
NPRM	04/08/91	56 FR 14213
Proposed Action: Modified	04/08/91	
NPRM Comment Period End	06/07/91	56 FR 14213
Begin Review	12/00/91	
End Review	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619-South Building, Box 96454, Washington, DC 20090-6454, 202 382-0231

RIN: 0580–AA11

170. ● AFLATOXIN TESTING SERVICES

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800.15; 7 CFR 800.16; 7 CFR 800.162

Legal Deadline: None

Abstract: The Federal Grain Inspection Service (FGIS) under the United States Grain Standards Act, as amended, proposes to include aflatoxin testing services requirements for export corn shipments.

USDA—FGIS **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	
ANPRM Comment Period End	11/00/91	
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619 South Building, Box 96454, Washington, DC 20090-6454, 202 382-0231

RIN: 0580–AA24

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Proposed Rule Stage

171. A REVIEW OF THE REGULATIONS UNDER THE UNITED STATES GRAIN STANDARDS ACT: PART 800

Legal Authority: 7 USC 71 to 87

CFR Citation: 7 CFR 800

Legal Deadline: None

Abstract: Under the requirements of Executive Order 12291 to periodically review all existing regulations, and USDA Departmental Regulation 1512-1 to conduct each such review within a five year timeframe, the Federal Grain Inspection Service will review its General Regulations under the United States Grain Standards Act. To simplify and promote a better understanding of policies and procedures, FGIS will be proposing changes to the regulations. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	08/00/92	
Final Action	08/00/92	
Final Action Effective	09/00/92	
Begin Review	06/00/95	
End Review	08/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619-South Building, Box 96454, Washington, DC 20090-6454, 202 382-0231

RIN: 0580–AA08

172. ● REGULATORY APPLICATION OF WATER TO GRAIN

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800.61 (a)(1); 7 CFR 800.61 (a)(2)

Legal Deadline: None

Abstract: FGIS proposes to regulate the application of water to grain. The indiscriminate application of water to grain may adversely impact on the storability of such grain and may detract from the quality of such grain.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action Effective	05/00/92	
Final Action	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619 South Building, Box 96454, Washington, DC 20090-6454, 202 382-0231

RIN: 0580–AA25

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Final Rule Stage

173. UNITED STATES STANDARDS FOR SORGHUM

Legal Authority: 7 USC 75a; 7 USC 76

CFR Citation: 7 CFR 810.1401; 7 CFR 810.1402; 7 CFR 810.1403; 7 CFR 810.1404; 7 CFR 810.1405

Legal Deadline: None

Abstract: Based upon recommendations of the Grain Quality Workshops (which includes representatives from different segments of the industry, government, and academia), and from the National Grain Sorghum Producers Association as well other sources of information, FGIS will propose changes to the sorghum standards. Changes will be proposed to offer end-users the best possible information from which to determine end-product yield and quality, and facilitate the marketing of sorghum. Alternatives will be considered after evaluation of public comments.

Timetable:

Action	Date	FR Cite
NPRM	04/02/91	56 FR 13420
NPRM Comment Period End	06/03/91	56 FR 13420
Final Action	10/00/91	
Final Action Effective	11/00/91	
Begin Review	05/00/93	
End Review	01/00/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619-South Building, Box 96454, Washington, DC 20090-6454, 202 382-0231

RIN: 0580–AA10

USDA—FGIS

Final Rule Stage

174. UNITED STATES STANDARDS FOR CANOLA

Legal Authority: 7 USC 71 to 87; 7 USC 1621 to 1627

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Canola is increasing in importance as an oilseed crop in the United States. The Federal Grain Inspection Service is considering proposing Official United States Standards for Rapeseed. Standards would be to facilitate domestic and international marketing. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
ANPRM	05/30/89	54 FR 22924
ANPRM Comment Period End	08/28/89	
NPRM	05/03/91	56 FR 1991
NPRM Comment Period End	07/02/91	56 FR 1991
Final Action	10/00/91	
Final Action Effective	11/00/91	
Begin Review	04/00/95	
End Review	06/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619-South Building, Box 96454, Washington, DC 20090-6454, 202 382-0231

RIN: 0580–AA12

175. UNITED STATES STANDARDS FOR SOYBEANS

Legal Authority: 7 USC 75a; 7 USC 76

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: According to the requirements of Executive Order 12291 and Departmental Regulation 1512-1 regarding periodic reviews of existing regulations, the Federal Grain Inspection Service will review the United States Standards for Soybeans. Public comment will be requested on various aspects of the Standards including tolerances, grading limits, definitions, language clarity and other potential improvements.

Timetable:

Action	Date	FR Cite
ANPRM	03/09/90	55 FR 8956
ANPRM Comment Period End	06/07/90	
NPRM	07/02/91	56 FR 30342
NPRM Comment Period End	09/03/91	56 FR 30342
Final Action	02/00/92	
Final Action Effective	02/00/93	
Begin Review	04/00/96	
End Review	07/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619 South Building, Box 96454, Washington, DC 20090-6454, 202 382-0231

RIN: 0580–AA14

176. UNITED STATES STANDARDS FOR WHEAT

Legal Authority: 7 USC 75a; 7 USC 76

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: According to the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) invites comments and suggested changes to the United States Standards for Wheat under the United States Grain Standards Act.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/89	54 FR 48752
ANPRM Comment Period End	01/26/90	
NPRM	07/01/91	56 FR 29907
NPRM Comment Period End	08/30/91	56 FR 29907
Final Action	02/00/92	
Final Action Effective	01/00/93	
Begin Review	03/00/96	
End Review	07/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA15

177. FEES FOR RICE INSPECTION AND LABORATORY TEST SERVICES

Legal Authority: 7 USC 1621 et seq

CFR Citation: 7 CFR 68

Legal Deadline: None

Abstract: FGIS proposes to increase fees for rice inspection services performed under the Agricultural Marketing Act of 1946, and revise the laboratory test fee schedule for commodities by adding new tests to the fee schedule and eliminating others that are no longer being performed. Additionally, it is being proposed to establish a unit fee per hundred weight (cwt) for all rice inspection services performed on lots at rest at export locations, e.g., condition examination of sacked rice at a dockside warehouse.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/91	56 FR 15483
Final Action	10/00/91	
Final Action Effective	10/00/91	
Begin Review	12/00/92	
End Review	12/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0619 South Building, Box 96454, Washington, DC 20090-6454, 202 382-0231

RIN: 0580–AA18

178. OFFICIAL PERFORMANCE REQUIREMENTS FOR GRAIN INSPECTION EQUIPMENT

Significance: Agency Priority

Legal Authority: 7 USC 71

CFR Citation: 7 CFR 801

Legal Deadline: None

Abstract: FGIS is proposing to revise the regulations under the USGSA by incorporating by reference the applicable sections of the Grain Moisture Meter Code of the National Institute of Standards and Technology

USDA—FGIS

Final Rule Stage

Handbook 44 (1990 edition) into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/25/91	56 FR 12359
NPRM Comment Period End	05/24/91	56 FR 12359
Final Action	11/00/91	
Final Action Effective	04/00/92	
Begin Review	01/00/93	
End Review	01/00/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Rm 0619 South Building, Box 96454, Washington DC 20090-6454, 202 382-0231

RIN: 0580–AA21

179. OFFICIAL PERFORMANCE AND PROCEDURAL REQUIREMENTS FOR GRAIN WEIGHING EQUIPMENT AND RELATED GRAIN HANDLING SYSTEMS

Legal Authority: 7 USC 71

CFR Citation: 7 CFR 802

Legal Deadline: None

Abstract: In compliance with the requirements for periodic review of existing regulations, FGIS proposes to revise the regulations under the USGSA, as amended, entitled Performance and Procedural Requirements for Grain Weighing Equipment and Related Grain Handling Systems. FGIS proposes to incorporate by reference the applicable requirements of the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," 1990 edition, and all the requirements of NIST Handbook 105-1, "Specifications and Tolerances for Reference Standard Weights and Measures (Handbook 105-1)." Currently, the 1988 edition of Handbook 44 and the 1972 edition of Handbook 105-1 are incorporated into Part 802 by reference.

Timetable:

Action	Date	FR Cite
NPRM	03/25/91	56 FR 12359
NPRM Comment Period End	05/24/91	
Final Action	10/00/91	
Final Action Effective	11/00/91	
Begin Review	09/00/93	
End Review	09/00/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Rm 0619 South Building, Box 96454, Washington DC 20090-6454, 202 382-0231

RIN: 0580–AA23

DEPARTMENT OF AGRICULTURE (USDA)

Federal Grain Inspection Service (FGIS)

Completed Actions

180. FEES FOR RAILROAD TRACK SCALE TESTING SERVICES

CFR Citation: 7 CFR 800

Completed:

Reason	Date	FR Cite
Final Action	03/25/91	56 FR 12335
Final Action Effective	04/24/91	56 FR 12335

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, 202 382-0231

RIN: 0580–AA17

181. FEES FOR OFFICIAL INSPECTION AND OFFICIAL WEIGHING SERVICES

Significance: Agency Priority

CFR Citation: 7 CFR 800

Completed:

Reason	Date	FR Cite
Final Action	04/18/91	56 FR 15803
Final Action Effective	05/20/91	56 FR 15803

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, 202 382-0231

RIN: 0580–AA22

BILLING CODE 3410-EN-F

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Prerule Stage

182. ● FOOD STAMP PROGRAM: LIMIT THE NUMBER OF SHIPPING POINTS IN EACH STATE TO ONE, AND REQUIRE STATES TO SUBMIT ONLY ONE COUPON ORDER PER MONTH FOR THE NEEDS OF THE ENTIRE STATE

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 274

Legal Deadline: None

Abstract: Throughout the history of the food stamp program, the states have, without any restrictions, determined the number and location of shipping points they deemed necessary or convenient. Coupons have been transported to the states primarily by armored vehicle, although some coupons are shipped by registered mail. As the program has grown and coupon allotments have increased, the capacity of the armored vehicle industry has not expanded in proportion to the volume of coupons to be shipped to numerous shipping points. Complaints about late deliveries have increased because of the level of service that armored carriers have been providing, in some situations, special arrangements have been made to get coupons to states to avoid running out of coupons before all households received their coupons for the month.

USDA—FNS

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3062

RIN: 0584–AA94

183. ● FOOD STAMP PROGRAM: INTRODUCTION OF $20 COUPONS FOR ISSUING BENEFITS AND ALLOWING THE USE OF MORE THAN ONE COUPON DENOMINATION FOR CHANGEMAKING IN FOOD STAMP TRANSACTIONS

Significance: Agency Priority

Legal Authority: 7 USC 2011 TO 2032

CFR Citation: 7 CFR 274; 7 CFR 278

Legal Deadline: None

Abstract: Several states which use machines to stuff coupon books into envelopes for central mail issuance have suggested that USDA introduce a $20 coupon to issue program benefits. Recent increases in coupon allotments have made the packages of coupon books required for many households too large to be handled with automated stuffing machines. USDA has determined that a new $20 coupon to replace lower denomination coupons to the extent feasible will alleviate the stuffing problem and reduce the postage costs for mail issuance. It will also introduce the use of either a new $2 coupon or the $5 coupon, in addition to the $1 coupon, for making change in food stamp transactions by authorized firms. Cash change will continue to be limited to 99 cents or less in any food stamp transaction.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3062

RIN: 0584–AA95

184. ● CONFIDENTIALITY OF INFORMATION PROVIDED ON APPLICATIONS FOR FREE AND REDUCED PRICE MEALS

Significance: Agency Priority

Legal Authority: 42 USC 1758

CFR Citation: 7 CFR 245

Legal Deadline: None

Abstract: Current policy prohibits the use of information provided on applications for free and reduced price meals for any purpose other than determining eligibility for these benefits. However, there is considerable interest in making this information available for other purposes, such as vocational education, free textbooks or, in one State, Medicare benefits. We recognize the value of sharing information from the standpoint of paperwork reduction; nevertheless, we have a number of concerns about potential misuse of the information. Because the subject is highly sensitive, we are considering a notice of intent to publish a proposed rule. Depending on the response to this notice, we will decide if further rulemaking is justified.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	
ANPRM Comment Period End	12/00/91	
NPRM	03/00/92	
NPRM Comment Period End	05/00/92	
Final Action	08/00/92	
Final Action Effective	09/00/92	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB22

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Proposed Rule Stage

185. RULES OF PROCEDURE

Legal Authority: PL 100-435, Sec 603

CFR Citation: 7 CFR 275

Legal Deadline: NPRM, Statutory, October 1, 1985.
Retroactive for Fiscal Year 1985 quality control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) revised the Food Stamp Act of 1977, as amended, specifying that Food Stamp Program quality control (QC) payment error rate (PER) liability appeals by State agencies be conducted by Administrative Law Judges. The use of Administrative Law Judges replaces the current appeal process which is conducted by the State Food Stamp Appeals Board. This regulation will delineate the procedures to be followed in these QC appeals. (88-011)

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA75

USDA—FNS **Proposed Rule Stage**

186. OUTCOME-BASED PERFORMANCE STANDARDS FOR FOOD STAMP EMPLOYMENT AND TRAINING PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-435

CFR Citation: 7 CFR 271; 7 CFR 273

Legal Deadline: Final, Statutory, October 1, 1991.
The new performance standards as required by regulations must be implemented by States by October 1, 1991.

Abstract: The Hunger Prevention Act of 1988 mandates that the U.S. Department of Agriculture change the basis of its performance standards for Food Stamp Employment and Training programs from process-based to outcome-based measures. Consequently, the Food Stamp regulations must be revised to reflect the new measurement criteria for performance and the methodology for computing the new standards.

Timetable:

Action	Date	FR Cite
NPRM	08/30/91	56 FR 43152
NPRM Comment Period End	10/29/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3010 Park Center Drive, Room 803, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA82

187. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN NON-DISCRETIONARY FUNDING RULE

Significance: Agency Priority

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, October 1, 1989.
The law made these provisions effective October 1, 1989.

Abstract: This regulation would set forth the major revisions to the funds allocation process brought about by Public Law 101-147. The objective of this action is to provide guidelines for the allocation of funds, including changes in the administrative funding structure, breastfeeding targets, and conversion of food funds to administrative funds.

The revised funding structure eliminates the 20 percent limit on administrative and program services funds. Instead, administrative and program services funding will be determined based on a national administrative grant per person. In addition, State agencies must spend their proportionate shares of at least $8 million for breastfeeding promotion in addition to the current 1/6 nutrition education requirement. For those State agencies that achieve participation increases above the federal projected level through acceptable measures such as cost containment, curtailment of vendor abuse, and breastfeeding promotion activities, conversion of food funds to cover administrative expenses is authorized. Finally any State agency using a cost containment measure may temporarily borrow (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	03/00/92	
Final Action	08/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT (cont): 1st quarter funds to pay 4th quarter expenses. Timelines for the allocation and reallocation of funds are also established by this rule.

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA83

188. FOOD STAMP PROGRAM: EMERGENCY ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013 (b); 7 USC 2014 (h)

CFR Citation: 7 CFR 272; 7 CFR 273; 7 CFR 280

Legal Deadline: None

Abstract: This rule would define special eligibility and issuance procedures during disasters. The rule addresses the eligibility and issuance of food stamps by the Food Stamp Program during a disaster.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	01/00/93	
Final Action Effective	03/00/93	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA85

189. ® FOOD STAMP PROGRAM: STANDARDS FOR APPROVAL AND OPERATION OF FOOD STAMP ELECTRONIC TRANSFER SYSTEMS

Significance: Regulatory Program

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 274; 7 CFR 276; 7 CFR 277; 7 CFR 278

Legal Deadline: Final, Statutory, April 1, 1992.

Abstract: Implement provisions of the 1990 Farm Bill which authorizes the Department to issue regulations establishing Electronic Benefit Transfer systems as operational issuance systems to provide food stamp benefits to eligible households. This action proposes operational standards that Electronic Benefit systems would be required to meet to be approved for operation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	03/01/92	
Final Action Effective	04/01/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

USDA—FNS **Proposed Rule Stage**

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA89

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190. ● FOOD STAMP PROGRAM: QUALITY CONTROL REVIEW OF NEGATIVE ACTIONS

Legal Authority: 7 USC 2025

CFR Citation: 7 CFR 272.1(g); 7 CFR 275.11(e); 7 CFR 272.13; 7 CFR 272.14; 7 CFR 275.21

Legal Deadline: None

Abstract: This regulatory action will improve the efficiency of food stamp quality (QC) negative reviews, which measure the accuracy of State agencies' denials and terminations of participation in the Food Stamp Program. This rule will address which negative actions are subject to review, when they will be sampled and how they will be reviewed. It is expected that the revised system will provide broader, more useful information at no higher cost.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	08/00/92	
Final Action Effective	10/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB07

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191. ● RECIPIENT CLAIMS AND AUTOMATED DATA PROCESSING (ADP) FUNDING REQUIREMENTS FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 273; 7 CFR 277

Legal Deadline: Final, Statutory, October 1, 1991. Other, Statutory, October 1, 1990.
See abstract

Abstract: This rule proposes to implement three provisions from PL 101-624 that affect Food Stamp recipient claims and ADP funding. For recipient claims, effective October 1, 1990, the timeframe for household election of a repayment method for intentional Program violation (IPV) claims was reduced from 30 to zero days. Also, effective October 1, 1990 for a five year period, retention rates for collections of recipient claims for State agencies were reduced from 50 to 25 percent for IPV claims and from 25 to 10 percent for inadvertent household errors. Finally, effective October 1, 1991, the enhanced funding rate for costs of planning, designing, developing or installing ADP and information retrieval systems was reduced from 75 to 63 percent. These provisions will increase amounts of recipient claims collected and returned to the Federal Government and decrease Federal Government administrative costs.

Timetable:

Action	Date	FR Cite
NPRM	09/10/91	56 FR 46127
NPRM Comment Period End	10/10/91	
Final Action Effective	11/28/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 756 703-3064

RIN: 0584–AB08

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192. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): PART 246.10, FOOD PACKAGE III CHILDREN/WOMEN WITH SPECIAL DIETARY NEEDS

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: Food Package III will be revised to increase the maximum quantity of special formula authorized per month; clarify what formula is; add additional authorized WIC foods to the package; and address tailoring.

Need for Action:

This special dietary package currently provides special formula, juice, and cereal. It was designed specifically to assist low-income women and children who require special formulas due to medical conditions. Without WIC these individuals would have difficulty in obtaining special formulas which tend to be quite expensive. Program administrators, participants and the National Advisory Council on Maternal, Infant and Fetal Nutrition recognize that current monthly maximum quantity of formula allowed is sometimes not sufficient and recommend that it be increased. They also recognized that there is a nutritional need for additional WIC foods to be made available to participants receiving this package. This is a very infrequently used package and the proposed rule will in no way affect the other WIC food packages.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	08/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB09

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193. ● (WIC): NUTRITION EDUCATION PARTICIPANT CONTACTS, AGE OF MEDICAL DATA, PARTICIPANT CONFIDENTIALITY, APPLICATION PROCESSING, TIMEFRAMES, AND MISCELLANEOUS MINOR AMENDMENTS

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This proposed rule responds to a variety of program concerns, most

of which have been expressed by WIC State agencies. The proposal strengthens the provision of services to participants in the areas of eligibility determination and nutrition education and increases State agency flexibility regarding the age of medical data and the sharing of participant information with other programs. Several minor clarifications and technical corrections are also made. Principal provisions include: (1) mandatory minimum content requirements for nutrition education participant contacts; (2) State agency discretion to accept medical data over 60 days old under certain circumstances; (3) Additional flexibility for State agencies to share participant information with related programs; and (4) mandatory eligibility determination within 20 days of request of program benefits, whether by phone, letter, or personal appearance.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	04/00/92	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB10

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194. ● NUTRITION EDUCATION AND TRAINING (NET) PROGRAM CHANGED ADMINISTRATIVE REQUIREMENTS

Legal Authority: PL 101-147

CFR Citation: 7 CFR 227

Legal Deadline: None

Abstract: This rulemaking proposes to amend the Nutrition Education and Training (NET) Program regulations to incorporate changes to the Program brought about by the enactment of P.L. 101-147 on November 10, 1989. These changes include the required utilization by State and local NET programs of materials and services developed by the National Food Service Management Institute to be established under the National School Lunch Act, the inclusion of Summer Food Service Program participants as NET beneficiaries, the replacement of an annual State Plan requirement with an annual Plan update, changes in the formula for allocating Program funds to States, and several technical amendments intended to bring Program regulations into conformance with non-Program changes which resulted from P.L. 101-147.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB15

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195. ● CHILD AND ADULT CARE FOOD PROGRAM: AUTHORITY TO COLLECT OVERCLAIMS

Significance: Agency Priority

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: Establishes the Department's authority to collect overclaims where participating institutions fail to comply with regulatory recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Interim Final Rule	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB19

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196. ● CHILD AND ADULT CARE FOOD PROGRAM: PROHIBITION OF INSTITUTIONALIZED ADULTS

Significance: Agency Priority

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: Clarifies the statutory intent of P.L. 100-175, the Older Americans Act of 1987, by incorporating into regulations a provision under which adults residing in institutions are not eligible for benefits under the Child and Adult Care Food Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Interim Final Rule	03/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB21

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197. ● FOOD DISTRIBUTION PROGRAMS—PAPERWORK REDUCTION

Significance: Agency Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 250; 7 CFR 251

Legal Deadline: None

Abstract: This rule will implement the food distribution portion of the recommendations of the August 1990 taskforce on paperwork reduction. These recommendations were included in a report to Congress and included perpetual State/Federal agreements and longer contract duration for warehouses.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	06/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB27

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198. ● FOOD DISTRIBUTION PROGRAMS—IMPLEMENTATION OF 1990 FARM BILL

Significance: Agency Priority

Legal Authority: PL 101-624

CFR Citation: 7 CFR 250; 7 CFR 251

Legal Deadline: Final, Statutory, July 30, 1992.

Abstract: This rule will implement the following provisions of P.L. 101-624 (1) revised requirements for evaluation of state warehousing and distribution systems and conversion to commercial systems; (2) procedures for state option contracts (SOCs), including time frames for states to reimburse USDA for processing costs; and (3) procedures for distribution of soup kitchen commodities to "food pantries."

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	06/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB28

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199. ● FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2027 91 stat 958

CFR Citation: 7 CFR 253

Legal Deadline: None

Abstract: The objective of this proposed rewrite is to reorganize and clarify the regulations for the Food Distribution Program on Indian Reservations. The rewrite will also address current issues including creating a new definition of Indian household, certification procedures, and addressing administrative reviews. The rewrite will align some procedures in this program with those in the Food Stamp Program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	04/00/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB29

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200. ● STATE PROCESSING AND NATIONAL COMMODITY PROCESSING ACTIVITIES

Significance: Agency Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 250; 7 CFR 252

Legal Deadline: None

Abstract: This proposed rule amends the Food Distribution Program regulations to strengthen provisions concerning the processing of donated food and to increase uniformity between provisions governing State processing activities in 7 CFR Part 250 and those governing the national commodity processing program in 7 CFR Part 252.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	01/00/92	
Final Action Effective	02/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB30

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201. ● STATE ADMINISTRATIVE EXPENSE FUNDS: NATIONAL SCHOOL LUNCH PROGRAM, SPECIAL MILK PROGRAM, SCHOOL BREAKFAST PROGRAM, CHILD AND ADULT CARE FOOD PROGRAMS, FOOD DISTRIBUTION PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 235

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: Implements provisions of the Child Nutrition and WIC Reauthorization Act of 1989 which affected State Administrative Expense funding. Specifically, limits the amount of funds a State may carry over from one fiscal year to the next, specifies how funds returned by the State are to be redistributed, requires a portion of funds to be used for food distribution purposes and authorizes direct payments to alternate agencies operating the audit component of the Child and Adult Care Food Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	02/00/92	
Final Action Effective	03/00/92	

USDA—FNS **Proposed Rule Stage**

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AB31

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Final Rule Stage

202. FOOD DISTRIBUTION PROGRAMS - PART 250 REWRITE

Significance: Agency Priority

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. A number of provisions to strengthen and improve the State Processing Program were separated and published in a final rule July 1, 1986. (51 FR 23719) (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Interim Final Rule	06/03/88	53 FR 20416
Final Action	03/30/92	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: LEGAL AUTHORITY CONT: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA07

203. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

Significance: Regulatory Program

Legal Authority: PL 99-603 Immigration Reform and Control Act of 1986, Sec 121

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 275; 7 CFR 277

Legal Deadline: Other, Statutory, October 1, 1988.
Deadline for interim final rule.

Abstract: This rule establishes procedures for State agencies to use to participate in the Systematic Alien Verification for Entitlements (SAVE) system. As required by IRCA, the Immigration and Naturalization Service (INS) implemented this system. IRCA requires the Food Stamp Program (FSP) and certain other entitlement programs to use SAVE to verify the immigration status of aliens applying for benefits. The rule also provides guidelines for Federal reimbursement of administrative costs. In addition the rule implements nondiscretionary provisions of IRCA requiring all household members to attest to their citizenship or alien status and certain requirements relating to documentation of alien status. (87-009)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/07/88	53 FR 39433
Final Action Effective	02/00/92	
Final Action	12/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA73

204. CHILD AND ADULT CARE FOOD PROGRAM—ADULT DAY CARE PROVISION

Legal Authority: 42 USC 1758; 42 USC 1759a; 42 USC 1762a; 42 USC 1765; 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: The rule amends the Child and Adult Care Food Program (CACFP) regulations by providing program eligibility for certain adult day care centers. It implements a provision of the Older Americans Act (OAA) Amendments of 1987, which allows these centers to receive cash and commodity assistance available under the CACFP for meals served to eligible enrolled individuals and a provision of the Rural Development, Agriculture and Related Agencies Appropriations Act of 1989, which provides categorical eligibility for free meals for participants of these centers who receive assistance under Title XVI or XIX in the Social Security Act or are members of a household receiving assistance under the Food Stamp Act and defines the income to be included in determining eligibility for free and reduced-price meal benefits. (FNS 88-502)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/28/88	53 FR 52584

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service,

Room 803, Park Office Center, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA74

205. MISCELLANEOUS QC PROVISIONS OF HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435, Sec 602; PL 100-435, Sec 604(1)

CFR Citation: 7 CFR 275

Legal Deadline: NPRM, Statutory, October 1, 1985.
Most of the changes are retroactive for Fiscal Year 1986 Quality Control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) modified the Food Stamp Program quality control (QC) system provisions of the Food Stamp Act of 1977, as amended. Section 602 requires that State agencies be charged interest on unpaid QC payment error rate (PER) liability claims from the date the billing is received by the State agency, unless the State agency appeals the billing. If the State agency appeals, interest will begin to accrue from the date of the appeal decision or 2 years from the date the billing is received by the State agency, whichever is earlier. Section 604 revised the provisions for paying State agencies enhanced administrative funds for low PERs. It also revises the threshold for State agencies' liabilities for excessive payment error rates. Finally, it provides that PER liability claims will be assessed based on a State agency's total allotments issued, rather than as a percentage of administrative costs. (89-001)

Timetable:

Action	Date	FR Cite
NPRM	01/31/91	56 FR 3788
NPRM Comment Period End	04/01/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA76

206. EMPLOYMENT AND TRAINING REQUIREMENTS—NONDISCRETIONARY PROVISIONS FROM THE HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273

Legal Deadline: Other, Statutory, October 1, 1988.
Sec. 404(c) of PL 100-435 is effective July 1, 1989. The remaining provisions are effective October 1, 1988.

Abstract: This interim rule amends Food Stamp Program regulations to implement certain provisions of the Hunger Prevention Act of 1988, Public Law 100-435, 102 Stat. 1645 (1988). These provisions are intended to improve the operation of the Food Stamp Employment and Training (E&T) Program by: (1) a clarification that educational programs or activities to improve basic skills or employability are allowable food stamp E&T activities; (2) the establishment of a conciliation procedure to resolve disputes involving participation in the E&T Program; (3) increasing the reimbursement for dependent care costs under the E&T Program to up to $160 per dependent per month; (4) the exclusion of any payment made to an E&T participant for work training or education related expenses or for dependent care from consideration as income under the Food Stamp Program; (5) a clarification that Federal funds made available to a State agency for an educational component cannot be used to supplant non-Federal funds for existing services and activities that promote the purposes of that component;(cont)

Timetable:

Action	Date	FR Cite
NPRM	06/22/90	55 FR 25611
NPRM Comment Period End	08/21/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: ABSTRACT CONT: and (6) the extension of the current performance standards for the placement of E&T participants beyond Fiscal Year 1990 until new performance standards can be developed and issued in accordance with the provisions of Public Law 100-435.

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA79

207. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): FOOD DELIVERY SYSTEMS

Significance: Agency Priority

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: The final food delivery regulations will strengthen and improve vendor management and food instrument accountability. Vendor management areas addressed include: selection, training, high-risk identification and monitoring, sanctions, and appeals. Among the additional areas covered are: dual participation, food instrument reconciliation, and food instrument security. These changes are in response to a recent audit by the Office of the Inspector General, and program deficiencies identified through management evaluations and ongoing contact with State agencies and comments received from the public on the proposed food delivery rule published December 28, 1990. This regulation will control potential program vendor and participant abuse and will result in more efficient use of program funds.

Timetable:

Action	Date	FR Cite
NPRM	12/28/90	55 FR 53446
NPRM Comment Period End	04/29/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: None

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of

Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA80

208. ● FOOD STAMP PROGRAM: MISCELLANEOUS PROVISIONS OF THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT AND FOOD STAMP CERTIFICATION POLICY

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624; PL 101-508; PL 99-603; PL 99-198

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 278

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: Implement certain Farm Bill provisions and additional certification policy issues. Provisions involve information for Supplemental Security Income applicants/recipients, group homes in Guam and the Virgin Islands, indexing minimum benefit, recurring medical expense deduction, single Supplemental Security Income/Food Stamp application, elderly/disabled aliens with temporary status, Job Training Partnership Act allowances.

Timetable:

Action	Date	FR Cite
NPRM	06/28/91	56 FR 125
NPRM Comment Period End	07/29/91	
Final Action	10/00/91	
Final Action Effective	02/01/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA88

209. ● FOOD STAMP PROGRAM: STUDENT ELIGIBILITY AND TREATMENT OF EDUCATIONAL ASSISTANCE

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624; PL 100-50; PL 101-392

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Other, Statutory, October 1, 1991.
Effective the first day of the month 120 days after publication. Must be promulgated by 10/01/91.

Abstract: This action implements the provisions of Public Law 101-624 governing student eligibility for the Food Stamp Program and the treatment of educational assistance as excluded income or resources.

This action also regulates a provision of Public Law 100-50 and Public Law 101-392 governing the treatment of certain Federal educational assistance as excluded income or resources for food stamp purposes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	
Final Action	04/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA90

210. ● FOOD STAMP APPLICATION AND INCOME EXCLUSION PROVISIONS OF THE 1990 FARM BILL

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 274; 7 CFR 275; 7 CFR 276; 7 CFR 277; 7 CFR 278; 7 CFR 279; 7 CFR 280; 7 CFR 281; 7 CFR 282; 7 CFR 283; 7 CFR 284; 7 CFR 285

Legal Deadline: None

Abstract: This rule implements provisions of the Mickey Leland Memorial Domestic Hunger Relief Act which (1) allow one adult household member to attest to the truth of the information in the application, including information about the alien or citizenship status of each member; (2) exclude from income consideration annual school clothing allowances provided by State agencies; and (3) exclude from income consideration assistance provided under a general assistance program if no assistance is provided in cash under the program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/28/91	56 FR 12843
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA91

211. ● CATEGORICAL ELIGIBILITY AND APPLICATION PROVISIONS OF THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

Significance: Agency Priority

Legal Authority: 7 USC 2011 TO 2031

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Final, Statutory, October 1, 1991.
Public Law 101-624 requires that regulations implementing these provisions be published not later than October 1, 1991.

Abstract: This proposed rulemaking, when final, would implement provisions of the Mickey Leland Memorial Domestic Hunger Relief Act which (1) simplify the design of the food stamp application, (2) require a combined food stamp/general assistance (GA) application only in State agencies that have a single Statewide GA application, and (3) make households in which all members receive GA from an appropriate program categorically eligible for food stamps.

Timetable:

Action	Date	FR Cite
NPRM	08/13/91	56 FR 40156
NPRM Comment Period End	09/12/91	
Final Action	10/00/91	

USDA—FNS **Final Rule Stage**

Action	Date	FR Cite
Final Action	02/00/92	
Effective		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA92

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212. ● FOOD STAMP PROGRAM: TREATMENT OF FOSTER CARE INDIVIDUALS AND FOSTER CARE PAYMENTS

Legal Authority: 7 USC 2011 to 2031

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None
Retroactive implementation date to date all State agencies directed to implement by FNS memorandum.

Abstract: Expands appeals court decisions on treatment of individuals receiving foster care payments when determining the eligibility and benefit level of households caring for such individuals from the districts covered by the appeals courts to all states so that policy is uniform for entire food stamp program. All State agencies were directed to implement policy by court set date, if in district under jurisdiction of one of the appeals courts or by February 1, 1989. FNS implemented policy through memorandum to preclude further legal action.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA93

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213. ● FOOD STAMP PROGRAM: INCOME EXEMPTION FOR HOMELESS HOUSEHOLDS IN TRANSITIONAL HOUSING FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Final, Statutory, October 1, 1991.
Provision becomes effective and must be implemented first day of the month, 120 days after publication. Must be promulgated no later than 10/01/91.

Abstract: This rule proposed to implement a provision of the Leland Act which allows an income exclusion for households living in transitional housing that is equal to 50 percent of the maximum shelter allowance provided to families receiving Aid to Families with Dependent Children residing in permanent housing under a state agency's approved AFDC Plan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	
Final Action Effective	02/00/92	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA96

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214. ● FOOD STAMP PROGRAM: MONTHLY REPORTING AND RETROSPECTIVE AMENDMENTS AND MASS CHANGES

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624 , 104 stat 3359

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273

Legal Deadline: Final, Statutory, October 1, 1991.
Effective 120 days from publication of implementing rules. Implementing rules mandated to be published by 10/01/91.

Abstract: Implements the monthly reporting and retrospective budgeting provisions of Public Law 101-624; clarify and simplify procedures regarding the handling of mass changes; and makes changes to procedures governing the operation of the monthly reporting and retrospective budgeting system.

Timetable:

Action	Date	FR Cite
NPRM	08/13/91	56 FR 40156
NPRM Comment Period End	09/12/91	
Final Action	10/00/91	
Final Action Effective	02/01/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA98

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215. ● FOOD STAMP PROGRAM: INCOME DEDUCTION AND DISASTER PROVISIONS FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 272; 7 CFR 273; 7 CFR 274; 7 CFR 280

Legal Deadline: Final, Statutory, October 1, 1991.
Provision becomes effective and must be implemented first day, 120 days after publication. Must be promulgated no later than 10/01/91.

Abstract: Rule proposes to amend FSP regulations to implement three program provisions of Mickey Leland Memorial Domestic Hunger Relief Act. Provisions in proposed rule are: (1) simplifying resource and eligibility determinations by expanding the criteria by which a resource can be considered inaccessible, (2) using a standard shelter expense in lieu of verification for homeless households with shelter costs; and (3) providing for issuance of food stamp benefits in disasters.

USDA—FNS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/13/91	56 FR 40164
Final Action Effective	02/00/92	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22303, 703 756-3064

RIN: 0584–AA99

216. ● FOOD STAMP PROGRAM: RESOURCE EXEMPTION FOR PUBLIC ASSISTANCE/SUPPLEMENTAL SECURITY INCOME FROM THE M MEMORIAL DOMESTIC HUNGER RELIEF ACT

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Final, Statutory, October 1, 1991.
Provision becomes effective and must be implemented first day, 120 days after publication. Must be promulgated no later than 10/01/91.

Abstract: Interim Rule to implement a provision of Public Law 101-624 which allows the exemption of resources for food stamps for certain individuals receiving public assistance or supplemental security income. This provision increases conforming between food stamps, supplementary security, and public assistance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/91	56 FR 23203
Final Action Effective	10/01/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB00

217. ● FOOD STAMP PROGRAM: AUTHORITY TO REQUIRE RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS TO SUBMIT TAXPAYER IDENTIFICATION NUMBERS

Significance: Agency Priority

Legal Authority: 42 USC 405(c)(2)(C); 26 USC 6109; PL 101-624

CFR Citation: 7 CFR 278

Legal Deadline: Final, Statutory, October 1, 1991.
Effective 120 days from publication of implementing rules.

Abstract: Based on Public Law 101-624, 104 Stat 3359 (the 1990 Farm Bill), this rule amends the Food Stamp Program regulations at 7 CFR Part 278 to require participating retail food stores or wholesale food concerns to furnish to the Food and Nutrition Service taxpayer identification numbers including (a) the Social Security Numbers of certain owners and (b) the employer identification number of the firm. Confidentiality and nondisclosure safeguards of taxpayer identification numbers are included. Compiling a data base of taxpayer identification numbers will help to ensure that only properly authorized firms participate in the program.

Timetable:

Action	Date	FR Cite
NPRM	08/15/91	56 FR 40580
NPRM Comment Period End	09/16/91	
Final Action	10/00/91	
Final Action Effective	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB01

218. ● MISCELLANEOUS FARM BILL PROVISIONS RELATING TO THE AUTHORIZATION OF RETAIL FIRMS AND WHOLESALE FOOD CONCERNS

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 274; 7 CFR 278

Legal Deadline: Final, Statutory, October 1, 1991.
Effective 120 days from publication of implementing rules.

Abstract: This rule would implement three provisions of the 1990 Farm Bill (PL 101-624, 104 stat 3359) which revise the Food Stamp Act of 1977, as amended (7 USC 2011 et seq.). The first provision would amend the definition of "food" to include meals sold to the homeless program participants by restaurants approved by State agencies for this purpose. Such restaurants must contract with the state and must be authorized by the Food and Nutrition Service to provide meals at concessional prices to homeless participants. The second provision would allow a periodic reauthorization of retail food stores and wholesale food concerns to participate in the Food Stamp Program. The third provision prohibits a firm which is primarily in the business of selling food at wholesale from being authorized as a retail food store unless failure to authorize such a firm as a retail food store would cause hardship to food stamp households.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	02/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB02

219. ● FOOD STAMP PROGRAM: RETAILER WHOLESALER CHANGES

Legal Authority: 7 USC 2011 to 2031

CFR Citation: 7 CFR 271; 7 CFR 276; 7 CFR 278; 7 CFR 279

Legal Deadline: None

Abstract: The proposed rule clarifies the Department of Agriculture's policy on authorizing and educating retail grocers who take part in the Food Stamp Program. In addition, the rule sets forth changes in assigning penalties to retailers who violate program rules. The regulations clarify and emphasize the full and ongoing responsibility of retailers for their actions and the actions of their employees. Under the proposed regulations, the severity of the penalty would not be affected by any warning received by the retailer prior to an investigation. The penalty would be based on the seriousness of the violations committed during the investigation and the level of responsibility for store operations of persons who committed the violations.

Timetable:

Action	Date	FR Cite
NPRM	03/28/91	56 FR 12857
NPRM Comment Period End	05/28/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB03

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220. ● EMPLOYMENT AND TRAINING PROVISIONS FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This rule proposes to implement four provisions from Public Law 101-624 that affect the Food Stamp Employment and Training (E&T) Program. These provisions will (1) amend the current rules regarding the "head of household" designation; (2) change the current formula for distributing the non-performance based ($60 million) portion of the $75 million Federal E&T grant; (3) expand the E&T program to include literacy and self-employment training as E&T components; and (4) allow two State agencies that have received prior approval of an application to provide priority service to volunteers. The costs of these provisions are expected to be minimal. The benefit of the above provisions is an overall improvement in the E&T Program.

Timetable:

Action	Date	FR Cite
NPRM	08/15/91	56 FR 40570
NPRM Comment Period End	09/16/91	
Final Action	10/00/91	
Final Action Effective	02/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB04

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221. ● FOOD STAMP PROGRAM: GOOD CAUSE RELIEF FROM QUALITY CONTROL ERROR RATE LIABILITIES

Significance: Agency Priority

Legal Authority: 7 USC 2023

CFR Citation: 7 CFR 272.1(g); 7 CFR 275.23(e)

Legal Deadline: None

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) modified the Food Stamp Act of 1977, as amended. Section 603 provided for the finality of the Secretary's determination that a State agency had good cause for its excessive payment error rate. Section 604, by revising the method for determining the payment error rate necessitated revisions in the criteria for a determination of good cause.

Timetable:

Action	Date	FR Cite
NPRM	01/16/91	56 FR 1578
NPRM Comment Period End	03/18/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 757-3064

RIN: 0584–AB05

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222. ● FOOD STAMP PROGRAM: QUALITY CONTROL CLAIMS ADJUSTMENTS FOR STATE AGENCY INVESTMENTS

Significance: Agency Priority

Legal Authority: 7 USC 2022

CFR Citation: 7 CFR 272.1(g); 7 CFR 275.23(e)

Legal Deadline: None

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) modified the Food Stamp Program Quality Control (QC) System provisions of the Food Stamp Act of 1977, as amended. Section 601 requires the Secretary to review State agencies' proposed investment in error reduction when determining the disposition of payment error rate liabilities.

Timetable:

Action	Date	FR Cite
NPRM	11/27/90	55 FR 49290
NPRM Comment Period End	01/28/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB06

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223. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): FOOD COST CONTAINMENT REQUIREMENTS

Legal Authority: 42 USC 1786

USDA—FNS **Final Rule Stage**

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, March 10, 1991.

Abstract: This regulation implements the mandates of P.L. 101-147, enacted November 10, 1989, relative to food cost containment in WIC. In order to achieve further savings in the cost of WIC Program foods, principally the cost of infant formula, this rule implements two major legislative provisions. First, it restates and extends into future years the provisions of P.L. 100-460, which mandated that in order to receive its grant allocation a State agency must examine the feasibility of cost containment systems by 8/30/89 and implement a cost containment system where feasible. Second, the rule requires all WIC State agencies using a retail food delivery system, except certain Indian State agencies, to employ one of two infant formula rebate procurement methods. These two methods are the competitive method (single- supplier contract) and the comparative method, where the State agency fairly compares the cost savings of any alternative form of infant formula cost containment it may wish to implement. The rebate system generating the greatest savings of those compared must then be implemented. This rule establishes specific factors to be considered in the analysis of (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/15/90	55 FR 9709
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: ABSTRACT (cont): the systems after completing the cost comparison under comparative method. If the State agency can justify to FNS that the cost containment method resulting in the greatest total savings would cause demonstrable harm to the efficient and effective operation of the WIC Program a waiver will be granted. Timelines are established in the rule for compliance based on the present rebate contract situation of experiencing unavoidable delays related to the procurement process that prevent the State agency from meeting the implementing timeframes established in the rule.

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB11

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224. ● PARTICIPATION OF THE HOMELESS IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

Significance: Agency Priority

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: Pursuant to the mandates of the Hunger Prevention Act of 1988 (P.L. 100-435), this rule: (1) defines "homeless individual"; (2) identifies WIC as a supplement to the Food Stamp Program and to meals or food provided through emergency food assistance programs; (3) requires description in the State Plan of how the State agency will provide Program benefits to and meet the special nutrition education needs of the homeless; (4) requires that the State agency announce Program availability and distribute WIC information to organizations serving the homeless and shelters for victims of domestic violence; (5) requires that in prescribing program food packages competent professional authorities take into account the special needs and problems of homeless individuals.

The legislative definition of "homeless individual" includes persons residing in temporary shelters. In the rulemaking we will include conditions for participation of all institutionalized persons, including those in temporary shelters, which ensure that (1) the participant and not the institution, benefits form WIC and (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/14/89	54 FR 51289
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT (cont): (2) there are no institutional barriers or constraints on the individual's ability to participate directly and fully in the WIC program.

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB12

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225. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): NONFUNDING MANDATES OF PUBLIC LAW 101-147

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: This rule amends regulations governing the WIC Program to comply with mandates of Sections 123 and 213 of the Child Nutrition and WIC Reauthorization Act of 1989 (P.L. 101-147) which are not related to the allocation and use of program funds. The following major areas of WIC Program Operation are addressed in this rulemaking: adjunct income eligibility, program access, dissemination of program information, and breastfeeding promotion activities. This rule also expands State agencies discretion to mail food instruments to participants, allow certain States to implement WIC income Eligibility guidelines at the same time as Medicaid guidelines (but not later than July 1) and reduces the frequency in which all States must review their local agencies from annual to biennial. A number of minor mandates of P.L. 101-147 are also addressed in this rulemaking.

Finally, this rule incorporates into the WIC Program regulations by reference the following Department wide rules: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 7 CFR

3016; and Government wide Department and (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/09/90	55 FR 28033
NPRM Comment Period End	08/08/90	55 FR 28033
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT (cont): Suspension (Non-Procurement) and Government wide requirements for a drug-free workplace (Grants), 7 CFR Part 3017.

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Building, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB13

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226. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): DRUG ABUSE AND OTHER HARMFUL SUBSTANCES, INFORMATION AND REFERRALS

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This action is taken to implement the mandates of P.L. 100-690, the Anti-Drug Abuse Act of 1988.

This rule will define "drug abuse education" for the purpose of the WIC Program; require integration of drug abuse education into the nutrition education component of WIC; emphasize WIC's role in making referrals to drug abuse clinics, treatment programs, counselors, or other drug abuse professionals; and emphasize WIC's obligation to coordinate with alcohol and drug counseling programs as well as drug abuse education programs.

Timetable:

Action	Date	FR Cite
NPRM	03/30/90	55 FR 11946
NPRM Comment Period End	05/29/90	55 FR 11946
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB14

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227. ● CHILD AND ADULT CARE FOOD PROGRAM: CHILD NUTRITION AND WIC REAUTHORIZATION ACT AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1766; PL 101-147

CFR Citation: 7 CFR 226

Legal Deadline: Other, Statutory, July 1, 1990.

Abstract: Implements certain provisions of P.L. 101-147, including the provision of expansion funds to family day care home sponsors for rural and low-income area outreach; authority for State agencies to establish an every-other-year sponsor application process; a reduction in the number of required monitoring visits in school-sponsored child care; authority for State governors to designate an alternate State agency to administer the adult day care portion of the Program; and a change in the basis for determining States' Program commodity entitlement from current year to prior year data.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Building, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB16

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228. ● DETERMINATION OF ELIGIBILITY FOR FREE MEALS BY SUMMER FOOD SERVICE PROGRAM SPONSORS AND FREE AND REDUCED PRICE MEALS BY CHILD AND ADULT CARE FOOD PROGRAM INSTITUTION

Significance: Agency Priority

Legal Authority: 42 USC 1758; PL 101-147

CFR Citation: 7 CFR 225; 7 CFR 226

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: Implements certain provisions of P.L. 101-147, including a requirement that applicants for free or reduced price meals need only provide the social security number of the household member who signs the application and a requirement that the Program sponsor rather than the applicant total the income information provided.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB17

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229. ● ADULT MEAL PATTERN FOR THE CHILD AND ADULT CARE FOOD PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 1766; PL 101-147

CFR Citation: 7 CFR 226

Legal Deadline: Final, Statutory, July 1, 1991.

Abstract: Implements a new meal pattern for individuals participating in the Child and Adult Care Food Program in adult day care centers. Also, implements a provision found in P.L. 101-147 that meals served to those individuals meet one-third of the recommended dietary allowances for such individuals.

USDA—FNS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/27/90	55 FR 34935
NPRM Comment Period End	10/26/90	
Interim Final Rule	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AB18

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230. ● SUMMER FOOD SERVICE PROGRAM: CHILD NUTRITION AND WIC REAUTHORIZATION ACT AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1761

CFR Citation: 7 CFR 225

Legal Deadline: None

Abstract: Implements certain provisions of the Child Nutrition and WIC Reauthorization Act of 1989 including the readmission of certain private, nonprofit sponsors to the Program, the eligibility of food service sites that serve homeless children and the availability of the Program to colleges and universities that operate the National Youth Sports Program during the school.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/90	55 FR 13454
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AB20

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231. ● MEAL SUPPLEMENTS IN THE NATIONAL SCHOOL LUNCH PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 210

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: Implements provision in the Child Nutrition and WIC Reauthorization Act of 1989 which authorizes schools which serve meal supplements in care programs under the Child Care Food Program as of May 15, 1989, to serve snacks and receive reimbursement under the National School Lunch Program.

Timetable:

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30339
NPRM Comment Period End	09/16/91	
Final Action	02/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AB24

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232. ● FOOD DISTRIBUTION PROGRAMS—IMPLEMENTATION OF THE HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435

CFR Citation: 7 CFR 250; 7 CFR 251

Legal Deadline: None

Abstract: This rule addresses the Hunger Prevention Act of 1988 including: Increasing the funding for Emergency Feeding Organizations from 20 percent to 40 percent; the distribution of additional commodities for use by Emergency Feeding Organizations ($120 million) and soup kitchens ($32 million); and procedures for the distribution of the additional commodities.

Timetable:

Action	Date	FR Cite
NPRM	04/06/90	55 FR 12838
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AB25

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233. ● FOOD DISTRIBUTION PROGRAMS—COMMODITY DISTRIBUTION REFORM

Significance: Agency Priority

Legal Authority: PL 100-237

CFR Citation: 7 CFR 250; 7 CFR 210

Legal Deadline: None

Abstract: This rule will finalize those sections of the Commodity Distribution Reform Act, P.L. 100-237 requiring the replacement of out-of-condition commodities and commodity delivery schedules to ensure that schedules established by agencies; the dissemination of summaries of product specifications to recipient agencies; purchase of domestically produced products; testing procedures; establishing commodity values; and offering the per meal value to school food authorities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/21/88	53 FR 27469
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park

Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AB26

234. ● BENEFIT DELIVERY REQUIREMENT FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 272; 7 CFR 274

Legal Deadline: Final, Statutory, October 1, 1991. Other, Statutory, October 1, 1991. See Abstract.

Abstract: This final rule implements three provisions from P.L. 101-624 that affect the food stamp issuance requiring implementation by October 1, 1991; staggered issuance of benefits on (Indian) reservations, aggregate combined allotment of benefits to households applying after the 15th of the month, and mail issuance in rural areas where households experience transporting difficulties in obtaining program benefits. This rule also makes technical changes to current regulatory issuance provisions considered appropriate to clarify and improve benefit issuance.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/91	56 FR 23027
ANPRM Comment Period End	06/19/91	
Final Action	10/00/91	
Final Action Effective	02/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Building, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3762

RIN: 0584–AB32

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

235. COORDINATED REVIEW EFFORT

Significance: Agency Priority

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 235; 7 CFR 245

Completed:

Reason	Date	FR Cite
Final Action	07/16/91	56 FR 32920
Final Action Effective	08/16/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Scott Stangeland, 703 756-3064

RIN: 0584–AA84

BILLING CODE 3410-30-F

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Prerule Stage

236. AMENABILITY OF SPECIFIC POULTRY SPECIES UNDER THE POULTRY PRODUCTS INSPECTION ACT

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 362; 9 CFR 381

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking would solicit comments and recommendations regarding certain criteria FSIS is considering to determine the amenability of various species of poultry to Federal inspection. In addition, the advance notice of proposed rulemaking would solicit comments and recommendations on certain procedures FSIS is considering for requesting voluntary inspection of nonamenable poultry and certain information needed from procedures before a voluntary inspection program could be initiated. Because of increasing use of formerly wild species as animals raised for food purposes (e.g., wild turkeys), and use of biotechnology techniques to create genetic variations of traditional species, the Agency is increasingly in need of a framework for deciding when a specific food animal is subject to inspection laws. As a result of recent petitions concerning a variety of bird species, FSIS would amend the regulations to provide criteria and procedures for determining in a consistent and equitable manner the amenability of specific birds to the PPIA.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol M. Seymour, Director, Policy Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3317

RIN: 0583–AB29

237. ● CONTROL OF DIRECT ENTRY FROM OUTSIDE TO PRODUCT PREPARATION AREA

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

USDA—FSIS **Prerule Stage**

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking would solicit comments and information from the public and industry regarding the need to safely control direct entry from outside an establishment into areas where exposed meat or poultry products are handled. FSIS has had recurring problems with this situation which constitutes a sanitation problem by providing an opportunity for pests and other contaminants to enter production areas and adulterate product. The Agency will determine from information received whether a rulemaking is needed in this area.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB38

238. ● CONDITIONS FOR USE OF TRUCK TRAILERS, RAILROAD BOXCARS, AND SHIPBOARD CONTAINERS AS REFRIGERATION AND/OR DRY STORAGE FACILITIES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking would solicit comments and information from the public and industry regarding the use of truck trailers, railroad boxcars, and shipboard containers as refrigeration and/or dry storage facilities in meat and poultry establishments. FSIS has had recurring problems with establishments using these facilities in lieu of building onto the existing building(s) or moving to a new location. Use of these vehicles and containers creates an unsanitary environment which can lead to contamination of meat and poultry products. The Agency will determine from information received whether a rulemaking is needed to prohibit the use of these vehicles and containers as permanent facilities and/or to develop any conditions for their temporary use in temporary situations.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB40

239. ● SEPARATION OF FEDERALLY INSPECTED ESTABLISHMENTS FROM OTHER ADJACENT FACILITIES NOT UNDER FEDERAL OR STATE INSPECTION

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking would request information and solicit comments from the public regarding safely eliminating openings such as doorways, hallways, elevators, and other wall openings, between federally inspected establishments and other adjacent facilities not under Federal or State inspection. FSIS has had recurring problems with such openings because they provide an entryway for dirt, insects, rodents, and other contaminants which provide conditions for microbial growth. FSIS will determine from information received whether a rulemaking is needed in this area.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB43

240. ● PROHIBITING VINYL FLOORING AND COVING IN CERTAIN AREAS OF FEDERALLY INSPECTED ESTABLISHMENTS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking would request information and solicit comments from the public regarding the elimination of vinyl flooring and coving in production and certain storage areas of official establishments. Vinyl flooring wears and cracks and loosens at the corners, and vinyl coving separates from the walls and floors, allowing dust and dirt to collect and providing a breeding ground for microorganisms. FSIS will determine from the information received whether a rulemaking is needed in this area.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB45

241. ● RESTRICTIONS ON THE STORAGE AND HANDLING OF IMMEDIATE-CONTAINER PACKAGING MATERIALS USED FOR MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

USDA—FSIS **Prerule Stage**

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking would request information and solicit comments from the public regarding the need for separate storage areas and handling procedures for immediate-container packaging materials used for meat and poultry products. FSIS has had recurring problems with the conditions under which these immediate-container packaging materials have been stored and will determine from information received whether a rulemaking is needed to establish conditions for storage of immediate-container packaging materials used for meat and poultry products.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB46

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

242. VOLUNTARY RESIDUE CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 323; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to aid in the control and reduction of residues of drugs, pesticides and other chemicals in meat and poultry products, and permit label claims to appear on meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 603-Cotton Annex, Washington, DC 20250, 202 205-0007

RIN: 0583–AA29

243. SULFONAMIDE RESIDUES IN SWINE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This proposed rule would establish an in-plant testing program to monitor violative levels of sulfonamide residues in swine. Such program would be designed to encourage producers to market and packers to purchase only healthy animals that will produce safe and wholesome meat.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20796
ANPRM Comment Period End	08/30/85	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard A. Carnevale, Assistant Deputy Administrator, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 205-0675

RIN: 0583–AA31

244. USE AND PROTECTION OF APPROVED WATER SYSTEMS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 42 USC 3007 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would outline methods for protecting the potable water supply. In addition, the proposed rule would update the current regulations which provide for the testing of potable water in the distribution systems of federally-inspected establishments.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175 South Building, Washington, DC 20250, 202 447-5627

RIN: 0583–AA54

245. CERTAIN PRODUCTS WITH MEAT INGREDIENTS—EXEMPTIONS FROM DEFINITION OF A "MEAT FOOD PRODUCT"

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 301; 9 CFR 303

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to exclude specific products and classes of products containing meat, meat byproducts, and/or meat food products from the definition "meat food product" and thereby would exempt these products from Federal inspection. The proposal identifies two broad conditions for exemption: (1) products containing 3 percent or less of raw meat or other portion of any carcass, or less than 2 percent of cooked meat or other portion of any carcass, and (2) products that historically have not been considered by consumers as products of the meat food industry. This proposal would replace current informal standards for

exemptions with formal, codified exemptions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 205-0042

RIN: 0583–AA62

246. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; REDUCED TESTING

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations by revising the current testing program for detecting violative levels of sulfonamide and atnibiotic residues in bob veal calves (calves up to 3 weeks in age or 150 pounds in weight). FSIS has determined that residues in bob veal calves have reached stable occurrence. As a result, FSIS is proposing to adjust the current testing program, which involves testing levels based on an establishment's history of calf condemnations, to make it more compatible with programs for other slaughter classes which have comparable violation rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/20/87	52 FR 2101
NPRM	03/00/92	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 205-0007

RIN: 0583–AA68

247. INCREASE IN USE LEVELS OF SODIUM CITRATE AS AN ANTICOAGULANT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to increase the level of sodium citrate allowed to be used as an anticoagulant in blood from 0.2 percent to 0.5 percent. FSIS has been petitioned by American Meat Protein Corporation, Ames, Iowa, to approve an increased use level of this substance as an anticoagulant in blood to 0.5 percent to facilitate the cleaning of equipment and the separation of red blood cells from plasma, as well as to improve sanitation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AA76

248. REQUIREMENTS FOR THE PRODUCTION OF FERMENTED SAUSAGE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to establish specific requirements concerning processing procedures used in the production of semi-dry and dry fermented sausages. Currently, the Agency has only general requirements concerning the processing procedures for these products. This proposal will provide that a manufacturer of semi-dry and/or dry fermented sausages use either a model good manufacturing practice (GMP) procedure with specified or described critical control points, process control limits, and monitoring activities; or an approved processing procedure from a processing authority who would define the critical control points, process control limits, and monitoring activities for each processing procedure. In addition, the proposal requires that all processes for semi-dry and/or dry fermented sausages comply with a set of validation criteria to assure the product is not adulterated. The proposed rule provides the necessary processing requirements to assure that the production of fermented meat food products does not result in adulterated products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, 202 447-3840

RIN: 0583–AA77

249. USE OF VARIOUS BINDERS IN CURED PORK PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of food starch modified and other binders as water retention agents in cured pork products. FSIS has been petitioned by the Corn Refiners Association, Inc., Washington, DC, for the approval of food starch modified at a rate not to exceed 2 percent to enable ham processors to formulate products which will better meet the needs of consumers and food service operators. FSIS is amending the regulations to add several other binders, e.g., carrageenan, sodium

caseinate, and isolated soy protein, for use as water retention agents in cured pork products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AA78

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250. USE OF SORBITOL AS A FLAVORING AGENT IN SPECIFIC MEAT PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of sorbitol to reduce charring in pizza toppings and other cured meat products subject to severe heat treatment. FSIS has been petitioned by Quality Sausage Company, Inc., Dallas, Texas, to approve the use of sorbitol at a level of 2.0 percent of the product formula.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AA79

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251. SODIUM/POTASSIUM LACTATE AS MEANS OF REDUCING CERTAIN PATHOGENIC MICROORGANISMS IN SPECIFIC MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as means of reducing certain pathogenic microorganisms in cooked meat and poultry products, and would provide for additional protection against the growth and toxin development of Clostridia botulinum in these products. FSIS has received a petition from Oscar Mayer Foods Corporation, Madison, Wisconsin, to use these substances in various cooked meat and poultry products at levels not to exceed 4.8 percent of the formulation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Divison, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AA83

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252. CROSS-CONTAMINATION PREVENTION FOR ALL HEAT PROCESSED MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to extend the current cross-contamination preventive requirements for cooked beef, roast beef and cooked corned beef, to all types of heat processed meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	08/14/91	56 FR 40274
NPRM Comment Period End	10/15/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Department of Agriculture, Food Safety and Inspection Service, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-3840

RIN: 0583–AA88

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253. SUBSTANCES APPROVED FOR USE IN MEAT PRODUCTS—REVISION OF LISTINGS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to reorganize the table of approved substances in an alphabetical order by the substance name rather than by class of substance, to include substance approvals not listed as well as amend individual product standards, and separate those substances approved for use as processing aids into a second chart. This proposed rule will assist the user in locating a substance more quickly and provide more consistency in using the table, update the regulations to reflect existing policies and current industry practices, and provide clarity to the chart of substances.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-

USDA—FSIS **Proposed Rule Stage**

Cotton Annex Building, Washington, DC 20250, **202 205-0080**

RIN: 0583–AA93

254. REVISION OF REQUIREMENTS FOR FINISHED PRODUCT INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit early shipment of shelf-stable products subject to incubation and to reduce the sampling frequency for product processed in continuous-type processing systems. There actions are a result of petitions submitted by the National Food Processors Association, Washington, DC.

Timetable:

Action	Date	FR Cite
NPRM	09/24/91	56 FR 48131
NPRM Comment Period End	11/25/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, **202 447-3840**

RIN: 0583–AA95

255. REVIEW OF RETAIL STORE INSPECTION EXEMPTIONS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 303; 9 CFR 381

Legal Deadline: None

Abstract: On July 21, 1988, FSIS published an advance notice of proposed rulemaking seeking public comments regarding the enforcement of retail store exemptions prescribed in the Federal Meat Inspection Act and the Poultry Products Inspection Act. Based on comments received, FSIS has not concluded that revisions to retail store exemption regulations are necessary.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/88	53 FR 27525
ANPRM Comment Period End	09/19/88	
ANPRM Extension of Comment Period	09/19/88	53 FR 36334
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Gonter, Associate Deputy Administrator, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, **202 447-3521**

RIN: 0583–AA96

256. PROCESSING REQUIREMENTS FOR DRIED READY-TO-EAT MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to require establishments to treat certain dried, ready-to-eat meat and poultry products to eliminate microbial contamination. Past food-poisoning outbreaks from dried meat products confirm that present processing requirements do not assure that the finished product is free from contamination by salmonellae. Treatment would assure the destruction of infectious disease bacteria, such as Salmonella, often present on the raw ingredients. The proposed rule would cover all dried ready-to-eat meat and poultry products except fermented sausages and dry cured hams and pork shoulders treated by one of the processing methods in section 318.10(c)(3) (ii), (iii), or (iv) of the Federal meat inspection regulations. The required treatment would either be a lethal heating step, a combination curing and heating process, or an alternate processing method which establishments have shown to be effective. The proposed rule would also contain provisions to prevent contamination of treated product by direct or indirect contact with untreated product.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, **202 447-3840**

RIN: 0583–AA97

257. ANTE-MORTEM INSPECTION OF DISABLED ANIMALS ON TRANSPORT VEHICLES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit an alternate method of ante-mortem inspection of disabled animals. This method would allow a transport vehicle to be an extension of an official establishment's premises for purposes of ante-mortem inspection of disabled animal(s) that are within the vehicle. FSIS received a request from the Western States Meat Association, Oakland, California, to allow ante-mortem inspection of disabled animals to be performed on a transport vehicle. This proposed rule would (1) specify establishment responsibilities for maintaining control over the transport vehicle, for providing proper ante-mortem inspection facilities, for complying with the veterinary disposition, and for providing assistance to the veterinary Medical Officer when performing the ante-mortem inspection; (2) prescribe the facility requirements needed for safe ante-mortem inspection of disabled animals; and (3) provide the requirements for the written request for this inspection.

USDA—FSIS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William O. James, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Building, Washington, DC 20250, 202 447-3219

RIN: 0583–AA98

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258. JAR CLOSURE REQUIREMENTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to revoke the requirements for vacuum packaged meat and poultry products in glass containers. FSIS was petitioned by the National Food Processors Association, Washington, DC, to revoke jar closure regulations that are no longer necessary to prevent contamination of products packed in glass containers. This action would be consistent with the requirements of the Food and Drug Administration for nonmeat products.

Timetable:

Action	Date	FR Cite
NPRM	08/26/91	56 FR 41967
NPRM Comment Period End	10/25/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, 202 447-3840

RIN: 0583–AB00

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259. FOOD ADDITIVES AND GRAS SUBSTANCES USED AS INGREDIENTS IN MEAT FOOD AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to simplify the procedures by which FSIS approves food additives and Generally Recognized as Safe (GRAS) substances to be used as ingredients in meat food products and poultry products. The proposed rule will be developed in cooperation with the Food and Drug Administration to make the Federal regulation of food additives and other substances that may be used as ingredients in meat food and poultry products more efficient and uniform.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol M. Seymour, Director, Policy Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3317

RIN: 0583–AB02

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260. POULTRY POST-MORTEM INSPECTION SYSTEM

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to merge the requirements for the new turkey inspection system, new line speed inspection system, streamlined inspection system and traditional inspection. Traditional inspection and voluntary streamlined inspection system with quality control would be the two available poultry inspection systems. Finished product standards would be amended to include all classes of poultry for carcasses and giblets. This proposal will describe facility requirements, national presentation and line speeds would be established for each class of poultry.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. William O. James, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Building, Washington, DC 20250, 202 447-3219

RIN: 0583–AB03

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261. EXPORT CERTIFICATION PROCEDURES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 322; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide export certification of all meat and poultry products exported to foreign countries. Domestic inspectors certify that the product is USDA inspected and passed, and that all foreign requirements have been met. In 1988, the Agency conducted a pilot test to determine the feasibility of streamlining export certification procedures by centralizing controls; utilizing contemporary communications technology; establishing plant review criteria; and modifying stamping requirements. The export certification project, of which the pilot was a part, continues in 1991. FSIS will review the current regulations and determine what, if any, changes should be considered from the outcome of this project.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Robert Fetzner, Director, Export Coordination Division,

International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-9051

RIN: 0583–AB04

262. PEST CONTROL IN OFFICIAL ESTABLISHMENTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by requiring the development and maintenance of a written pest control program by official establishments. The proposed rule would also add provisions to the Federal meat inspection regulations regarding the prior approval of those nonfood compounds not currently listed in the FSIS publication "List of Proprietary Substances and Nonfood Compounds," which are intended for use in establishments. The pest-control-related actions would provide additional assurance that meat and poultry products do not become adulterated as a result of the presence of pests in or around establishments or from the misuse of chemical compounds in controlling pests. The compound approval provisions would provide consistent, enforceable requirements regarding approval and use of nonfood compounds.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB08

263. ● USE OF TRICALCIUM PHOSPHATE AS A SEQUESTRANT IN MECHANICALLY DEBONED CHICKEN

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to permit the use of tricalcium phosphate in mechanically deboned chicken during the dehydration process to preserve the color of such products. Use of tricalcium phosphate at a proposed level not to exceed 2 percent would sequester the iron present in the blood of mechanically deboned chicken during the dehydration process, thus preventing discoloration (browning) of the product. The proposed regulation is in response to a petition submitted by Henningsen Foods, Inc., Omaha, NE.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AB09

264. UNDENUDED BEEF STOMACHS; FINISHED PRODUCT STANDARDS AND MANUFACTURING AND INSPECTION PROCEDURES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to include finished product standards and manufacturing and inspection procedures for unscalded beef stomachs. This action responds to several requests by meat processing companies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. William O. James, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Building, Washington, DC 20250, 202 447-3219

RIN: 0583–AB11

265. LABELING REQUIREMENTS FOR PACKAGED PRODUCTS WHICH REQUIRE SPECIAL HANDLING TO MAINTAIN THEIR WHOLESOME CONDITION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to promote consistent labeling requirements within the meat and poultry industry. This action would establish a uniform, standardized label statement and logo system for packaged products that could pose a safety hazard if subjected to temperature abuse.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex Buidling, Washington, DC 20250, 202 205-0042

RIN: 0583–AB12

266. USE OF COMPRESSED AIR IN BONING OPERATIONS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 310; 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of compressed air or other gases such as nitrogen and carbon dioxide in boning

operations as requested by several establishments. Tests indicate that this would facilitate the separation of muscle tissue from the fat tissue and bone of carcasses and parts without affecting the wholesomeness of the product.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products and Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, **202 447-3840**

RIN: 0583–AB13

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267. PROCESSING, DISTRIBUTION, STORAGE, AND RETAIL HANDLING OF READY-TO-EAT, UNCURED, PERISHABLE MEAT AND POULTRY PRODUCTS PACKAGED IN SEALED CONTAINERS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to establish new requirements governing ready-to-eat, uncured, perishable meat and poultry products that are packed in sealed containers bearing a "Perishable, Keep Refrigerated," or similar label statement. Examples of such products include, but are not limited to, soups, sauces, pastas, salads, and entrees.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/90	55 FR 19888
ANPRM Correction	06/20/90	55 FR 25138
ANPRM Comment Period End	07/13/90	
ANPRM Extension of Request for Comments	07/13/90	55 FR 28770
ANPRM	10/11/90	
Comment Period End		
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products and Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, **202 447-3840**

RIN: 0583–AB14

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268. USE OF ASCORBIC ACID, ERYTHORBIC ACID, CITRIC ACID, SODIUM CITRATE, AND SODIUM ASCORBATE IN FRESH BEEF AND LAMB

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of ascorbic acid, erythorbic acid, citric acid, sodium citrate, and sodium ascorbate, to maintain the color in fresh beef and lamb. FSIS received a petition from Wilson Foods Corporation, Oklahoma City, OK, to allow the use of these substances on beef and lamb cuts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, **202 205-0080**

RIN: 0583–AB15

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269. HEAT PROCESSING PROCEDURES; COOKING INSTRUCTIONS AND COOLING, HANDLING AND STORAGE REQUIREMENTS FOR UNCURED COMMINUTED MEAT AND POULTRY PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 320; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to establish heat-processing procedures, cooking instructions and cooling, handling, and storage requirements for various, uncured, comminuted meat and poultry products. This action would also mandate processing procedures to ensure that these products would not harbor or promote the growth of pathogenic microorganisms after processing. Products of concern include, but are not limited to, nuggets, fritters, meatballs, crumbles, Jamaican style patties and loaves.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/90	55 FR 22921
ANPRM Comment Period End	09/04/90	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processor, Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, **202 447-3840**

RIN: 0583–AB19

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270. USE OF CITRIC ACID AS A COLOR PRESERVATIVE ON THE SURFACE OF CURED MEAT CUTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of up to a 30 percent solution of citric acid as a

color preservative on the surface of cured meat cuts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AB20

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271. USE OF TOCOPHEROLS AS ANTIOXIDANTS AND CITRIC ACID AS A SYNERGIST IN VARIOUS MEAT PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of tocopherols as antioxidants and the use of citric acid as a synergist in various meat food products. This action is in response to a petition filed jointly by the Akzo Salt, Inc., St. Clair, Michigan, (formerly Diamond Salt Company) and the Henkel Corporation, Minneapolis, Minnesota, requesting that FSIS approve such uses.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AB25

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272. USE OF SUBSTANCES THAT FLAVOR AND PROVIDE OTHER FUNCTIONS IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to restrict the use of ingredients such as hydrolyzed beef plasma in meat and poultry products. Such use restriction would apply to any substance that flavors and provides other functions, e.g., binding, not currently regulated in the meat and poultry regulations. This action is necessary to control the use of these substances in standardized products.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AB26

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273. IRRADIATION OF POULTRY

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to permit the use of ionizing radiation sources to treat fresh or frozen, uncooked whole poultry carcasses or parts and mechanically separated poultry product. Ionizing radiation would be applied for the purpose of controlling and/or reducing various foodborne pathogens that may be present on product to reduce the potential for foodborne illness. The proposal would also prescribe facility and production requirements for those establishments wishing to irradiate product. In addition, the proposal would provide labeling requirements for irradiated product.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald D. Derr, Deputy Director for Scientific Support Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 407-Cotton Annex Building, Washington, DC 20250, 202 205-0675

RIN: 0583–AB27

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274. REMOVAL OF PIECE SIZE REQUIREMENTS AND PACKAGING LIMITATIONS OF IMPORTED FRESH OR CURED MEAT AND MEAT PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations by eliminating the prohibition against importation of individual meat pieces or trimmings smaller than 2-inch cubes or pieces comparable in size. FSIS was petitioned by Alsmeyer Food Consulting, Potomac, Maryland (on behalf of Melville Developments, Ltd., Papakura, New Zealand), to allow importation of ground lamb in labeled containers of five and 25 pounds. This action will allow ground or comminuted meats, chopped steaks, meat patties, meat loaves, sectioned and formed or ground and formed meat products and products of similar type to be imported in labeled containers of any size.

Timetable:

Action	Date	FR Cite
NPRM	08/13/91	56 FR 38361
NPRM Correction	08/19/91	56 FR 41162
NPRM Comment Period End	10/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: G. Edward McEvoy, Director, Program Development Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 4349, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-8435

RIN: 0583–AB31

275. NOTIFICATION OF RESIDUE VIOLATORS AND TESTING OF SUBSEQUENT SHIPMENTS OF ANIMALS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 310; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide the authority needed to permit FSIS to notify those entities determined to have marketed livestock or poultry with violative levels of residues and to test subsequent shipments of livestock or poultry marketed by the violators. These actions would not establish new policy in these areas but would, instead, permit the Agency to enforce current policy.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. William Leese, Director, Residue Operations Staff, Inspection Management Program, Department of Agriculture, Food Safety and Inspection Service, Inspection Operations, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3311

RIN: 0583–AB32

276. ● REQUIREMENTS FOR EFFECTIVE ESTABLISHMENT SANITATION

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide the necessary requirements for effective sanitation of establishment facilities and equipment, and to provide for the utilization of sanitary practices by employees. This action would not establish new policy in these areas but rather provide a regulatory basis for compliance with and enforcement of current sanitation policy.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB33

277. ● NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by establishing mandatory nutrition labeling for most processed meat and poultry products, and by providing for voluntary nutrition labeling on major retail cuts of meat and poultry products.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/91	56 FR 13564
ANPRM Comment Period End	06/03/91	
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AB34

278. ● ADMINISTRATIVE PRACTICES AND PROCEDURES

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 1003(d)

CFR Citation: 9 CFR 303; 9 CFR 335; 9 CFR 381; 9 CFR 390; 9 CFR 392

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by describing how FSIS policy decisions are made and how the public may influence those decisions, in particular, changes to the meat and poultry inspection regulations and the Agency's interpretations of those regulations. Additionally, the proposal would address procedures for appeals from inspection-related decisions that reach the Administrator for settlement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ralph E. Stafko, Director, Policy Office, Policy Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-8168

RIN: 0583–AB35

279. ● SMOKE FLAVORINGS AND ARTIFICIAL SMOKE FLAVORINGS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by deleting the requirement of prior Agency approval of the use of smoke flavorings and artificial smoke

flavorings. Prior FSIS approval is no longer necessary because smoke flavorings and artificial smoke flavorings are now considered generally recognized as safe (GRAS) by the Food and Drug Administration.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

RIN: 0583–AB36

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280. ● LISTING OF MINOR INGREDIENTS IN OTHER THAN ORDER OF PREDOMINANCE

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by modifying the current ingredient declaration requirements for labels of meat and poultry products. The modification would allow processors the option of listing minor ingredients in other than order of predominance if the ingredients are present at 2 percent or less of the total product. This action is in response to a petition submitted by the National Food Processors Association, Washington, D.C.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex Building, Washington, DC 20250, 202 205-0042

RIN: 0583–AB37

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281. ● IMPORTED PRODUCT: FACILITY REQUIREMENTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations by removing the presumption that all official establishments are automatically approved to handle reinspection of imported meat and poultry products. Because some official establishments do not have the necessary facilities or equipment for FSIS to conduct an adequate reinspection of imported products, this action would permit FSIS to assess the adequacy of establishment's facilities and equipment before reinspection of imported products could be conducted.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-2952

RIN: 0583–AB39

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282. ● LIMITATION ON THE USE OF STRIP DOORS IN PRODUCT PREPARATION AREAS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by eliminating the use of strip doors in areas where exposed product is handled except under certain conditions. Use of such doors constitutes a sanitation problem because they are difficult to keep clean and perform poorly in providing protection for exposed product.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB41

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283. ● REQUIREMENTS FOR IMPORTED POULTRY PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations by defining the phrase "the same as" and by replacing the phrase "at least equal to" with the phrase "the same as" wherever it appears. The proposal is a result of pending litigation and Congressional clarification as to the meaning of "the same as" as it applies to certified foreign establishments producing poultry products for export to the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Stolfa, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3473

RIN: 0583–AB42

USDA—FSIS

Proposed Rule Stage

284. ● APPROVAL OF RE-USE OF WATER IN FEDERALLY INSPECTED ESTABLISHMENTS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to prescribe acceptable conditions for the reuse of water in official establishments. In addition, the proposed rule would consolidate and make uniform the pre-existing policies for the use and reuse of brine.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB44

285. ● USE OF NEW TECHNOLOGIES IN RED MEAT SLAUGHTER ESTABLISHMENTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 310

Legal Deadline: None

Abstract: This notice of proposed rulemaking would solicit comment on the conditions under which an inspected establishment would be permitted to introduce into its slaughter facility a new process or procedure that may affect the safety, wholesomeness or proper marking of product or the conduct of inspection in thet establishment. It would propose that such new technologies may be approved tentatively based upon a showing to FSIS that the technology: (1) works; (2) does not pose increased risks of adulteration or misbranding of product; and (3) will not impact negatively on the conduct of inspection. Tentative approval also would require agreement by the establishment to develop data as necessary to demonstrate the validity of the initial showing and to support final approval of the technology. Approvals would be conditional upon the development and maintenance of a comprehensive quality control program that, primarily, ensures finished carcasses and parts meet standards specified for them in the regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William O. James, Director, Slaughter Inspection Standards and Procedures Division, Department of Agriculture, Food Safety and Inspection Service, Science and Technology, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3219

RIN: 0583–AB48

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Final Rule Stage

286. CATTLE POST-MORTEM INSPECTION PROCEDURES AND STAFFING PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 310

Legal Deadline: None

Abstract: The proposed rule would have required "Streamlined Inspection System" (SIS) procedures in large, federally inspected establishments that slaughter steers and heifers. Many public comments on the proposal expressed concern that the Agency had insufficient data showing that the proposed SIS procedures provided better public protection than traditional inspection procedures. Subsequently, FSIS requested the National Academy of Sciences (NAS) to review the proposed procedures. FSIS is evaluating the NAS report and is considering whether to proceed with this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48262
NPRM Comment Period End	01/30/89	
NPRM Reopening of Comment Period	02/14/89	54 FR 6684
NPRM Comment Period End	05/15/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dr. William O. James, Director, Slaughter Inspection Standards and Procedures Div., Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Building, Washington, DC 20250, 202 447-3219

RIN: 0583–AA32

287. REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION

Significance: Agency Priority

Legal Authority: PL 99-198

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will respond to amendments to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat and poultry products to the United States and provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States.

USDA—FSIS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 27998
NPRM Comment Period End	09/26/88	
Reproposal	03/09/90	55 FR 8956
Reproposal Comment Period End	04/09/90	
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 0038, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, **202 447-6933**

RIN: 0583–AA47

288. LABELING OF MEAT FOOD PRODUCTS THAT CONTAIN MECHANICALLY SEPARATED (SPECIES) UNDER CERTAIN CIRCUMSTANCES

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317

Legal Deadline: None

Abstract: This rule will add a new exception to the requirement that the list of ingredients on the labels of meat food products shall show the common or usual names of the ingredients. The exception would apply to the use of Mechanically Separated (Species) (MS(S)), at levels no greater than ten percent of the livestock and poultry product portion of a meat food product, providing that the labeling of such product bear a calcium content declaration in accordance with section 317.2(j)(13)(ii) of the Federal meat inspection regulations (9 CFR 317.2(j)(13) (ii)). This action is the result of a petition submitted to the Food Safety and Inspection Service by several members of the meat industry to amend the labeling requirements for meat food products containing MS(S).

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35089
NPRM Comment Period End	11/08/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex Building, Washington, DC 20250, **202 205-0042**

RIN: 0583–AA71

289. USE OF SODIUM LACTATE AND POTASSIUM LACTATE AS FLAVOR ENHANCERS IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as flavoring agents and flavor enhancers in various meat and poultry products. FSIS has been petitioned by Oscar Mayer Foods Corporation, Madison, Wisconsin, and Shenandoah Products, Inc., Bridgewater, Virginia, to allow the use of these substances at a 2.0 percent level for use in preparation of meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	55 FR 7339
NPRM Comment Period End	04/02/90	
NPRM Extension of Comment Period	04/02/90	55 FR 12203
NPRM Comment Period End	05/02/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, **202 205-0080**

RIN: 0583–AA75

290. PROCESSING PROCEDURES AND COOKING INSTRUCTIONS FOR COOKED, UNCURED MEAT PATTIES

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This rule will provide processors of fully and partially cooked, and char-marked, uncured meat patties with specific manufacturing, handling, and labeling requirements for these products to reduce the potential for incidents of food-borne, pathogen-caused illness from consumption of inadequately cooked, uncured meat patties. This rule will also establish (1) holding temperature and time requirements for raw meat used for cooked, uncured meat patties; (2) internal temperature and time combination processing requirements for fully and partially-cooked, uncured meat patties which are char-marked with heat but remain raw; (3) a requirement that a cooking instruction be placed on the label of partially-cooked and char-marked, uncured patties, instructing the final preparer to cook the patties to a well done state (a minimum internal meat temperature of 160 degrees Fahrenheit); and (4) requirements to assure that fully-cooked, uncured meat patties are not contaminated after cooking. This action will prevent instances of illness from the consumption of such patties.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52179
NPRM Comment Period End	01/26/89	
Reproposal	06/05/90	55 FR 23030
Reproposal Comment Period End	07/05/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-

USDA—FSIS

Final Rule Stage

South Building, Washington, DC 20250, 202 447-3840

RIN: 0583–AA81

291. PFF FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to permit the use of added water in turkey ham. The new standard provides for several categories of products that are delineated according to the protein content on a fat-free basis. FSIS was petitioned by the National Turkey Federation, Reston, Virginia, to establish protein fat-free values for turkey ham to promote product standardization and permit producers of turkey ham to compete more equitably with pork producers. This rule will replace the current provision which limits the amount of added water and other substances contained in turkey ham products by requiring the weight of the finished product to be no more than the original weight of the turkey thigh meat used prior to curing.

Timetable:

Action	Date	FR Cite
NPRM	02/21/89	54 FR 7434
NPRM Comment Period End	04/18/89	
Final Action	01/00/92	
Final Action Effective	02/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158, South Building, 14th and Independence Avenue, SW., Washington, DC 20250, 202 447-3840

RIN: 0583–AA84

292. IMPORTED PRODUCT; MOVEMENT PRIOR TO REINSPECTION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This final rule would amend the Federal meat and poultry products inspection regulations by eliminating the official import seal and current sealing requirements for imported product which is transported before reinspection. There is no practical way FSIS can ensure compliance with the sealing requirements. Given the volume of imported product (2.1 billion pounds per year) and FSIS's limited resources (90 import inspectors), it is physically impossible for FSIS personnel to seal each conveyance in which imported product might be transported or to break the seals, if affixed, once product arrives at its intended destination. U.S. Customs' regulations permit movement in-bond without further sealing (provided foreign country seals have been affixed), and Customs does not have the resources to provide special handling services regarding imported meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17059
NPRM Comment Period End	07/12/88	
NPRM Reopening of Comment Period	08/23/88	53 FR 32060
NPRM Comment Period End	09/22/88	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-2952

RIN: 0583–AA94

293. IMPORTED CANADIAN PRODUCT; PROVISION FOR "STREAMLINED" INSPECTION PROCEDURES; EXEMPTION FROM OFFICIAL MARK OF INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to provide "streamlined" inspection procedures for the reinspection of Canadian meat and poultry products and by exempting Canadian meat and poultry products offered for importation from the requirement that such product and/or containers of product be marked with the official mark of inspection once they are passed for entry into the United States. These actions stemmed from the Canada-United States Free Trade Agreement Implementation Act of 1988, Pub. L. 100-449. These actions specifically responded to one goal of the Agreement whereby both countries are charged with liberalizing agriculture trade practices by seeking ways to eliminate technical or procedural requirements which now may serve to impede trade in agricultural products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/89	54 FR 273
Interim Final Rule; Reopening of Comment Period	03/16/89	54 FR 10621
Interim Final Rule; Comment Period End	04/12/89	
Interim Final Rule; Correction	06/22/89	54 FR 26186
Final Action	07/31/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-2952

RIN: 0583–AA99

294. ADDITIONAL METHODS FOR DESTROYING TRICHINAE IN DRY-CURED HAM AND DRY-SAUSAGE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to provide additional methods for

processing dry sausage and dry cured ham to destroy trichinae (Trichinella spiralis larvae) which may be encysted in the pork meat component. The methods have been developed and validated to be effective by FSIS-supported research at one university and by three manufacturers who supported validating work at another university and independent laboratories. Two of the manufacturers wish to use the ham methods for proscuitto, an Italian-style dry-cured ham; however, the methods can be applied to any dry-cured ham. Two of the three methods are rapid high temperature methods--one for dry-cured ham, the other for two size ranges of sausage. The third method is a slower low temperature for dry-cured ham.

Timetable:

Action	Date	FR Cite
NPRM	01/07/91	56 FR 503
NPRM Comment Period End	04/08/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, **202 447-3840**

RIN: 0583–AB17

295. POLICY FOR DIFFERENTIATING BETWEEN CALVES AND ADULT CATTLE

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to define the term "calf" for inspection purposes, as a young bovine animal whose weight does not exceed 750 pounds live, or whose dressed carcass weight does not exceed 450 pounds. In addition, the rule will provide that certain indicators of maturity, such as teeth and bone formation be used in conjunction with weight to determine if the animal is a "calf."

Timetable:

Action	Date	FR Cite
NPRM	06/06/90	55 FR 23100
NPRM Comment Period End	08/06/90	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. S. Horne, Deputy Administrator, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service, Room 344-E, Administration Building, 14th and Independence Avenue, SW., Washington, D. C. 20250, **202 447-5190**

RIN: 0583–AB18

296. POULTRY PRODUCTS CONTAINING PORK; TRICHINA TREATMENT

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to provide that poultry products containing pork as an ingredient must comply with all applicable provisions of section 318.10 of the Federal meat inspection regulations regarding trichina, including the provisions regarding whether or not treatment for the destruction of trichinae is necessary for certain products and under certain circumstances. FSIS was petitioned by Olsson, Frank, and Weeda, Washington, DC. The petitioners stated that there are inconsistencies between the meat and poultry products inspection regulations. As a result of the inconsistencies, some meat products containing pork, in certain specific and under specified conditions, may be exempt from trichinae treatment requirements. The regulations do not contain similar exemptions for poultry products.

Timetable:

Action	Date	FR Cite
NPRM	12/04/90	55 FR 50007
NPRM Comment Period End	01/03/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William C. Smith, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, **202 447-3840**

RIN: 0583–AB28

297. IMPORTED PRODUCT: FURTHER IMPLEMENTATION OF U.S.-CANADA FREE-TRADE AGREEMENT

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 312; 9 CFR 322; 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by exempting (1) Canadian meat and poultry products intended to be imported into the United States from product reinspection by U.S. import inspectors, (2) Canada from various requirements applicable to other countries desiring to obtain and/or maintain their eligibility to export product to the United States and (3) USDA officials from certain review activities. This proposed rule would provide for the use of a new export stamp to be applied to product destined for Canada and would provide new procedures applicable to U.S. establishments exporting product to Canada and to Canadian establishment exporting product to the United States on a one-year experimental basis.

Timetable:

Action	Date	FR Cite
NPRM	06/29/90	55 FR 26695
NPRM Comment Period End	07/30/90	
NPRM Reopening of Comment Period	08/06/90	55 FR 31840
NPRM Comment Period End	09/05/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

USDA—FSIS **Final Rule Stage**

Agency Contact: Patricia Stolfa, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 341-E, Administration Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3473

RIN: 0583–AB30

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

298. REQUIREMENTS FOR PARTIALLY DEFATTED MEAT PRODUCTS

Significance: Regulatory Program

CFR Citation: 9 CFR 318; 9 CFR 319

Completed:

Reason	Date	FR Cite
No further action at this time	07/15/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, 202 205-0042

RIN: 0583–AA27

299. TRICHINA CONTROL REQUIREMENTS FOR DRY-CURED HAM

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
Merged with RIN 0583-AB17	07/17/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William C. Smith, 202 447-3840

RIN: 0583–AA49

300. IMPORTATION OF LIVESTOCK CARCASSES WITH TISSUES REMOVED

CFR Citation: 9 CFR 327

Completed:

Reason	Date	FR Cite
Final Action	08/13/91	56 FR 38333
Final Action Effective	09/12/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dr. William O. James, 202 447-3219

RIN: 0583–AA85

301. AUTOMATIC EXPIRATION SYSTEM FOR APPROVED LABELS

CFR Citation: 9 CFR 317; 9 CFR 381

Completed:

Reason	Date	FR Cite
No further action at this time	07/19/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, 202 205-0042

RIN: 0583–AA87

302. LABELING OF FRANKFURTERS AND SIMILAR PRODUCTS CONTAINING BINDERS

CFR Citation: 9 CFR 317; 9 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	08/21/91	56 FR 41445
Final Action Effective	09/20/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, 202 205-0080

RIN: 0583–AA92

BILLING CODE 3410-DM-F

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Proposed Rule Stage

303. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR

Legal Authority: PL 99-627 Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None

Abstract: For FY 1986: The "Food Security Improvements Act of 1986" amended the Food Security Act of 1985, as amended, to require an estimate of Commodity Credit Corporation stocks to be made available under Section 416(b) in FY 1986 by kind of commodity and quantity of each kind of commodity. The Food Security Act, as amended, requires that this estimate be published in the Federal Register.

For future FY's: The Food Security Act of 1985, as amended, requires the above estimate be made and published in the Federal Register before the beginning of each fiscal year. (FAS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961 South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA23

USDA—FAS **Proposed Rule Stage**

304. PROPOSED REGULATIONS GOVERNING IMPLEMENTATION OF THE COOPERATOR MARKET DEVELOPMENT PROGRAM OVERSEAS

Legal Authority: 7 USC 1704

CFR Citation: 7 CFR 1550

Legal Deadline: None

Abstract: These regulations are promulgated to provide minimum requirements and criteria under which parties interested in the cooperator Market Development program, as authorized in the Agricultural Trade Development and Assistance Act of 1954 (PL 480), may apply and participate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961 South Building, Washington, DC 20250, 202 447-6713

RIN: 0551–AA26

305. SECTION 22 IMPORT QUOTAS

Significance: Agency Priority

Legal Authority: EO 3019

CFR Citation: 7 CFR 6.20 to 6.34

Legal Deadline: None

Abstract: Provides for quotas for certain dairy products to prevent material interference with the domestic price support program for milk. Controls are administered through a licensing procedure so that the quotas may be allocated in a fair and equitable manner among importers and users. A fee is charged for each license issued to recover the costs of administering the licensing system.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961 South Building, Washington, D. C. 20250, 202 447-6713

RIN: 0551–AA27

306. ● EMERGING DEMOCRACIES AGRICULTURAL FACILITY GUARANTEE PROGRAM

Legal Authority: 7 USC 5622 (b)

CFR Citation: 7 CFR 17

Legal Deadline: None

Abstract: The regulations will provide the terms and conditions of obtaining a Commodity Credit Corporation Export Credit Guarantee for agricultural facility establishment or improvement in emerging democracies that will primarily promote the export of U.S. Agricultural commodities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	
Final Action	11/00/92	
Final Action Effective	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry Abromovage, Acting Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th & Independence Ave, SW., Washington, DC 20250, 202 447-6713

RIN: 0551–AA35

307. ● REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF AGRICULTURAL COMMODITIES

Legal Authority: 7 USC 1701 to 1705; 7 USC 1736 (a); 7 USC 1736 (c); 7 USC 5676; EO 12220

CFR Citation: 7 CFR 17

Legal Deadline: None

Abstract: The proposed rule would clarify the interim rule published Feb. 1, 1991 in response to the 1990 Farm, Agriculture, Conservation, and Trade Act; it would change the basis for demurrage/despatch computations and the distribution of despatch; and it would limit brokerage payments to country agents and expand U.S. Government access to records. These actions would reduce the possibility of conflicts of interest, expedite loading of commodities, increase competition for ocean transportation and reduce ocean freight expenditures under the PL 480 Title I program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th & Independence Ave, SW., Washington, DC 20250, 202 447-6713

RIN: 0551–AA36

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS) **Final Rule Stage**

308. REGULATIONS GOVERNING IMPLEMENTATION OF THE MARKET PROMOTION PROGRAM (MPP) OVERSEAS

Significance: Regulatory Program

Legal Authority: 7 USC 1485

CFR Citation: 7 CFR 1736; 7 CFR 1485

Legal Deadline: None

Abstract: These regulations are promulgated to provide minimum requirements and criteria under which parties interested in the Targeted Export Assistance Program (TEA), as authorized in the Food Security Act of 1985, may apply and participate.

USDA—FAS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/26/90	55 FR 17618
NPRM Comment Period End	06/26/90	
Interim Final Rule	08/16/91	56 FR 40745
Interim Final Rule Comment Period End	10/15/91	56 FR 40745
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961 South Building, Washington, DC 20250, 202 447-6713

RIN: 0551–AA24

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309. ● PROGRAM CRITERIA FOR THE EXPORT ENHANCEMENT PROGRAM (EEP) AND THE DAIRY EXPORT INCENTIVE PROGRAM (DEIP) AND THE OPERATIONAL REGULATIONS FOR THE DEIP

Legal Authority: PL 101-624, Sec 1531; 7 USC 5663

CFR Citation: 7 CFR 1494

Legal Deadline: None

Abstract: This regulation establishes the criteria for evaluating and approving proposals for country and commodity initiatives under the EEP and DEIP. It also establishes the program operating regulations for the DEIP.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/91	56 FR 26323
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Barry D. Ambromovage, Regulatory Coordinator, Compliance Review Staff, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, 202 447-6713

RIN: 0551–AA29

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310. ● CCC EXPORT CREDIT GUARANTEE PROGRAM (GSM-102) AND CCC INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM (GSM-103)

Significance: Agency Priority

Legal Authority: 15 USC 714(b); 15 USC 714(f); 7 USC 5602; 7 USC 5622; 7 USC 5661; 7 USC 5663; 7 USC 5664; 7 USC 5676

CFR Citation: 7 CFR 1493

Legal Deadline: None

Abstract: Revision of the regulations for the GSM-102 and GSM-103 programs to improve and update the current regulations and incorporate material required by the Agricultural Act of 1978 as amended by section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/91	56 FR 25998
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Abromovage, Acting Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, 202 447-6713

RIN: 0551–AA30

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311. ● PROGRAM CRITERIA FOR THE SUNFLOWERSEED OIL ASSISTANCE PROGRAM (SOAP) AND THE COTTONSEED OIL ASSISTANCE PROGRAM (COAP)

Significance: Agency Priority

Legal Authority: PL 101-624, Sec 1531; 7 USC 5663

CFR Citation: 7 CFR 1570

Legal Deadline: NPRM, Statutory, May 31, 1991.

Abstract: This regulation establishes the criteria to evaluate and approve proposals for country and commodity initiatives under the SOAP and COAP. The establishment of criteria for these programs is mandated under Section 403(a) of the Agricultural Trade Act of 1978, as amended in Section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/27/91	56 FR 42222
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Compliance Review Staff, Department of Agriculture, Foreign Agricultural Service, Room 4967 South Building, Washington, DC 20250, 202 447-6713

RIN: 0551–AA31

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312. ● REPORTING REQUIREMENTS RELATED TO TOBACCO EXPORTS

Significance: Regulatory Program

Legal Authority: 7 USC 509; PL 101-624, Sec 1557

CFR Citation: 7 CFR 1525

Legal Deadline: None

Abstract: Exporters/manufacturers of unmanufactured tobacco, tobacco products, cigarettes and cigarette ready tobacco are required to maintain records and submit reports pertaining to such records on tobacco content related to crop year, grade, type, country of origin, and poundage to the Secretary of Agriculture. Submitted information will be provided to Congress. Compliance by the public will entail substantial cost. Annual cost to the Government is established at $100,000.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-6713

RIN: 0551–AA32

USDA—FAS

Final Rule Stage

313. ● SUNFLOWERSEED OIL ASSISTANCE PROGRAM OPERATIONS (SOAP) AND COTTONSEED OIL ASSISTANCE PROGRAM OPERATIONS (COAP)

Legal Authority: 7 USC 1464, Sec 201 (b)(2) Subparagraph (A); PL 101-624, Sec 1541 As amends 7 USC 1464, Sec 201 (b)(2)

CFR Citation: 7 CFR 1570 Subpart B; 7 CFR 1570 Subpart C

Legal Deadline: None

Abstract: Title 7, Part 1570, Subpart B will establish operational regulations for the Sunflowerseed Oil Assistance Program (SOAP). Title 7, Part 1570, Subpart C will establish operational regulations for the Cottonseed Oil Assistance Program (COAP). These programs have been previously administered by the foreign Agricultural Service through the issuance of announcements and invitations for offers. The regulations will replace the issued announcements for SOAP and COAP.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry Abromovage, Acting Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Ave, SW., Washington, DC 20250, 202 447-6713

RIN: 0551–AA33

314. ● DIRECT CREDIT PROGRAMS (GSM-5, GSM-201, GSM-301) REGULATIONS

Legal Authority: 15 USC 714(c) to 714(f); 07 USC 17070; 07 USC 5602; 07 USC 5621; 07 USC 5661; 07 USC 5662; 07 USC 5676

CFR Citation: 7 CFR 1487; 7 CFR 1488; 7 CFR 1491; 7 CFR 1492

Legal Deadline: None

Abstract: This final rule effects the regulations of the Commodity Credit Corporation (CCC) regarding the use of "Direct credit." The CCC is issuing this final rule which deletes the regulations for the noncommercial risk assurance programs (GSM-101) and amends the regulations for financing of sales of agricultural commodities (GSM-5), the CCC intermediate credit export sales program for breeding animals (GSM-201) and the CCC intermediate credit export sales program for foreign market development facilities (GSM-301). The amendments to the GSM-5, GSM-201 and GSM-301 Programs are made to incorporate material required by provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624).

Timetable:

Action	Date	FR Cite
Final Action	11/01/91	
Final Action Effective	11/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Abromovage, Acting Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Avenue, SW., Washington, DC 20250, 202 447-6713

RIN: 0551–AA34

DEPARTMENT OF AGRICULTURE (USDA)

Foreign Agricultural Service (FAS)

Completed Actions

315. REGULATIONS GOVERNING THE OPERATION OF THE EXPORT ENHANCEMENT PROGRAM (EEP)

Significance: Regulatory Program

CFR Citation: 7 CFR 1494

Completed:

Reason	Date	FR Cite
Final Action	06/03/91	56 FR 25005
Final Action Effective	07/03/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, 202 447-6713

RIN: 0551–AA25

316. SUGAR TO BE RE-EXPORTED IN REFINED FORM, SUGAR TO BE RE-EXPORTED IN SUGAR CONTAINING PRODUCTS AND SUGAR FOR PRODUCTION OF POLYHYDRIC ALCOHOL

Significance: Agency Priority

CFR Citation: 7 CFR 1530

Completed:

Reason	Date	FR Cite
Final Action	07/08/91	56 FR 30857
Final Action Effective	08/07/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, 202 447-6713

RIN: 0551–AA28

BILLING CODE 3410-10-F

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Prerule Stage

317. WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 292, Subpart B

Legal Deadline: None

Abstract: The rules at 36 CFR 292, Subpart B govern joint administration of the Shasta and Clair Engle-Lewiston units of the National Recreation Area by the Forest Service and the Bureau of Reclamation. The rules also set forth standards for defining compatible

private land uses within the National Recreation Area to govern decisions by local zoning authorities, or in the absence of such authorities, decisions on land uses by the Secretary of Agriculture. The review has focused on experience under the rules and whether they still serve the public interest in ensuring that development and management of the NRA meet congressional intent.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/88	
End Review	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA68

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318. ● CHANGING THE TERM "FAIR MARKET VALUE" IN 36 CFR 223.60 TO "FAIR EXCHANGE VALUE" AND CHANGING EMPHASIS AWAY FROM TRANSACTION EVIDENCE

Legal Authority: 16 USC 1600

CFR Citation: 36 CFR 223.60

Legal Deadline: None

Abstract: The term "fair market value" has created a certain amount of confusion over the years in that some interpret the term to be appraised or advertised value of timber offered and others interpret it to mean the value of the bid rate of timber sold. This definition will be clarified by changing the term "fair market value" to "fair exchange value" and providing the following definition: "The objective of National Forest timber pricing is to sell timber at the fair exchange value. The fair exchange value is the bid value of the timber sale of normal contractual requirements awarded to a willing buyer by a willing seller when bids are generated by two or more competitors."

The present 36 CFR 223.60 weighs heavy to the Residual Value appraisal system. Since the National direction is to convert to the Transaction Evidence appraisal system by 10/01/92, the emphasis in the CFR needs to be changed.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	
Final Action	07/00/92	
Final Action Effective	10/00/92	
ANPRM Comment Period End	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB26

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319. ● SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS

Legal Authority: 16 USC 620 et seq

CFR Citation: 36 CFR 223.200

Legal Deadline: None

Abstract: This proposed rule would amend subpart F, part 223 of title 36 of the Code of Federal Regulations, Section 223.200, to list species proposed to be surplus to domestic manufacturing needs.

This proposed rule would implement a portion of Section 489(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 USC 620 et seq.) Section 489(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 489(b) of the Act provides that the prohibition contained in subsection (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary concerned determines to be surplus to domestic manufacturing needs, issued in accordance with section 553 of title 5, USC.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	
ANPRM Comment Period End	11/00/91	
Final Action	01/00/92	
Final Action Effective	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB27

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320. ● RETENTION OF DOWNPAYMENT ON TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472(a); 16 USC 618

CFR Citation: 36 CFR 223.49

Legal Deadline: None

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchases to make downpayments and periodic payment on timber sales. The objective of these requirements is to discourage speculative bidding on National Forest System timber sales. This rule will identify the requirements to hold downpayments until the timber sale contract is substantially completed.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	
Final Action	07/00/92	
Final Action Effective	07/00/92	
ANPRM Comment Period End	12/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $10,000; Yearly Recurring Cost: $0

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB28

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Proposed Rule Stage

321. GRAZING AND LIVESTOCK USE

Legal Authority: 7 USC 1011; 16 USC 472; 16 USC 551; 16 USC 572; 16 USC 580g; 16 USC 580h; 16 USC 580l; 16 USC 1600 et seq; 31 USC 9701; 43 USC 1901 to 1903; 43 USC 1751; 43 USC 1752

CFR Citation: 36 CFR 222, Subpart A

Legal Deadline: None

Abstract: This rulemaking seeks to remove outdated provisions, to incorporate policies and procedures issued in the Forest Service directive system, and to revise the remaining regulations making them clearer and easier for the public and Agency personnel to use. The proposed regulations (1) clarify the definitions of excess livestock and unauthorized use rate; (2) remove the rule for grazing advisory boards; (3) establish requirements or procedures for minimum permit size, eligibility related to compliance with permit terms, permits for livestock use in vegetation management, valuing range improvements when livestock grazing is eliminated, charging a fee for processing actions initiated or caused by a permittee or applicant, and association meeting frequency of a least 1 every 12 months; (4) incorporate currently used policies and procedures for escrow waivers, associated member grievances, permit cancellation or suspension for excess use, charges for excess use, running a child's livestock under a parent's permit, requests for information for evaluating grazing applications and action on apparent violations of permit terms. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/16/88	53 FR 30954
NPRM Comment Period End	10/17/88	53 FR 30954
NPRM - Second	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: On August 16, 1988, a proposed rule was published in 53 FR 30954. In response to comments received a second proposed rule is being issued. The dates projected are for proposed and final rules revising 36 CFR 222, Subpart A-grazing and livestock use.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA35

322. SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 Mineral Leasing Act; 16 USC 551

CFR Citation: 36 CFR 251, Subpart B

Legal Deadline: None

Abstract: The objective of this rulemaking is to conform the rule to the requirements of 3 laws approved since the regulation was revised in 1980. These laws include special provisions for authorizing irrigation and livestock watering facilities constructed prior to 1976, electrical and telephone facilities financed pursuant to the Rural Electrification Act of 1936, and special uses in Alaska. In addition, the proposed rulemaking will clarify applicant responsibilities for providing data and studies needed to process a special use application and will provide for the advanced payment of land use rental fees for longer time periods, including the life of the special use authorization. That portion of this action relating to collection of reimbursable costs for processing special use applications is being deferred and will be addressed as a new action in a future agenda. For other changes affecting special use applications and authorization of special uses, see Agenda entry RIN 0596-AA20.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA36

323. PROHIBITION ON MECHANICAL TRANSPORT AND OTHER ACTIVITIES IN WILDERNESS

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a); 36 CFR 261

Legal Deadline: None

Abstract: Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "nonliving" or "living" power sources. The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a) and to make corollary revisions in the prohibitions applicable to wilderness use, including prohibiting competitive events and expanding the definition of aircraft to include hang gliders, parachutes and parasail. (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA39

324. LAND EXCHANGES

Significance: Agency Priority

Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716 102 Stat 1086

CFR Citation: 36 CFR 254, Subpart A

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: Changes in existing regulations are needed to implement provisions of the Federal Land Exchange Facilitation Act of August 20, 1988, as well as to correct errors, delete obsolete portions, update to reflect current authorities, and clarify

ambiguities. Upon consideration of public comment and further coordination with the Bureau of Land Management which is also developing rules to implement the act, the agency has decided to issue a new proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34368
NPRM Comment Period End	10/02/89	
Extension of Comment Period	12/01/89	54 FR 41849
NPRM	10/02/91	56 FR 49948
NPRM Comment Period End	12/02/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA42

325. APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None

Abstract: A revision of Agency procedures is needed to reduce confusion regarding the role of the Forest Service in permitting hydroelectric uses on National Forest Systems lands. The goal of the directives will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

In addition, the directives will establish a fee system for hydroelectric uses as required by Title V, Section 501 of the Federal Land Policy and Management Act of 1976. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed policy will take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA47

326. LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551; 43 USC 1701 et seq

CFR Citation: 36 CFR 228, Subpart A

Legal Deadline: None

Abstract: Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA49

327. USE OF "SMOKEY BEAR" SYMBOL

Legal Authority: 18 USC 711

CFR Citation: 36 CFR 271

Legal Deadline: None

Abstract: The agency has completed a review of the existing rules governing permissible uses of the Smokey Bear symbol by nonfederal entities. The review indicates a need to improve the licensing requirements to better protect the symbol. Consideration is being given to adopting the same licensing requirements as those used to license Woodsey Owl materials at 36 CFR 272.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA66

328. NATIONAL FOREST PROHIBITIONS; LAW ENFORCEMENT SUPPORT ACTIVITIES

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to 1133(d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 261; 36 CFR 262

Legal Deadline: None

Abstract: The rules at 36 CFR Part 261 declare the range of unacceptable public behavior when visiting or using National Forest System lands. Among topics covered are prohibitions on setting campfires in certain areas, unlawful cutting of trees, and other unlawful uses of resources and property of the National Forest System. Violations of these prohibitions carry legal penalties. The rules at 36 CFR Part 262 address impoundment of property and rewards for information leading to arrest.

Review has examined the adequacy of the rules for administration of the National Forest System and whether changes in conditions, laws, or other factors require revision. The agency has completed its review and is now preparing a proposed rule to revise the prohibitions.

USDA—FS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 0596-AA65 was combined with RIN 0596-AA75

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA75

329. REVISE SMALL TRACTS ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 521(c) to 521(i)

CFR Citation: 36 CFR 254, Subpart C

Legal Deadline: None

Abstract: Implementation of the agency's Small Tracts regulations has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA79

330. REVISE RULES GOVERNING SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES AT 36 CFR 251 TO REMOVE AMBIGUITIES REGARDING FIRST AMENDMENT RIGHTS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1134; 16 USC 3210; 30 USC 185; 43 USC 1740; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251, Subpart A; 36 CFR 251, Subpart B; 36 CFR 251, Subpart E(New); 36 CFR 251, Subpart F(New)

Legal Deadline: None

Abstract: A Federal District Court has ruled that existing regulations discriminate against groups who wish to gather on National Forests to exercise their first amendment rights of assembly and free speech. The proposed rule will seek to remove ambiguities regarding these first amendment rights.

The agency is reviewing the rules of other Federal land managing agencies for possible approaches and is considering establishing separate rules for authorizing short-term, noncommercial uses of National Forests.

There will be no additional costs as a result of the proposed rule change. The benefit will be that the Forest Service will be able to adequately regulate large group use on the National Forests in a manner that ensures protection of the public health and safety and National Forest resources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16548
Interim Rule Effective	05/10/88	53 FR 16548
NPRM	11/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA80

331. 36 CFR 241 WILDLIFE: COOPERATION IN WILDLIFE PROTECTION, WILDLIFE MANAGEMENT, AND FEDERAL REFUGE REGULATIONS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683

CFR Citation: 36 CFR 241

Legal Deadline: None

Abstract: This rule has been reviewed as required by USDA Departmental Regulation 1512-1. The review indicates a need to revise the rule to clarify the roles of Federal and State officials in the enforcement of laws and regulations for the protection of wildlife, to add legal authorities and to revise terminology pertaining to wildlife and enforcement of wildlife laws and regulations. The agency plans to issue a proposed rule as shown in the timetable below.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/88	
End Review	12/01/89	
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA81

332. HELLS CANYON NATIONAL RECREATION AREA—PRIVATE LANDS

Legal Authority: PL 94-199, Sec 10(a)

CFR Citation: 36 CFR 292, Subpart E (New)

Legal Deadline: None

Abstract: The Forest Service proposes to issue regulations concerning use of private lands in the Hells Canyon National Recreation Area (HCNRA) on the Oregon - Idaho border, as required

in PL 94-199. The intended effect of this action is to establish standards for use and development of privately owned lands within the HCNRA.

The standards are intended to achieve the following management objectives for the Recreation Area: (1) The conservation and continuance of forest land for forest uses and farm land for farm uses; (2) The maintenance and protection of the free flowing nature of rivers within the HCNRA; (3) Conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; (4) Preservation, especially in the area generally known as Hells Canyon, of all features and peculiarities believed to be biologically unique; (5) Protection and maintenance of fish and wildlife habitat; (6) Protection of archaeological and paleontological sites; (7) Preservation of historic sites associated with and typifying the economic and social history of the region (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: ABSTRACT CONT: and the American West; and (8) Continuation of traditional uses.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA88

333. SOLID WASTE DISPOSAL POLICY

Significance: Regulatory Program

Legal Authority: 16 USC 497; 43 USC 931c

CFR Citation: None

Legal Deadline: None

Abstract: Solid waste disposal sites (sanitary landfills) on National Forest System lands present the potential for resource degradation, hazardous waste dumping, and future liability. A proposal for solid waste disposal is being developed to reflect changes which have occurred as a result of the Resource and Conservation Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and an increased knowledge of solid waste disposal. The proposal would prohibit the authorization of new sites and provide for the phase out of existing sites. During the phase out period, authorizations would be amended to provide resource protection and limit the Government's potential liability. Adoption of this policy would reduce administrative costs associated with administration of solid waste disposal sites, limit future liability, and protect the resources on National Forest System lands. The proposal would impact 110 sites currently authorized.

Timetable:

Action	Date	FR Cite
NPRM	06/26/90	55 FR 25990
NPRM Withdrawn	07/10/90	55 FR 28258
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA92

334. IRREVOCABLE LETTER OF CREDIT

Significance: Agency Priority

Legal Authority: 16 USC 472a; 16 USC 528 to 531; 16 USC 1600 et seq; 12 USC 1 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In a 1987 court decision, a letter of credit issued in lieu of surety bond was found to be unenforceable because the person who signed the letter of credit did not have authority to do so and because the bank had violated State law in regard to limits of liability. Others were invalid because they exceeded the expiration date. To remedy this problem, the Forest Service is proposing to issue a requirement that the bank president certify as to the authority of the person signing the letter of credit and the conformance with State and Federal statutes. An automatic extension of the expiration date would also be required.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	07/00/92	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA93

335. DISPOSAL OF QUARTZ MINERALS ON THE OUACHITA NATIONAL FOREST

Legal Authority: PL 100-446, Sec 323; 30 USC 601; 30 USC 603

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None

Abstract: This regulation is a direct response to the direction in Section 323 of Public Law 100-446 which classified quartz mineral on the Ouachita National Forest in Arkansas as no longer subject to location under the General Mining Law of 1872. These materials are now to be managed in the same manner as common varieties of mineral materials under regulations prescribed by the Secretary of Agriculture. Publication of this proposal is being delayed until publication of the final rule defining common variety mineral materials (RIN 0596-AA44).

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB01

336. FEDERAL CAVE RESOURCES PROTECTION

Significance: Agency Priority

Legal Authority: PL 100-691

CFR Citation: 36 CFR 290, Subpart A(New)

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: These regulations will implement the Federal Cave Resources Protection Act of 1988, which requires that the rules define what is a significant cave for purposes of this Act. The Act also requires that the rules address an inventory of cave resources, provide for confidentiality of information concerning the nature and location of caves on Federal land, and permits for collection and removal of cave resources. The regulations are being developed in concert with agencies of the U.S. Department of the Interior as required by the act.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/89	54 FR 9066
ANPRM Comment Period End	04/03/89	54 FR 9066
NPRM	11/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB02

337. PRE-AWARD INFORMATION REQUIREMENTS

Legal Authority: 16 USC 472(a); 16 USC 618

CFR Citation: 36 CFR 223.101

Legal Deadline: None

Abstract: Recently, as the number of timber sale defaults have increased, the number of debarred purchasers have increased, and the Government has initiated a policy of only doing business with responsible parties, it is becoming commonplace for bidders to form new affiliates in order to continue to be awarded Forest Service timber sale contracts. Unless the bidder voluntarily identifies affiliates, the Agency must make the determination through a time consuming process prior to award, prior to determining if double downpayment rules apply, and prior to taking debarment action. This rule would require bidders to disclose, prior to award of sales, all affiliates, and to certify that none are suspended or debarred. Filing false claims would be cause for contract cancellation and debarment action.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, WAshington, DC 20090-6090, 703 235-1488

RIN: 0596–AB03

338. RECREATION RESIDENCE AUTHORIZATION POLICY

Significance: Agency Priority

Legal Authority: 16 USC 497

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The policy for administering recreation residences on National Forest lands was adopted August 16, 1988 (53 FR 30924) and subsequently appealed under the administrative appeal process (36 CFR 211.18). In rendering his decision on the appeal the Assistant Secretary of Agriculture for Natural Resources and Environment suspended certain provisions related to tenure and the offering of in-lieu sites; designated the remaining features interim policy; and directed the Chief of the Forest Service to review and reconsider the entire policy (54 FR 23499: June 1, 1989). The policy is being reconsidered and alternatives are being developed. The purpose of the policy is to improve the administration of recreation residence permits and implement a revised fee schedule that obtains fair market value for the use. The policy affects about 15,800 permittees.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/89	54 FR 38700
ANPRM Comment Period End	11/20/89	
NPRM Comment Period Extended	01/19/90	54 FR 48666
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB06

339. FEE POLICY FOR RESERVOIRS

Significance: Agency Priority

Legal Authority: 43 USC 1764

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service proposes to change the policy and procedure for determining the land use rental fees for dams and reservoirs located on National Forests lands that are authorized by special use authorizations. This would eliminate the need for individual appraisals of reservoir areas and would reduce the cost of administering the special use permits. The fees would be comparable to the fees charged by the Federal Energy Regulatory Commission for reservoirs on Federal lands. There would be no change in the fee waiver policy for reservoirs. Reservoirs that are currently exempt by law from payment of land use rental fees would not be affected by the proposed change in policy.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

USDA—FS

Proposed Rule Stage

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB07

340. GRADUATED RATE FEE SYSTEM

Significance: Agency Priority

Legal Authority: 16 USC 497b; 16 USC 497

CFR Citation: None

Legal Deadline: None

Abstract: There is a need to provide for public review of Forest Service policy and special use permit clauses for the Graduated Rate Fee System.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB11

341. EXPANDED USE OF PROSPECTING PERMITS AND PREFERENCE RIGHT SALES FOR MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None

Abstract: Currently rules pertaining to prospecting permits and preference right negotiated sales apply only to minerals on acquired National Forest lands. This limitation is felt to encourage parties to locate mining claims on other National Forest lands under the mining laws of 1872, when it would be more appropriate to apply for a sale of mineral materials. This proposed rule would expand the use of prospecting permits to other National Forest System lands and responds to a recent change in the definition of mineral materials and clarification of those minerals that are subject to mining claims and those that are subject to sale.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596–AB12

342. CLARIFICATION AND REVISION OF APPEALABLE DECISIONS UNDER 36 CFR PART 251, SUBPART C

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 251, Subpart C

Legal Deadline: None

Abstract: The current rules at 36 CFR Part 251 Subpart C provide appeal procedures for holders of or certain applicants for land use and occupancy authorizations. Experience under this rule indicates a need to revise the rule as to purpose and scope and appealable decision. Questions have arisen on whether terms and conditions of the permit and routine administration of the permit by the Forest Service are appealable. In addition, the rule is silent on administrative review of decisions regarding recomputation of timber volume shares for small timber purchasers and decisions related to determination for the need for structural changes in a market area under the small Business Timber Set Aside program. This rulemaking will seek to address the problems.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596–AB17

343. OIL AND GAS RESOURCES· SURFACE OPERATIONS

Legal Authority: 16 USC 478; 30 USC 226; 30 USC 352

CFR Citation: 36 CFR 228, Subpart E

Legal Deadline: None

Abstract: Operations on Federal oil and gas Leases on National Forest System lands must comply with 36 CFR Part 228, Subpart E, and regulations of the Secretary of the Interior. This proposed rulemaking will establish guidelines for operators in preparing surface use plans of operations. Development of the rule is specified at 36 CFR 228.105 (a)(1) and (2). The rule is being developed in consultation with the Bureau of Land Management.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
NPRM Comment Period End	05/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596–AB19

344. LAND AND RESOURCE MANAGEMENT PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1600 et seq; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: This rulemaking will revise the regulations governing forest land and resource management planning to reflect agency experience in preparing initial forest plans as required by the National Forest Management Act. The rule will articulate and clarify the forest planning and decisionmaking process, propose ways to streamline plan amendment and revision, and, in general, adjust and fine tune the rule and its requirements to make the

planning process more realistic, meaningful, and efficient.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/91	56 FR 6508
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596–AB20

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345. GOVERNMENT CANCELLATION OF TIMBER SALE CONTRACTS

Significance: Agency Priority

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 223.40; 36 CFR 223.116

Legal Deadline: None

Abstract: Current regulations governing cancellation of National Forest timber sale contracts do not adequately protect the Government's financial interests in the event the Forest Service is forced to cancel contracts due to events beyond its control arising from compliance with environmental statutes. This rulemaking would remove an unworkable compensation of damages formula, remove limits applicable to length of contract term, and establish a termination for environmental protection clause in timber sale contracts, a standard in most Federal procurement contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	03/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 200090-6090, 703 235-1488

RIN: 0596–AB21

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346. ● FIREFIGHTING PREPAREDNESS AND MOBILIZATION ASSISTANCE

Legal Authority: 16 USC 2106(b)

CFR Citation: 36 CFR 211

Legal Deadline: None

Abstract: Title 12 of the 1990 Farm Bill authorizes funds to be distributed equally to state foresters and rural volunteer fire departments to conduct preparedness and mobilization activities, including training, equipping, and otherwise enabling State and local firefighting agencies to respond to requests for fire suppression assistance. Rules are needed to establish an equitable process for distributing funds among 50 States and 28,000 qualifying rural volunteer fire departments and to ensure accountability of funds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB29

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347. ● REQUESTING REVIEW OF NATIONAL FOREST PLANS AND PROJECT DECISIONS

Significance: Agency Priority

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 217

Legal Deadline: None

Abstract: While the agency is on record as viewing the appeal process as the public's last administrative opportunity to influence the outcome of National Forest System planning and decisionmaking, the Forest Service has also made it clear it believes better resource decisions and fewer challenges of those decisions will result if interested individuals and organizations become involved early in the planning and decisionmaking process. Therefore, the Forest Service is proposing changes to its appeal regulations concerning decisions of Forest officers. The changes address 7 problem areas identified by the agency in a recently completed review of the regulations: standing, purpose, complexity, intervention, inconsistency, negotiation and timeliness.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	02/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96096, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB30

DEPARTMENT OF AGRICULTURE (USDA) **Final Rule Stage**

Forest Service (FS)

348. CONSERVATION OF FISH, WILDLIFE, AND THEIR HABITATS; CHUGACH NATIONAL FOREST, ALASKA

Legal Authority: PL 96-487 Title V

CFR Citation: 36 CFR 241, (New)

Legal Deadline: None

Abstract: December 2, 1980, the Alaska National Interest Lands Conservation Act was signed into law. Section 501 (b) of the law requires that the Secretary of Agriculture promulgate regulations for the conservation of fish and wildlife and their habitats on the Chugach National Forest. The general National Forest System regulations and other existing laws governing management of National Forest System lands are applicable except as supplemented by these regulations or amended by the ANILCA, August 17, 1984. The new Chugach National Forest land management plan was appealed by 17 appellants. The settlement agreement specifies that subject to valid existing rights, the Forest Service will not allow timber harvest, road construction, surface occupancy for mineral leasing prior to publication of final regulations or completion of management area analysis for the Copper River Management Area. There are no alternatives to development of these regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	54 FR 13199
NPRM Comment Period End	06/29/89	
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA41

349. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254, Subpart D (New)

Legal Deadline: None

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act, as amended, authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	52 FR 23473
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA52

350. SURETY BOND FORM REVISION

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309; 31 USC 223 to 225

CFR Citation: None

Legal Deadline: None

Abstract: Following a period of high-priced timber sales bid prior to 1982, the Forest Service experienced a number of contract defaults on these sales. Subsequently, the Forest Service has had difficulty collecting from some sureties on the bonds guaranteeing performance on these sales. As part of a financial security initiative affecting future sales, the Forest Service is proposing to revise the payment and performance bonds to clarify surety's obligation in regard to what is being guaranteed, when payment is due in case of default, what additional charges will be assessed if payment is not made when due and when collection action may be suspended. Other alternatives include eliminating surety bonds as a form of security, reducing surety guarantee to mid-point and periodic payment and retention of current bond forms. Upon adoption the final revised bond forms will be issued for use by Forest Service Contracting and Fiscal Officers for future timber sale contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1742
NPRM Comment Period End	03/20/89	
Final Action	06/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final action on this entry has been delayed to obtain advice of the Comptroller General.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA94

351. NATIONAL ENVIRONMENTAL POLICY ACT REVISED IMPLEMENTING POLICY AND PROCEDURES

Significance: Agency Priority

Legal Authority: PL 91-190; PL 91-224

CFR Citation: 40 CFR 1500 to 1508

Legal Deadline: None

Abstract: This action is an update and revision of the agency's policy and procedure pursuant to the Policy Act and Council on Environmental Quality regulations. The proposed revisions will address changes caused by changing conditions and recent case law. It includes establishment of categories of actions excluded from documentation in an environmental assessment or environmental impact statement.

USDA—FS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/29/91	56 FR 19718
NPRM Comment Period End	06/28/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regualtory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB05

352. HELLS CANYON NATIONAL RECREATION AREA—USE OF NATIONAL FOREST LANDS

Significance: Agency Priority

Legal Authority: 16 USC 460(gg) Hells Canyon National Recreation Area

CFR Citation: 36 CFR 292, Subpart F (New)

Legal Deadline: None

Abstract: In Oregon Natural Resource Council v Lyng, the 9th Circuit Court of Appeals ruled that the Secretary must promulgate regulations as required by the Hells Canyon National Recreation Act (HCNRA) governing federal and private land uses in the HCNRA. The Department had argued that such rules were discretionary and the agency's comprehensive management plan for the NRA, which was prepared as required by the Act, was sufficient to guide management of the area. As a result of the court's ruling, the risk of litigation to halt ongoing activities, particularly timber sales, is high. Accordingly, there is an urgent need to promulgate an interim rule governing management of the federal lands in the HCNRA. While many existing regulations governing National Forest System lands, remain applicable to the Hells Canyon NRA, pending projects and plans are vulnerable to continued litigation until final rules are effective. An interim rule is the most expeditious way to effect rules. Public comment will be invited on the interim rule and will be considered in development of the final rule. (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/89	54 FR 41089
Interim Final Rule Comment Period End	12/04/89	
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The only alternative to the court ruling to promulgate rules is to publish a proposed rule rather than interim rules. This is unacceptable because of the potential for disruption to management of the area and the regulatory void that would be created by the longer time frames involved in going through a Notice of Proposed Rulemaking.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB08

353. INTERVENTION IN APPEALS

Significance: Agency Priority

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 217

Legal Deadline: None

Abstract: The current rule at 36 CFR Part 217 provides for a streamlined intervention process. Intervention is granted if requested within 20 days of the filing of a notice of appeal. If request is timely, intervenors have an additional 30 days after receiving a copy of the Notice of Appeal from the Reviewing Officer to file comments on issues raised in the Notice of Appeal. Three problems have surfaced with this process: the definition of "filing"; timeframes available for requesting intervention; and the actual comments that intervenors are to submit. The agency will propose a revision of the appeal rules problems.

Timetable:

Action	Date	FR Cite
NPRM	10/11/90	55 FR 41357
NPRM Comment Period End	11/26/90	55 FR 41357
Final Action	11/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB15

354. CONTRIBUTIONS TO THE NATIONAL COMMISSION ON WILDFIRE DISASTERS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 200

Legal Deadline: None

Abstract: Public Law 101-286 authorized the establishment of a National Commission on Wildfire Disasters, funding for which is to be raised by contribution. The act requires the Secretary of Agriculture to promulgate regulations to "assure that the aggregate amount of contributions from any one person, group or entity shall not exceed 10 percent of the total amount of funds that will be contributed to the commission." The Commission must meet by March 1991 and the act requires the Commission to dissolve 90 days from issuance of its report on December 31, 1991. Therefore, an Interim Rule will be needed to guide handling of contributions of funds to support the Committee's work by the time the Committee meets.

Timetable:

Action	Date	FR Cite
Interim Final Rule Comment Period End	10/00/91	
Interim Final Rule	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596–AB16

355. IMPROVING FINANCIAL SECURITY OF TIMBER SALE CONTRACTS

Significance: Agency Priority

Legal Authority: 16 USC 472a

USDA—FS

Final Rule Stage

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service proposes to strengthen the government's contract financial position by: the elimination of the $500,000 performance bond ceiling; increasing the bid guarantee to 10 percent of the advertised value; assessing damages for contract repudiation based on resale value; and conditions. In addition, the Forest Service is proposing to increase the amount of contract security to deter speculative bidding, decrease the potential for contract defaulting, and provide additional guarantee for payment in the event of default damage claims. Following notice and comment, these changes will be issued in the form of instruction to agency contracting officers in the Forest Service Directive System.

Timetable:

Action	Date	FR Cite
NPRM	12/07/90	55 FR 50647
NPRM Comment Period End	01/07/91	
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action separates the rule making issues from the policy proposals contained in RIN-AA33, as listed in the April 1990 Agenda.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596–AB18

356. FEDERAL TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS (COMPREHENSIVE REVISION)

Significance: Agency Priority

Legal Authority: 16 USC 620 to 620j

CFR Citation: 36 CFR 223, Subpart B; 36 CFR 223, Subpart C; 36 CFR 223, Subpart D

Legal Deadline: Final, Statutory, May 20, 1991.

Abstract: These rules are necessary to carry out the restrictions placed on the export of unprocessed timber from Federal lands and the restrictions on the direct and indirect purchasing of Federal logs to be used in substitution for the export of unprocessed timber originating from private lands. The rules are mandated by the Forest Resources Conservation and Shortage Relief Act of August 20, 1990. The Act calls for various rules to be issued. The agency anticipates several rulemakings to achieve implementation of the act. See 0596-AB25 for related rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/20/90	55 FR 48572
Interim Rule Effective	11/20/90	
NPRM	01/29/91	56 FR 3375
NPRM Comment Period End	02/05/91	56 FR 3375
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB22

357. BELOW-COST TIMBER SALE PROGRAM POLICY AND GUIDELINES

Significance: Agency Priority

Legal Authority: 43 USC 1764

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is proposing a policy and implementing guidelines to address below-cost timber sale programs on individual National Forests. The policy would be issued to Forest Service field employees, would address the costs and revenues associated with the management of National Forest timber sale programs, and would require use of the Timber Sale Program Information Reporting System to assess each National Forest timber sale program.

Timetable:

Action	Date	FR Cite
NPRM	04/16/91	56 FR 15323
NPRM Comment Period End	06/17/91	56 FR 15323
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB24

358. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; LOG EXPORT AND SUBSTITUTION RESTRICTION EXCEPTIONS

Significance: Agency Priority

Legal Authority: 16 USC 620 to 620j

CFR Citation: 36 CFR 223, Subpart F

Legal Deadline: Final, Statutory, May 20, 1991.

Abstract: This proposed rule implements the provisions of the Forest Resources Conservation and Shortage Relief Act of 1990. The provisions to be implemented by this rule are as follows: (1) to continue the timber export and substitution reporting procedures required under contracts awarded prior to August 20, 1990; (2) to establish revised procedures for the disapproval of sourcing areas; and (3) to establish procedures for a person who exports private timber to acquire a limited amount of unprocessed timber originating from National Forest System lands within the State of Washington.

This proposed rule is published separately from a comprehensive log export proposed rule in order to implement provisions that must take effect before the statutory deadline of 5/20/91 for promulgating regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/29/91	56 FR 3375
NPRM Comment Period End	02/28/91	56 FR 3375
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box

USDA—FS

Final Rule Stage

96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB25

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Forest Service (FS)

359. LAND STATUS AND TITLE RECORDS

CFR Citation: 36 CFR 200.12 (New)

Completed:

Reason	Date	FR Cite
Final Action	06/26/91	56 FR 29180
Final Action Effective	06/26/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AA24

360. ACCESS TO NON-FEDERAL LANDS

CFR Citation: 36 CFR 251, Subpart D (New)

Completed:

Reason	Date	FR Cite
Final Action	06/14/91	56 FR 27410
Final Action Effective	07/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AA31

361. DOWNPAYMENT/PERIODIC PAYMENTS ON NATIONAL FOREST SYSTEM TIMBER SALE CONTRACTS

CFR Citation: 36 CFR 223.52; 36 CFR 223.50

Completed:

Reason	Date	FR Cite
Final Action	07/31/91	56 FR 36099

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AA33

362. PROHIBITIONS; FOSSIL COLLECTING

CFR Citation: 36 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AA56

363. SPECIAL AREAS

CFR Citation: 36 CFR 294.1

Completed:

Reason	Date	FR Cite
End Review	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AA91

364. DOUGLAS-FIR LUMBER PRICE INDEX REVIEW

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AB00

BILLING CODE 3410-11-F

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Office of Finance and Management (OFM)

365. AUDITS OF STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505

CFR Citation: 7 CFR 3015; 7 CFR 3016; 7 CFR 3050

Legal Deadline: None

Abstract: Consolidates and revises USDA's policy for audits of State, local and Indian Tribal Governments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	03/00/92	
Final Action	06/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Larry Wilson, Director, Department of Agriculture, Office of Finance and Management, Rm 117-W Administration Building, 14th & Independence Ave SW., Washington DC 20250, 202 447-8345

RIN: 0505–AA09

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Final Rule Stage

366. AUDITS OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 7 CFR 3015; 7 CFR 3051

Legal Deadline: None

Abstract: Sets forth USDA's policy for audits of institutions of higher education and other nonprofit organizations and implements OMB's Circular A-133.

Timetable:

Action	Date	FR Cite
NPRM	04/11/91	56 FR 4654
NPRM Comment Period End	05/11/91	
Final Action	12/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Larry Wilson, Director, Department of Agriculture, Office of Finance and Management, Rm 117-W Administration Building, 14th & Independence Ave SW., Washington DC 20250, **202 447-8345**

RIN: 0505–AA07

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA)
Office of the Secretary (AgSEC)

Final Rule Stage

367. ● SMALL OR LIMITED RESOURCE FARMERS' INITIATIVE

Significance: Regulatory Program

Legal Authority: PL 100-233, Sec 622

CFR Citation: 7 CFR 15

Legal Deadline: None

Abstract: The regulation establishes the policies and procedures for implementing Sec. 622 of the Agricultural Credit Act of 1987. Agencies will develop and administer their programs in such a way as to assist small or limited resource farmers to develop economic viability in their farm operations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jose Luis Rodriquez, Associate Director, Special Emphasis Outreach Programs, Department of Agriculture, Office of the Secretary, Room 1540 South Building, Washington, DC 20250, **202 447-7314**

RIN: 0503–AA04

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Proposed Rule Stage

368. LOAN SECURITY DOCUMENTS—TELEPHONE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1744

Legal Deadline: None

Abstract: This new rule provides information on the loan security documents borrowers are required to execute and includes as appendixes REA's standard forms of loan contract, note, and mortgage.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 0165 South Building, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA30

369. CREDIT SUPPORT OF POWER SUPPLY BORROWERS

Legal Authority: 7 USC 901 et seq; PL 99-591

CFR Citation: 7 CFR 1710.350 to 1710.399

Legal Deadline: None

Abstract: This regulation establishes REA policy and procedures requiring certain power supply borrowers to obtain credit support from member owners in connection with new loans or loan guarantees made by REA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, Room 0165 South Building, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA39

370. REVISION OF TELECOMMUNICATION POLICIES AND PROCEDURES FOR APPROVAL OF STANDARDS, SPECIFICATIONS, CONTRACT FORMS, AND DRAWINGS

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

USDA—REA **Proposed Rule Stage**

Legal Deadline: None

Abstract: This regulation will update, consolidate, and clarify REA policies and procedures relating to approvals of REA standards, specifications, equipment contract forms, manual selections, and drawings, and REA acceptances of materials and equipment for use on REA financed telephone facilities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 0165 South Building, Washington DC 20250, **202 382-8940**

RIN: 0572–AA45

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371. RURAL BUSINESS INCUBATOR PROJECT

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; PL 101-624

CFR Citation: 7 CFR 1703

Legal Deadline: Final, Statutory, May 28, 1991.
Legal deadline has expired.

Abstract: This new rule will establish a rural business incubator fund. The fund will make loans and grants to REA electric and telephone borrowers to promote, create, or operate business incubators in rural areas. This rule is required by the Rural Economic Development Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: Funds not approved for program in fiscal year 1991.

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th Street & Independence Avenue, SW., Room 0165 South Building, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA46

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372. ELECTRIC SYSTEM CONSTRUCTION POLICIES AND PROCEDURES—ELECTRIC MATERIALS AND CONSTRUCTION

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1726

Legal Deadline: None

Abstract: This rule will codify and update Agency policies and procedures for the construction of electrical systems of REA borrowers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th St & Independence Ave, SW., Room 0165 - S, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA47

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373. ELECTRIC SYSTEM PLANNING AND DESIGN—POLICIES AND PROCEDURES

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1724

Legal Deadline: None

Abstract: This rule will codify and update Agency policies and procedures for the planning and design of electrical systems of REA borrowers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th St & Independence Ave, SW., Room 0165 - S, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA48

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374. MARGIN STABILIZATION PLANS AND REVENUE AND EXPENSE DEFERRALS

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1767

Legal Deadline: None

Abstract: This rule will set forth procedures that borrowers must follow to obtain approval of margin stabilization plans and revenue and expense deferrals. The rule will implement provisions of Statement of Financial Accounting Standards No. 71, Accounting for the Effects of Certain Types of Regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: An Advance Notice of Proposed Rulemaking on this subject was published November 7, 1988, at 53 FR 44887 as 7 CFR Part 1718. As part of REA's project to simplify and clarify Agency regulations, it has been redesignated as shown above.

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th St & Independence Ave, SW., Room 0165 - S, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA50

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375. ● REA SPECIFICATION FOR FILLED TELEPHONE CABLES

Legal Authority: 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to revise 7 CFR 1755.97 by rescinding Bulletin 345-67, REA Specification for Filled

Telephone Cables, PE-39, and replacing it with Bulletin 1753F-205(PE-39) by Incorporation by Reference. The new Bulletin will update the end product performance requirements of filled cables brought about during the last two years.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW; Rm. 0165-S, Washington DC 20250, 202 382-8940

RIN: 0572–AA55

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376. ● REA SPECIFICATION FOR FILLED TELEPHONE CABLES WITH EXPANDED INSULATION

Legal Authority: 7 USC 1921 et seq

CFR Citation: 07 CFR 1755

Legal Deadline: None

Abstract: REA proposes to revise 7 CFR 1755.97 by rescinding Bulletin 345-89, and incorporating by reference new Bulletin 1753F-208 (PE-89), REA Specification for Filled Telephone Cables with Expanded Insulation. The new Bulletin will update the end product performance requirements of filled cables with expanded insulation. These new requirements are a result of technological advances during the last five years.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW., Room 0165 South Building, Washington DC 20250, 202 382-8940

RIN: 0572–AA56

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377. ● REA SPECIFICATION FOR FILLED BURIED WIRES

Legal Authority: 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to revise 7 CFR 1755.97 by rescinding Bulletin 345-86, REA Specification for Filled Buried Service Wire, and Incorporating by Reference new Bulletin 1753F-206(PE-86). The new Bulletin implements the use of 24 AWG conductor sizes and 3 pair wire designs, includes raw material requirements for insulation and jacket compounds, and establishes end product requirements associated with these standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW., Room 0165 South Building, Washington DC 20250, 202 382-8940

RIN: 0572–AA57

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378. ● GENERAL SPECIFICATION FOR DIGITAL, STORED, PROGRAM CONTROLLED CENTRAL OFFICE EQUIPMENT

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to revise 7 CFR 1755 by rescinding Bulletin 345-165, General Specification for Digital, Stored, Program Controlled Office Equipment, and incorporate by reference new Bulletin 1753E-001 (522). The new Bulletin will permit greater latitude to provision power converters and ringing source functions, and limit a diminished effect on public telephone service integrity.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Ave. SW., Room 0165 South Building, Washington DC 20250, 202 382-8940

RIN: 0572–AA58

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379. ● LOAN PAYMENT DEFERMENTS FOR ECONOMIC DEVELOPMENT PROGRAMS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1703

Legal Deadline: None

Abstract: REA proposes to establish policies, requirements, and procedures that allow electric and telephone borrowers to defer loan payments in an amount equal to an investment in a rural development project.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, Room 0165 South Building, Washington DC 20250, 202 382-8940

RIN: 0572–AA60

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380. ● SPECIFICATION FOR FIBER OPTIC SPLICE CLOSURES

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to issue a specification for fiber optic splice closures which would describe the mechanical and electrical requirements that ensure safe, reliable, and cost

effective closures for REA telephone borrowers. Specific references to appropriate industry standards would be incorporated. Detailed product evaluation procedures will be covered where industry specifications are not available.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW., Room 0165 South Building, Washington DC 20250, 202 382-8940

RIN: 0572–AA62

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381. ● REA SOFTWARE LICENSE AGREEMENT

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to establish a uniform software license agreement to be attached to all REA financed central office equipment contracts as an addendum.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW., Room 0165 South Building, Washington DC 20250, 202 382-8940

RIN: 0572–AA63

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382. ● REA SPECIFICATION FOR MECHANICAL FIBER OPTIC SPLICES

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to issue a specification for mechanical fiber optic splices which describes the mechanical and electrical requirements that insure safe, reliable, and cost effective splices for use by REA telephone borrowers. Specific references to industry standards will be incorporated. Product evaluation procedures will be specified where industry specifications are not available.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Diecctor, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW., Room 0165 South Building, Washington DC 20250, 202 382-8940

RIN: 0572–AA64

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383. ● LOAN ACCOUNT COMPUTATIONS, POLICIES, AND PROCEDURES

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1785

Legal Deadline: None

Abstract: REA proposes to codify, consolidate, and update the policies and procedures currently contained in REA Bulletin 20-9:320-12.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW., Room 0165 South Building, Washington DC 20250, 202 382-8940

RIN: 0572–AA65

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384. ● ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1728

Legal Deadline: None

Abstract: This regulation provides REA borrowers and the public with specifications for material and equipment as a complement to the list of construction standards and specifications incorporated by reference.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, Room 0165-S, Washington, DC 20250, 202 382-8940

RIN: 0572–AA67

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385. ● PRE- AND POST-LOAN POLICIES AND PROCEDURES FOR GUARANTEED ELECTRIC AND TELEPHONE LOANS

Legal Authority: 7 USC 901 et seq; PL 99-591

CFR Citation: 7 CFR 1712; 7 CFR 1719

Legal Deadline: None

Abstract: This regulation will consolidate, update and clarify policies and requirements contained in various REA publications by stating requirements specific to guaranteed loans authorized under section 306 of the Rural Electrification Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration,

USDA—REA **Proposed Rule Stage**

Room 0165-S, Washington, DC 20250, 202 382-8940

RIN: 0572–AA68

386. ● PRE-LOAN POLICIES AND PROCEDURES FOR INSURED ELECTRIC LOANS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1714

Legal Deadline: None

Abstract: This regulation contains the administrative policies, requirements and procedures of the REA electric program for applicants seeking insured loan funds from REA to furnish electric service in rural areas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, Room 0165-S, Washington, DC 20250, 202 382-8940

RIN: 0572–AA69

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Final Rule Stage

387. REA FORM 525: CENTRAL OFFICE EQUIPMENT CONTRACT (INCLUDING INSTALLATION)

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755.93

Legal Deadline: None

Abstract: The purpose of revising 7 CFR Part 1755 is to announce a general revision of REA Contract Form 525, Central Office Equipment Contract (Including Installation).

Timetable:

Action	Date	FR Cite
NPRM	10/25/89	54 FR 43429
Federal Register Correction	11/01/89	54 FR 46187
NPRM Comment Period End	12/26/89	54 FR 43429
NPRM - New Proposed Rule	03/14/91	56 FR 10827
NPRM Comment Period End	05/13/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 0165 South Building, Washington, DC 20250, 202 382-8940

RIN: 0572–AA20

388. ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1767

Legal Deadline: None

Abstract: To codify the policy and procedures currently set forth in REA Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers of the Rural Electrification Administration and REA Bulletin 181-3, Accounting Interpretation for REA Electric Borrowers. In addition to codifying, revisions are being proposed to the existing policy that will update REA's accounting guidelines.

Timetable:

Action	Date	FR Cite
NPRM	09/17/90	55 FR 36936
NPRM Comment Period End	11/06/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 0165-S, Washington, DC 20250, 202 382-8940

RIN: 0572–AA23

389. REA POLICY ON AUDITS OF ELECTRIC AND TELEPHONE BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1773

Legal Deadline: None

Abstract: As a result of an audit of REA's Oversight of Program Operations performed by the Department of Agriculture's Office of Inspector General, REA must revise its current regulations to require the independent certified public accountant to perform the annual audit of an REA borrower in accordance with generally accepted government auditing standards, thereby expanding the scope of the financial audit previously submitted in accordance with 7 CFR 1773 to include a determination of whether the borrower has complied with the applicable laws and regulations for those transactions and events reported in the financial statements.

Timetable:

Action	Date	FR Cite
NPRM	04/05/91	56 FR 14154
NPRM Comment Period End	06/04/91	
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 0165 South Building, Washington, DC 20250, 202 382-8940

RIN: 0572–AA36

390. RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM

Significance: Agency Priority

USDA—REA **Final Rule Stage**

Legal Authority: 7 USC 901 et seq; PL 100-203

CFR Citation: 7 CFR 1703

Legal Deadline: None

Abstract: This subpart contains policies, requirements and procedures that implement a rural economic development loan and grant program established by Section 313 of the Rural Electrification Act of 1936, as amended (RE Act). The program provides zero interest loans and grants to RE Act borrowers for the purpose of promoting rural economic development and job creation projects.

Timetable:

Action	Date	FR Cite
NPRM	07/30/91	56 FR 36014
NPRM Comment Period End	08/29/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services, Department of Agriculture, Rural Electrification Administration, Room 0165 South Building, Washington, D. C. 20250, **202 382-8940**

RIN: 0572–AA37

391. WHOLESALE CONTRACTS FOR THE PURCHASE AND SALE OF ELECTRIC POWER AND ENERGY

Legal Authority: 7 USC 901 et seq; PL 99-591

CFR Citation: 7 CFR 1717.450 to 1717.499

Legal Deadline: None

Abstract: This regulation revises REA policies and procedures relating to wholesale power contracts and requires each REA borrower to condition the effectiveness of any contract for the sale or purchase of electric energy upon the approval of the REA administrator.

Timetable:

Action	Date	FR Cite
NPRM	09/21/90	55 FR 38930
NPRM Comment Period End	11/20/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, Room 0165 South Building, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA41

392. ● PRE- AND POST-LOAN POLICIES AND PROCEDURES FOR GUARANTEED ELECTRIC AND TELEPHONE LOANS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1712; 7 CFR 1719; 7 CFR 1739; 7 CFR 1746

Legal Deadline: None

Abstract: REA is finalizing policies and procedures for a new program authorized by Section 314 of the Rural Electrification Act. It provides 90 percent guarantees for loans from private lenders.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	
Final Action	01/00/92	
Final Action Effective	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, Room 0165 South Building, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA59

393. ● MEETINGS OF THE BOARD OF DIRECTORS OF THE RURAL TELEPHONE BANK

Legal Authority: 7 USC 941 et seq

CFR Citation: 7 CFR 1600

Legal Deadline: None

Abstract: The Rural Telephone Bank proposes to implement the provisions of the Government in Sunshine Act (5 USC 552b) and set forth the procedural requirements designed to provide the public with information regarding decisions of the Board of Directors.

Timetable:

Action	Date	FR Cite
NPRM	06/19/91	56 FR 28119
NPRM Comment Period End	07/19/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW., Room 0165 South Building, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA61

394. ● RESCISSION OF REA BULLETINS 345-13 AND 345-29

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA withdraws and rescinds two specifications for telephone materials and equipment which are obsolete due to innovations in technology.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46071
NPRM Comment Period End	01/02/90	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, Director, Administrative Services Division, Department of Agriculture, Rural Electrification Administration, 14th and Independence Avenue, SW., Room 0165 South Building, Washington, DC 20250, **202 382-8940**

RIN: 0572–AA66

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Completed Actions

395. REA REQUIREMENTS FOR ENGINEERING AND ECONOMIC SUPPORT REQUESTS FOR LOANS AND LOAN GUARANTEES FOR NEW GENERATION AND RELATED TRANSMISSION FACILITIES

CFR Citation: 7 CFR 1710.200 to 1710.249

Completed:

Reason	Date	FR Cite
Merged with RIN 0572-AA43	02/27/91	56 FR 8234

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, 202 382-8940

RIN: 0572–AA38

396. GENERAL AND PRE- AND POST-LOAN POLICIES AND PROCEDURES FOR ELECTRIC LOANS

Significance: Regulatory Program

CFR Citation: 7 CFR 1710; 7 CFR 1712; 7 CFR 1714; 7 CFR 1719

Completed:

Reason	Date	FR Cite
Merged with RIN 0572-AA68	07/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, 202 382-8940

RIN: 0572–AA43

397. PUBLIC INFORMATION AND PUBLIC COMMENTS TO PROPOSED RULES

CFR Citation: 7 CFR 1700

Completed:

Reason	Date	FR Cite
Final Action	06/04/91	56 FR 25348
Final Action Effective	07/05/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, 202 382-8940

RIN: 0572–AA49

398. RURAL TELEPHONE BANK AND TELEPHONE PROGRAM LOAN POLICIES, PROCEDURES AND REQUIREMENTS

CFR Citation: 7 CFR 1610; 7 CFR 1735; 7 CFR 1737; 7 CFR 1744

Completed:

Reason	Date	FR Cite
Final Action	06/10/91	56 FR 26590
Final Action Effective	06/10/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, 202 382-8940

RIN: 0572–AA51

399. AMENDMENTS TO REA'S TELEPHONE PROGRAM REGULATIONS REQUIRED BY SUBTITLE D OF THE RURAL ECONOMIC DEVELOPMENT ACT OF 1990

CFR Citation: 7 CFR 1735; 7 CFR 1737

Completed:

Reason	Date	FR Cite
Merged with RIN 0572-AA51	06/10/91	56 FR 26590

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, 202 382-8940

RIN: 0572–AA52

400. DISCOUNTED PREPAYMENTS ON REA NOTES IN THE EVENT OF A MERGER OF CERTAIN REA ELECTRIC BORROWERS

CFR Citation: 7 CFR 1786

Completed:

Reason	Date	FR Cite
Final Action	08/06/91	56 FR 37267
Final Action Effective	08/06/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, 202 382-8940

RIN: 0572–AA53

401. PRINCIPAL AND INTEREST DEFERMENTS PURSUANT TO SECTION 12 OF THE RURAL ELECTRIFICATION ACT

Significance: Agency Priority

CFR Citation: 7 CFR 1721

Completed:

Reason	Date	FR Cite
Merged with RIN 0572-AA60	07/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Curtis L. Bryant, 202 382-8940

RIN: 0572–AA54

BILLING CODE 3410-15-F

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Proposed Rule Stage

402. FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: None

Abstract: This proposed rule amends Part 658 of Title 7 of the Code of Federal Regulations, which implements the Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201-4209. Congress amended the FPPA through section 1255 of the Food Security Act of 1985, Pub. L. 99-198. The proposed amendments contained in this proposed rule will: (1) Remove definitions from the existing rule that restated the act; (2) remove the applicability and exemption section that restated the Act; (3) remove the "Technical Assistance" section that restated the requirements of the Act; (4) require Federal agencies to return a copy of the "Farmland Impact Rating Form AD-1006," to USDA once the final

USDA—SCS

Proposed Rule Stage

decision is made on a proposed conversion, and inform USDA of progress in reviewing and revising their policy and procedures to protect farmland. This information will be used to make the annual report to Congress as required in the 1985 amendments to FPPA. Since the elimination of these sections of the existing rule was not included in the 1987 proposed rule, and the fact that almost 4 years have passed since the proposed rule, this proposed rule is being published for additional public comments.

Timetable:

Action	Date	FR Cite
NPRM	11/15/91	
NPRM Comment Period End	12/20/91	
Final Action	03/15/92	
Final Action Effective	03/15/92	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Sectors Affected: None

Agency Contact: Michael F. King, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6016 South Building, 14th & Independence Ave., SW., Washington, DC 20250, 202 447-4811

RIN: 0578–AA14

DEPARTMENT OF AGRICULTURE (USDA)

Soil Conservation Service (SCS)

Final Rule Stage

403. SOIL SURVEYS

Legal Authority: PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with State agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Final Action	10/01/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michal F. King, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6016 South Building, 14th & Independence Ave., SW., Washington, DC 20250, 202 447-4811

RIN: 0578–AA00

DEPARTMENT OF AGRICULTURE (USDA)

Soil Conservation Service (SCS)

Completed Actions

404. SNOW SURVEYS AND WATER SUPPLY FORECASTS

CFR Citation: 7 CFR 612.1 to 612.7

Completed:

Reason	Date	FR Cite
Final Action	03/17/75	40 FR 12067

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael F. King, 202 447-4811

RIN: 0578–AA01

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA)

Office of Operations (OO)

Proposed Rule Stage

405. AGRICULTURE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 401 to 453, (Revision)

Legal Deadline: None

Abstract: This rule anticipates miscellaneous changes to the Department of Agriculture Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	03/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Don F. Manns, Chief, Procurement Division, Department of Agriculture, Office of Operations, Rm 1525 South Building, Washington, DC 20250, 202 447-3037

RIN: 0599–AA00

DEPARTMENT OF AGRICULTURE (USDA)

Office of Operations (OO)

Final Rule Stage

406. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 5 USC 301; 31 USC 1352

CFR Citation: 7 CFR 3018

Legal Deadline: None

Abstract: Prescribes USDA policy and procedures for compliance with section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 USC 1352). Imposes restrictions and disclosure requirements on payments to persons for influencing activities in connection with contracts (excluding contracts subject to the Federal Acquisition Regulation), grants, cooperative agreements, loans, or commitments to insure or guarantee loans.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Joseph J. Daragan, Procurement Analyst, Department of Agriculture, Office of Operations, Rm 1575 South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-5729

RIN: 0599–AA01

BILLING CODE 3410-90-F

[FR Doc. 91–20869 Filed 10–18–91; 8:45 am]

Federal Register

Monday
October 21, 1991

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, IV, VII, VIII, IX, XII; Subtitle D, Ch. 2300

19 CFR Ch. III

37 CFR Chs. I and IV

48 CFR Ch. 13

50 CFR Chs. II, III, and VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: October 1991 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291 entitled "Federal Regulation" and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce, in April and October of each year, publishes in the **Federal Register** an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the April 1991 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's October 1991 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 1991, through September 30, 1992.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-377-8843.

SUPPLEMENTARY INFORMATION: E.O. 12291 requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this order. By memorandum of June 11, 1991, the Office of Management and Budget (OMB) issued guidelines and procedures for the preparation and publication of the October 1991 Unified Agenda of Federal Regulations. E.O. 12291 and the OMB guidelines require that each agency's agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the 12-month period succeeding publication: The title of the regulation; the name, title, address, and phone number of an agency person who is knowledgeable about the regulation; whether the action is expected to have a significant economic impact on a substantial number of small entities and whether it will affect levels of government; the section(s) of the Code of Federal Regulations which will affect or be affected by the action; the section of the United States Code, Public Law, or Executive order that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; legal deadline, if any; and a timetable of dates and, if available, **Federal Register** citations for past stages of the action. In addition, OMB requires that procurement-related regulatory actions include additional information on all actions that are covered by section 22 of the Office of Federal Procurement Policy Act Amendments of 1988. This information will be used by the Office of Federal Procurement Policy in preparing the "Procurement Regulatory Activity Report."

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis where there is a positive finding that a rule will have a significant economic impact on a substantial number of small entities. E.O. 12291 requires agencies to prepare a regulatory impact analysis for any regulation considered to be a "major rule" as defined in the order.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the Economic Development Administration, the Bureau of Export Administration, the International Trade Administration, the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the Patent and Trademark Office, issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS) issued by NIST under Public Law 100-235. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines and in providing technical guidance and coordination to Federal agencies, NIST works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted.

Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently, NMFS does not have specific plan objectives or alternatives for management, since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

The DOC October 1991 regulatory agenda follows.

Dated: August 19, 1991.

Michael A. Levitt,

Assistant General Counsel for Legislation and Regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
407	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
408	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13
409	Modify Requirement in the Commerce Acquisition Regulation To Publish Presolicitation Notices in the Commerce Business Daily for DOC Procurements Which Will Be Performed in Foreign Countries	0690-AA18
410	Modify the Commerce Acquisition Regulation To Use a Deviation Version of a Federal Acquisition Regulation Clause on the Buy American Trade Agreement Acts	0690-AA19

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
411	Protection of Human Subjects	0690-AA17

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
412	Benchmark Survey of Foreign Direct Investment in the United States—1992	0691-AA18
413	Change in Reporting Requirements for BE-22, Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons	0691-AA19
414	Change in Reporting Requirements for Foreign-Owned Banks Reporting on Quarterly Report Forms BE-605 and BE-606B	0691-AA20

Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
415	Benchmark Survey of Selected Services Transactions With Unaffiliated Foreign Persons—1991	0691-AA17

Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
416	Revision of Foreign Trade Statistics Regulations	0607-AA10

DOC

Economic Development Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
417	Review of Regulations for Economic Development Administration—Department of Commerce	0610-AA47
418	Special Economic Development and Adjustment Assistance Grants	0610-AA48

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
419	General Requirements for Financial Assistance—Design, Construction of Buildings To Accommodate the Physically Handicapped	0610-AA05
420	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
421	Protection of EDA's Interest in Facilities Acquired, Built, or Improved With EDA Grant Funds	0610-AA35
422	Economic Development Districts, District Organization; Civil Rights Requirements	0610-AA38
423	Public Works—Industrial Parks and Sites	0610-AA40
424	Public Works and Development Facilities Programs—Grant Disbursements	0610-AA42
425	General Requirements for Financial Assistance—Electric and Gas Facilities	0610-AA43
426	Overall Economic Development Program—Progress Report	0610-AA44

Economic Development Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
427	Sale of Loans and Loan Guarantees to the Private Sector	0610-AA31
428	Designation of Areas on the Basis of Substantial Unemployment	0610-AA46

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
429	Nonprocurement Debarment and Suspension	0605-AA02

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
430	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	0605-AA04
431	New Restrictions on Lobbying	0605-AA06

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
432	Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations	0605-AA07
433	Public Information	0605-AA08

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International Trade Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
434	Antidumping Duties	0625-AA29

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
435	Countervailing Duties	0625-AA31

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
436	General Regulations Governing Foreign Trade Zones in the United States, With Rules of Procedures	0625-AA04
437	Adjustment Assistance for Firms and Industries	0625-AA05
438	Antidumping Duties; Countervailing Duties	0625-AA32
439	Short Supply Procedures for ITA	0625-AA34

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
440	Procedures and Rules for Implementing Article 1904 of the United States-Canada Free Trade Agreement	0625-AA33

Bureau of Export Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
441	Revisions to Short Supply Regulations	0694-AA01
442	Defense Priorities and Allocations System (DPAS)	0694-AA02
443	Revisions to GCT Eligibility for ECCN 1565A and Definition of Supercomputer	0694-AA03
444	West-West Decontrol of Certain Magnetically Enhanced Sputtering Equipment	0694-AA05
445	Exports From Abroad of Foreign Products Incorporating U.S.-Origin Parts and Components	0694-AA06
446	General License GFW	0694-AA07
447	Revision of Foreign Boycott Provisions of Export Administration Regulations	0694-AA11
448	Elimination of Controls on Exports to and Reexports From COCOM Member Countries	0694-AA13
449	Shipper's Export Declaration: Combining General License and Validated License on the Same SED	0694-AA14
450	Revision of General License GIFT	0694-AA26
451	Change in Reporting Requirements for the Special Licenses	0694-AA27
452	Elimination of Submission Requirement for Certain Supporting Documents	0694-AA28
453	Expansion and Imposition of Foreign Policy Controls on Chemical Weapon Precursors	0694-AA32
454	Conversion to the Metric System	0694-AA50
455	Implementation of COCOM Core List	0694-AA51
456	Transfer of Dual Use Items From U.S. Munitions List to Commodity Control List	0694-AA52
457	Expansion of Foreign Policy Controls on Chemical Weapon Precursors	0694-AA53
458	Imposition and Expansion of Foreign Policy Controls (Megareg)	0694-AA54
459	Imposition of Foreign Policy Controls on Equipment and Technical Data Related to the Production of Chemical and Biological Weapons	0694-AA55
460	Revisions to the Commodity Control List: Changes in Nuclear Nonproliferation Controls	0694-AA56

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Bureau of Export Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
461	Exports of Medical Equipment	0694-AA09

National Institute of Standards & Technology—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
462	FIPS for POSIX System Administration	0693-AA71
463	FIPS for Open Systems Interconnection (OSI) Transport Layer Security Protocol (SP4)	0693-AA75
464	FIPS for IRDS Export/Import File Format	0693-AA76
465	FIPS for Government Network Management Profile	0693-AA85
466	FIPS for Digital Signature Standard	0693-AA86
467	FIPS for Initial Graphics Exchange Specification (IGES)	0693-AA88
468	Fastener Quality	0693-AA92
469	Revision of FIPS 128, Computer Graphics Metafile (CGM)	0693-AA93
470	FIPS for Automated Password Generator	0693-AA94
471	Proposed FIPS for VHDL	0693-AA95

National Institute of Standards & Technology—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
472	FIPS for Conformance Testing Policy and Procedures	0693-AA66
473	FIPS for Document Application Profile (DAP) for the Office Document Architecture (ODA) and Interchange Format Standard	0693-AA67
474	Revision of FIPS 140, General Security Requirements for Equipment Using the Data Encryption Standard	0693-AA68
475	FIPS for POSIX Shell and Utility Application Interface for Computer Operating Systems Environments	0693-AA70
476	FIPS for Spatial Data Transfer Standard	0693-AA73
477	FIPS for Fiber Distributed Data Interface (FDDI)	0693-AA74
478	FIPS for Key Management Using ANSI X9.17	0693-AA87
479	FIPS on Modems for Data Communications Use on Telephone-Type Circuits	0693-AA89
480	Withdrawal of 12 Federal Information Processing Standards	0693-AA91

National Institute of Standards & Technology—Completed Actions

Sequence Number	Title	Regulation Identifier Number
481	FIPS 100-1, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation With Packet-Switched Data Networks (PSDN), or Between Two DTEs, (cont)	0693-AA39
482	FIPS 160, C	0693-AA48
483	FIPS for Recorded Formats for One- and Two-Sided 5.25 Inch (130 mm) and 3.5 Inch (90 mm) Flexible Disk Cartridges	0693-AA54
484	FIPS for Recorded Magnetic Tape and Cartridge for Information Interchange; 18 Track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37871 cpi) Group-Coded Recording	0693-AA55
485	FIPS for Applications Portability Profile	0693-AA65
486	FIPS 146-1, Government Open Systems Interconnection Profile (Gosip)	0693-AA69
487	FIPS for GOSIP Conformance and Interoperation Testing and Registration	0693-AA79

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National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
488	U.S. Standards for Grades of Fresh and Frozen Fish Fillets	0648-AD53
489	General Provisions for Domestic Fisheries	0648-AE39
490	Restrictions Upon the Use of Information Obtained by Voluntary Fishery Data Collectors	0648-AE40
491	Thunder Bay National Marine Sanctuary	0648-AE41
492	Grays Reef National Marine Sanctuary	0648-AE42
493	Proposed Regulations for the Florida Keys National Marine Sanctuary	0648-AD85

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
494	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery Off Alaska; Regulatory Amendment	0648-AB51
495	Policy To Require Observers To Be Carried on Domestic Fishing Vessels	0648-AC45
496	Scientific Research—Domestic and Foreign Fishing	0648-AC61
497	Amendment 4 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery	0648-AC99
498	Revised Regulations Governing Permits for the Taking and Importing of Marine Mammals for Scientific Research and Public Display	0648-AD11
499	Secretarial Fishery Management Plan for Atlantic Ocean Sharks	0648-AD12
500	Amendment 15 to the Fishery Management Plan for the Bering Sea and Aleutian Islands and Amendment 20 to the FMP for Groundfish of the Gulf of Alaska	0648-AD19
501	Amendment 4 to the American Lobster Fishery Management Plan	0648-AD20
502	Regulations Governing the Take of Dolphins Incidental to Removing Oil and Gas Platforms in the Gulf of Mexico	0648-AD25
503	Approaching Marine Mammals	0648-AD30
504	Amendment 5 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AD33
505	Groundfish of the Gulf of Alaska and Bering Sea and Aleutian Islands; Regulatory Amendment Prohibiting Pot Longline Gear	0648-AD45
506	Amendment 17 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands and Amendment 22 to the FMP for Groundfish of the Gulf of Alaska	0648-AD47
507	Amendment 18 to the Fishery Management Plan for the Bering Sea and Aleutian Islands and Amendment 23 to the FMP for Groundfish of the Gulf of Alaska	0648-AD50
508	Amendment 5 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic	0648-AD57
509	Amendment 6 to the Pacific Coast Groundfish Fishery Management Plan	0648-AD63
510	Groundfish of the Gulf of Alaska: Regulatory Amendment—Apportionment of the Prohibited Species Catch of Halibut Among Hook-and-Line Fisheries	0648-AD67
511	Amendment 24 to the FMP for Groundfish of the Gulf of Alaska and Amendment 19 to the FMP for Groundfish of the Bering Sea and Aleutian Islands	0648-AD76
512	Confidentiality of Statistics	0648-AD77
513	Regulatory Amendment for Hook-and-Line PSC and Time-and-Area Closures	0648-AD79
514	Regulatory Amendment To Establish North Pacific Research Plan; Fees for Domestic Observers	0648-AD80
515	Amendment 4 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic	0648-AD81
516	Amendment 7 to the Western Pacific Crustacean Fishery Management Plan	0648-AD82
517	Fishery Management Plan for the Shrimp Fishery of the South Atlantic	0648-AD86
518	Foreign Fishing Poundage and Permit Fees for 1992	0648-AD89
519	Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands	0648-AD91
520	Certificate of Legal Origin for Anadromous Fish Products	0648-AD93
521	Amendment 4 to the FMP for Pelagic Fisheries of the Western Pacific Region	0648-AD99
522	Regulatory Amendment To Implement a Comprehensive Data Collection Program for U.S. Fishing Vessels and Certain Harvesting Vessels for the Pacific Coast Groundfish Fishery	0648-AE01
523	Amendment 11 to the FMP for Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California	0648-AE05
524	Nontrawl Sablefish Regulatory Amendment Under the Pacific Coast Groundfish FMP	0648-AE07
525	Black Rockfish Regulatory Amendment Under the Pacific Coast Groundfish FMP	0648-AE08
526	Secretarial Amendment to the FMP for Atlantic Swordfish	0648-AE09
527	Roller Trawl Regulatory Amendment Under the Pacific Coast Groundfish Fishery Management Plan	0648-AE10
528	Sea Turtle Conservation; Shrimp Trawling Requirements	0648-AE12
529	Amendment 4 to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish	0648-AE19
530	Amendment 5 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region	0648-AE20
531	Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery	0648-AE21

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National Oceanic and Atmospheric Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
532	Northeast Multispecies Fishery—Rule To Implement Formerly Disapproved Portions of Amendment 4	0648-AE22
533	Amendment 6 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic	0648-AE23
534	Amendment 4 to the Gulf of Mexico Reef Fish Fishery Management Plan	0648-AE25
535	Shallow-Water Grouper Regulatory Amendment Under the Gulf of Mexico Reef Fish Fishery Management Plan	0648-AE26
536	Regulatory Amendment Prohibiting Landing of Surf Clams and Ocean Quahogs on the Same Trip	0648-AE27
537	Regulatory Amendment for Red Grouper, Amberjack, and Vermilion Snapper Under the Gulf of Mexico Reef Fish FMP	0648-AE28
538	Amendment to Guidelines for Fishery Management Plans	0648-AE30
539	Pacific Halibut Catch-Sharing Plan	0648-AE31
540	Pacific Whiting Regulatory Amendment for 1992	0648-AE32
541	Regulatory Amendment for Set Nets South of 38 Degrees North Latitude—Pacific Coast Groundfish Fishery	0648-AE33
542	Regulatory Amendment to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AE34
543	Amendment 7 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region	0648-AE35
544	Amendment 6 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region	0648-AE36
545	Implementation of Management Measures in the Atlantic Swordfish Fishery	0648-AE37
546	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
547	Proposed Regulations for the Fagatele Bay National Marine Sanctuary	0648-AA74
548	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
549	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68
550	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
551	Proposed Regulations for the Gulf of the Farallones National Marine Sanctuary	0648-AC05
552	The Monitor National Marine Sanctuary	0648-AC78
553	Regulation Implementing 1990 Amendments to Section 315 of the Coastal Zone Management Act	0648-AC90
554	Proposed Regulations for the Northern Puget Sound National Marine Sanctuary	0648-AC91
555	Proposed Regulations for the Norfolk Canyon National Marine Sanctuary	0648-AC92
556	Proposed Regulations for the Olympic Coast National Marine Sanctuary	0648-AC93
557	Regulations Implementing 1990 Reauthorization of the Coastal Zone Management Act	0648-AD09
558	Licensing of Private Remote-Sensing Space Systems	0648-AC64
559	Natural Resource Damage Assessment and Restoration Regulations	0648-AE13

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
560	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom, Etc	0648-AA46
561	U.S. General Standards for Grades of Shrimp	0648-AA47
562	Endangered Fish and Wildlife; Approaching Humpback Whales in Hawaiian Waters	0648-AB79
563	Interim Exemption Governing the Incidental Taking of Marine Mammals During Commercial Fishing Operations	0648-AC65
564	Fishermen's Protective Act	0648-AC73
565	Amendment 4 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AC88
566	Atlantic Bluefin Tuna Fishery	0648-AD01
567	Depletion of the Coastal-Migratory Stock of Bottlenose Dolphins in the U.S. Mid-Atlantic	0648-AD02
568	Performance Standards for Tuna Vessel Operators	0648-AD03
569	Prohibition of the Use of Explosives in the Yellowfin Tuna-Dolphin Fishery	0648-AD08
570	Amendment 16 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands and Amendment 21 to the FMP for Groundfish of the Gulf of Alaska	0648-AD18
571	Regulatory Amendment - U.S. Nationals Fishing in Soviet Fisheries	0648-AD29
572	Foreign Fishing, Health and Safety Standards	0648-AD35
573	Procedure for Setting Quotas on Removal of Atlantic Bottlenose Dolphins From the Waters of the Gulf of Mexico and Florida's East Coast	0648-AD39
574	Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands Management Areas; Regulatory Amendment— Standard Product Recovery Rates for Groundfish	0648-AD44
575	Regulations Governing the Take of Marine Mammals Incidental to Launches of the Titan IV Space Vehicle—Air Force	0648-AD48
576	Amendment 4 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic	0648-AD58
577	Regulatory Amendment for Red Snapper-Gulf of Mexico Reef Fish Fishery Management Plan	0648-AD62
578	Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands: Regulatory Amendment—Authority for Requiring Daily Catch Reports and Check-In and Check-Out Reports	0648-AD66

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National Oceanic and Atmospheric Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
579	Taking and Importing of Marine Mammals; Purse Seine Sets on Marine Mammals in the Eastern Tropical Pacific	0648-AD69
580	Atlantic Swordfish Fishery; Regulatory Amendment To Require Completion of Reporting Requirements Before Renewal of Annual Vessel Permits, Etc	0648-AD70
581	United States-Canada Fisheries Enforcement Agreement	0648-AD78
582	Endangered and Threatened Species; Petition To List Sockeye Salmon in the Snake River, ID	0648-AD90
583	U.S. Standards for Grades of Frozen Fish Portions	0648-AD92
584	Amendment 3 to the FMP for Pelagic Fisheries of the Western Pacific Region	0648-AD98
585	Regulatory Amendment to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region	0648-AE00
586	Eliminate the Option of Extending Fur Seal Subsistence Harvest Past August 8	0648-AE16
587	Regulatory Amendment—South Pacific Tuna Fisheries	0648-AE18
588	Amendment 5 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pelagic Region	0648-AE24
589	Pacific Halibut Regulations for 1992	0648-AE29
590	Financial Aid Program Procedures	0648-AE38
591	Regulatory Amendment to Regulations Governing Processed Fishery Products—Fee for Inauguration of Inspection Service on a Contract	0648-AE43
592	Final Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
593	Final Regulations for the Monterey Bay National Marine Sanctuary	0648-AC63
594	Proposed Regulations for the Stellwagen Bank National Marine Sanctuary	0648-AC94
595	Implementation of Coastal Zone Management Act Appeal Fees	0648-AD83
596	Technical Conforming Changes to Existing NOAA Regulations To Implement 1990 Reauthorization of the Coastal Zone Management Act	0648-AE11

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
597	Regulation To Control Illegal Fishing in the Exclusive Economic Zone (EEZ) and Overfishing Outside the EEZ	0648-AC66
598	Amendment 1 to the Fishery Management Plan for the Summer Flounder Fishery	0648-AC83
599	Amendment 10 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coast of Washington, Oregon, and California Commencing in 1978 (FMP)	0648-AC85
600	Regulatory Amendment to the Regulations Implementing the FMP for Atlantic Billfish	0648-AC87
601	Amendment 6 to the Northern Anchovy Fishery Management Plan	0648-AC95
602	Repeal of Vessel Registration Requirements for the Groundfish Hook-and-Line Fishery in the Gulf of Alaska	0648-AD06
603	Western Pacific Bottomfish and Seamount Groundfish Fisheries—Amendment 3 To Define Overfishing	0648-AD14
604	Regulatory Amendment—South Pacific Tuna Fisheries	0648-AD15
605	Western Pacific Precious Corals—Amendment 2 To Define Overfishing	0648-AD16
606	Amendment 1 to the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands	0648-AD21
607	Amendment 5 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AD24
608	Stone Crab Fishery of the Gulf of Mexico—Amendment 4 To Define Overfishing	0648-AD32
609	Disposition of Stranded or Distressed Endangered or Threatened Species of Fish and Wildlife	0648-AD46
610	Amendment 16A to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands	0648-AD49
611	Pacific Halibut Regulations for 1991	0648-AD52
612	Regulatory Amendment to the American Lobster Fishery Management Plan	0648-AD54
613	Amendment 1 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region	0648-AD55
614	Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AD61
615	Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands: Regulatory Amendment—Requirements for Observer Coverage; Release of Data on PSC Bycatch Rates	0648-AD65
616	Groundfish of the Gulf of Alaska: Regulatory Amendment—Sablefish Hook-and-Line Fishery	0648-AD68
617	Disposition of Tissues From Stranded Marine Mammals	0648-AD71
618	Amendment 4 to the Western Pacific Bottomfish and Seamount Groundfish Fisheries FMP	0648-AD74
619	Amendment 3 to the Gulf of Mexico Reef Fish Fishery Management Plan	0648-AD75
620	Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AD84
621	Amendment 5 to the American Lobster Fishery Management Plan	0648-AD87
622	Proposed Regulations for Allocation of Pacific Halibut in Regulatory Area 4E of the Eastern Bering Sea	0648-AD88
623	Regulatory Amendment for a System To Allocate Licenses Under the South Pacific Tuna Act of 1988	0648-AD94
624	Regulatory Amendment To Prohibit Directed Fishing for Pollock in the Gulf of Alaska From April 1 to May 31	0648-AD95
625	Regulatory Amendment Providing for Quarterly Allocation of Pacific Cod in the Bering Sea and Aleutian Islands Area	0648-AD96
626	Amendment 2 to the FMP for the Pelagic Fisheries of the Western Pacific Region	0648-AD97

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National Oceanic and Atmospheric Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
627	Technical Amendment to the FMP for the Pelagic Fisheries of the Western Pacific Region	0648-AE02
628	Technical Amendment to the FMP for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region	0648-AE03
629	Technical Amendment to the Western Pacific Crustacean FMP	0648-AE04
630	Pacific Whiting Inshore-Offshore Allocation Regulatory Amendment Under the Pacific Coast Groundfish FMP	0648-AE06
631	Groundfish of the Gulf of Alaska: Delay of Sablefish Hook- and-Line Fishery	0648-AE14
632	Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands: Mesh-Size Modification	0648-AE17

National Telecommunications and Information Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
633	Public Telecommunication Facilities Program	0660-AA02

Patent and Trademark Office—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
634	Patent Application Electronic Submission Rules	0651-AA50

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
635	Duty of Disclosure—Information Disclosure Statement	0651-AA27
636	Miscellaneous Changes in Patent Practice	0651-AA34
637	Drawing Changes in Patents Cases	0651-AA44
638	Trademark Procedures	0651-AA46
639	Registration of Attorneys and Agents	0651-AA48
640	Application Processing Under the Patent Cooperation Treaty	0651-AA51
641	Patent Term Extension Application Requirements	0651-AA52

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
642	Variety Denomination Requirements for Plant Patent Applications	0651-AA12
643	Patent and Trademark Assignment Rules	0651-AA43
644	Revision of Patent and Trademark Fees	0651-AA45

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Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
645	Trademark Interrogatory Practice	0651-AA47
646	Patent Interference Proceedings	0651-AA49

Technology Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
647	Licensing of Government-Owned Inventions	0692-AA04
648	Administration of a Uniform Patent Policy With Respect to Domestic Rights in Inventions Made by Government Employees	0692-AA05

United States Travel and Tourism Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
649	United States Travel and Tourism Administration Facilitation Fee	0644-AA01

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of the Secretary (OS)

407. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1301 to 1353

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned departmentwide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert A. Welch, Director for Procurement, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue, NW., Washington, DC 20230, 202 377-2773

RIN: 0690–AA08

408. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1301 to 1353

Legal Deadline: None

Abstract: The proposed amendment will revise the CAR to incorporate references to the Department's Acquisition Manual chapter on formal source selection procedures and will also add agency procedures in those areas of the CAR where the FAR specifies that agency procedures are required. In addition, the proposed amendment will update the CAR to conform with the latest policies and procedures of the FAR.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

DOC—OS

Proposed Rule Stage

Agency Contact: Robert A. Welch, Director for Procurement, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue, NW., Washington, DC 20230, 202 377-2773

RIN: 0690–AA13

409. ● MODIFY REQUIREMENT IN THE COMMERCE ACQUISITION REGULATION TO PUBLISH PRESOLICITATION NOTICES IN THE COMMERCE BUSINESS DAILY FOR DOC PROCUREMENTS WHICH WILL BE PERFORMED IN FOREIGN COUNTRIES

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1305

Legal Deadline: None

Abstract: Revise the Commerce Acquisition Regulation, Part 5 to reflect class deviation that presolicitation Commerce Business Daily notices are not required for foreign procurements. The current procedures are burdensome and delay the procurements needlessly. Most of the potential sources are foreign firms and publishing the presolicitation notices does not achieve government goals of increasing competition among U.S. firms. The revised regulation will require notices to be provided if there are a significant number of U.S. firms doing business in the location and these firms are able to provide the required supplies or services.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert A. Welch, Director for Procurement, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue, NW., Washington, DC 20230, 202 377-2773

RIN: 0690–AA18

410. ● MODIFY THE COMMERCE ACQUISITION REGULATION TO USE A DEVIATION VERSION OF A FEDERAL ACQUISITION REGULATION CLAUSE ON THE BUY AMERICAN TRADE AGREEMENT ACTS

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1325; 48 CFR 1352

Legal Deadline: None

Abstract: Revise the Commerce Acquisition Regulation to authorize the use of a contract clause which deviates from the FAR Clause at 52.225-9 "Buy American Act-Trade Agreements Act-Balance of Payments Program" and the provision at 52.225-7 "Buy American Act-Trade Agreement Act-Balance of Payment Program Certificate." The revision will permit the case of a provision and clause which does not give U.S. firms a disadvantage against foreign firms. Recently the FAR provision and clause were found to be in violation of the Trade Agreement Act. The proposed CAR Regulation will remain in effect only until the FAR is revised to correct this problem. The rule is in accord with the governmentwide policies established by the Office of Federal Procurement Policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert A. Welch, Director for Procurement, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue, NW., Washington, DC 20230, 202 377-2773

RIN: 0690–AA19

DEPARTMENT OF COMMERCE (DOC)

Office of the Secretary (OS)

Completed Actions

411. PROTECTION OF HUMAN SUBJECTS

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 27

Legal Deadline: None

Abstract: Adoption of this policy will implement a recommendation from the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research that "all federal departments and agencies adopt as a common core the regulations governing research with human subjects issued by the Department of Health and Human Services."

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
Final Action	06/18/91	56 FR 28003
Final Action Effective	08/19/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Michael R. Rubin, Deputy Chief Counsel, NIST, Department of Commerce, Office of the Secretary, Admin. A-1111, Gaithersburg, MD 20899, 301 975-2803

RIN: 0690–AA17

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

412. ● BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES—1992

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will amend existing rule 15 CFR 806.7 to provide for the conduct of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States -- 1992, as required in the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for 1987 which has been completed and which the new survey will update. A change in reporting requirements for foreign-owned banks in the new survey will also be considered.

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	
NPRM Comment Period End	09/00/92	
Final Action	11/00/92	
Final Action Effective	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA18

413. ● CHANGE IN REPORTING REQUIREMENTS FOR BE-22, ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None

Abstract: This action will amend existing rule 15 CFR 801.9(b)(6) to bring reporting on the BE-22, Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons, into conformity with proposed reporting requirements on the BE-20, Benchmark Survey of Selected Services Transactions With Unaffiliated Foreign Persons -- 1991 and, perhaps, to add coverage of financial services. The BE-22 is the annual, follow-on survey that updates the quinquennial BE-20. Changes proposed for the BE-20 with respect to exemption levels and types of services covered will be considered for the BE-22. In addition, coverage of financial services on the BE-22 may be considered although such services have not been included on the proposed BE-20 for 1991. A major 1992 initiative of BEA is to improve coverage of financial services in the U.S. international accounts. If a decision is made not to add coverage of financial services to the BE-22, it is likely that a new, separate survey will be proposed to cover such services. In that event, a separate regulatory action will be required and will be identified in a subsequent submission to the Unified Agenda of Federal Regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	08/00/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA19

414. ● CHANGE IN REPORTING REQUIREMENTS FOR FOREIGN-OWNED BANKS REPORTING ON QUARTERLY REPORT FORMS BE-605 AND BE-606B

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will amend existing rule 15 CFR 806.15 to bring reporting by foreign-owned banks in the United States on quarterly report forms BE-605, Transactions of U.S. Affiliate, Except an Unincorporated Bank, With Foreign Parent, and BE-606B, Transactions of U.S. Banking Branch or Agency With Foreign Parent into conformity with new reporting requirements under consideration for banks on the BE-12, Benchmark Survey of Foreign Direct Investment in the United States -- 1992.

Timetable:

Action	Date	FR Cite
NPRM	08/00/92	
NPRM Comment Period End	10/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA20

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Final Rule Stage

415. BENCHMARK SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS—1991

Significance: Agency Priority

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None

Abstract: This action will replace the existing rule 15 CFR 801.10 with a new rule to provide for the conduct of the BE-20, Benchmark Survey of Selected Services Transactions With Unaffiliated Foreigners -- 1991, as required by the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially Sec. 4(a)(5) of the Act). The existing rule covers a similar survey for 1986, which has been completed and which the 1991 survey will update. For 1991, the exemption level criteria, which provided inadequate coverage of certain types of services transactions in 1986, will be reexamined.

Timetable:

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37170
NPRM Comment Period End	09/09/91	56 FR 37170
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW., Room 1008, Tower Building, Washington, DC 20230, **202 523-0659**

RIN: 0691–AA17

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

416. REVISION OF FOREIGN TRADE STATISTICS REGULATIONS

Significance: Regulatory Program

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.92

Legal Deadline: None

Abstract: Review of 15 CFR 30 for changes to conform with the new statistical classification (harmonized system for imports and exports). This review will combine elements of housekeeping changes, updating obsolete information, clarification, bringing the system into line with harmonization (including metric measurements), and conformance of reporting with current practices. There should be no added burden or costs placed on the public because no additional information is required, nor new reporting requirements.

The benefits of these changes will be: allowing direct comparisons between U.S. imports and exports, enabling comparisons between trade balances of the United States and of our major trading partners.

With the passage of the Omnibus Trade and Competitiveness Act of 1988, there is no alternative to making these changes in order to conform to the legislation.

Additionally, section 30.54 will be revised to raise the exemption from Shipper's Export Declaration filing requirements for exports by mail from $500 to $2,500.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: All

Agency Contact: Harold Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, **301 763-5310**

RIN: 0607–AA10

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Prerule Stage

417. REVIEW OF REGULATIONS FOR ECONOMIC DEVELOPMENT ADMINISTRATION—DEPARTMENT OF COMMERCE

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR Ch III

Legal Deadline: None

Abstract: EDA is in the process of reviewing its regulations to update and streamline those in need of revision.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., Room 7001, 14th Street & Constitution Avenue, NW., Washington, DC 20230, **202 377-4687**

RIN: 0610–AA47

418. ● SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

DOC—EDA

Prerule Stage

CFR Citation: 13 CFR 308

Legal Deadline: None

Abstract: EDA intends to initiate regulatory action to revise the rules governing the use of loan funds under its Revolving Loan Fund (RLF) program. The proposed regulatory action is contingent upon legislation being enacted which would provide that EDA funds lose their Federal character after the first round of grant funds has been loaned out. The legislation would also provide for its retroactive application.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA48

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Final Rule Stage

419. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None

Abstract: These regulations will be changed to conform to the recently amended DOC rule at 15 CFR part 8b.18 (55 FR 29318, July 18, 1990), to include references to Uniform Federal Accessibility Standards (UFAS).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	
Final Action	02/00/92	
Final Action Effective	02/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th Street & Constitution Avenue, NW., Room 7001, Washington, DC 20230, 202 377-5441

RIN: 0610–AA05

420. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	01/00/92	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-5441

RIN: 0610–AA18

421. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA intends to initiate regulatory action to protect its interests by enabling EDA to expend funds to care for property acquired by virtue of its lien interest in property purchased or improved with EDA grant funds, including liquidation, litigation, or any other necessary action. The proposed regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA35

422. ECONOMIC DEVELOPMENT DISTRICTS, DISTRICT ORGANIZATION; CIVIL RIGHTS REQUIREMENTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 303; 13 CFR 311

Legal Deadline: None

Abstract: At the request of the Department of Justice, the Economic Development Administration (EDA) is revising our Civil Rights Regulations at 13 CFR 303 and 311. The specific changes involve minority representation on District Boards funded by EDA and Affirmative Action requirements, as well as a few minor changes in terminology.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/92	
Final Action	05/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA38

423. PUBLIC WORKS—INDUSTRIAL PARKS AND SITES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Legal Deadline: None

Abstract: The requirement for a property value agreement from the owner of a private industrial park or site will be less restrictive, so that such an agreement will only be required where there is an apparent or actual incidence of the private owner's failure to deal at arm's length, or if the Assistant Secretary chooses for any other reason to impose the requirements for such an agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/92	
Final Action	05/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA40

424. PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAMS—GRANT DISBURSEMENTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 305.89

Legal Deadline: None

Abstract: EDA will amend its rule on disbursements under grants at 13 CFR 305.89 to change the title to refer only to grants, since public works loans are no longer made, and at 305.89(b) to omit any reference to increasing the maximum amount allowable, since EDA's grant rate/amount maximum as stated in the grant award cannot subsequently be increased after the project has been completed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/27/90	55 FR 49251
Final Action	12/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA42

425. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—ELECTRIC AND GAS FACILITIES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.4

Legal Deadline: None

Abstract: EDA will amend its rule on financing gas or electrical facilities to omit references to primary or secondary functions, to be consistent with PWEDA (42 USC 3214(e)).

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/90	55 FR 18594
Final Action	12/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA43

426. OVERALL ECONOMIC DEVELOPMENT PROGRAM—PROGRESS REPORT

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 304.8

Legal Deadline: None

Abstract: EDA will amend its reporting requirements for Overall Economic Development Program (OEDP) periodic revisions to coincide with the previous project's final report, and the time of submission of the next grant period work program and application. This change applies to EDA's planning grant recipients.

DOC—EDA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/92	
Final Action	03/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue, NW., Washington, DC 20230, **202 377-4687**

RIN: 0610–AA44

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Completed Actions

427. SALE OF LOANS AND LOAN GUARANTEES TO THE PRIVATE SECTOR

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR Ch III

Legal Deadline: None

Abstract: EDA seeks to repeal the limitation in the Commerce Appropriation Act ("McDade Amendment") whereby funds cannot be used to sell any loan to private interests, except with the consent of the borrower.

Timetable:

Action	Date	FR Cite
Withdrawn - Commerce Appropriation Act no longer contains limitation	08/23/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street & Constitution Avenue, NW., Washington, DC 20230, **202 377-4687**

RIN: 0610–AA31

428. DESIGNATION OF AREAS ON THE BASIS OF SUBSTANTIAL UNEMPLOYMENT

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302.11

Legal Deadline: None

Abstract: The definition of "substantial unemployment" will be changed to mean at least the national average rate of unemployment, plus one percentage point.

Timetable:

Action	Date	FR Cite
Withdrawn Decision by Asst Secy - rule not in EDA's best interest.	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., Room 7001, 14th Street & Constitution Avenue, NW., Washington, DC 20230, **202 377-4687**

RIN: 0610–AA46

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Proposed Rule Stage

429. NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension; EO 12689

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: Executive Order 12689, signed August 16, 1989, calls for agency debarment and suspension actions under procurement or nonprocurement activities to have reciprocal governmentwide effect. The common rule will be amended to reflect the requirements contained in the Executive order.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue, NW., Washington, DC 20230, **202 377-5817**

RIN: 0605–AA02

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

Final Rule Stage

430. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 24

Legal Deadline: None

Abstract: An interagency task force is in the process of updating and revising the administrative requirements governing grants (including cooperative agreements) to States and local governments. Commerce regulations governing grants to governmental entities will be updated to accommodate these revisions. Commerce regulations governing grants to governmental entities are codified at 15 CFR 24.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 23729
ANPRM Comment Period End	08/23/87	
NPRM	11/04/88	53 FR 44715
NPRM Comment Period End	01/03/89	
Interim Final Rule	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-5817

RIN: 0605–AA04

431. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, sec 319

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: The interim final rule is in response to section 319 of PL 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-5817

RIN: 0605–AA06

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

Completed Actions

432. AUDIT REQUIREMENTS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT ORGANIZATIONS

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 29b

Legal Deadline: None

Abstract: The rule implements Office of Management and Budget guidance provided in Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations." The rule establishes audit requirements for institutions of higher education and other nonprofit organizations that receive Federal assistance, and defines the Department's responsibilities for implementing and monitoring these requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/91	56 FR 15992
Final Action Effective	04/19/91	56 FR 15992
Final Action	07/01/91	56 FR 29896

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-5817

RIN: 0605–AA07

433. PUBLIC INFORMATION

Significance: Agency Priority

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Legal Deadline: None

Abstract: The Department will update Appendices B and C of its FOIA regulations in order to reflect current organizations, denial officials, and addresses where FOIA requests can be sent.

Timetable:

Action	Date	FR Cite
Final Action	05/06/91	56 FR 20532
Final Action Effective	05/06/91	56 FR 20532

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Geraldine P. LeBoo, Departmental FOIA Officer, Department of Commerce, 14th Street & Constitution

Avenue, NW., Washington, DC 20230, 202 377-3271

RIN: 0605–AA08

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Prerule Stage

434. ANTIDUMPING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1673 et seq

CFR Citation: 19 CFR 353

Legal Deadline: None

Abstract: Revisions will codify existing administrative practice with respect to the identification and measurement of dumping. Revisions also will account for statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and make the antidumping law more accessible to the public.

Timetable:

Action	Date	FR Cite
ANPRM	02/01/89	54 FR 05092
ANPRM Comment Period End	03/20/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA29

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

435. COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 355

Legal Deadline: None

Abstract: Current countervailing duty regulations will be revised to codify existing administrative practice with respect to the identification and measurement of subsidies. Revisions also will take into account statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and will make the countervailing duty law more accessible to the public.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23366
NPRM Comment Period End	09/05/89	54 FR 33238

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA31

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

436. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Significance: Regulatory Program

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	
NPRM	02/18/83	48 FR 7151
NPRM Comment Period End	04/19/83	48 FR 7188
NPRM	01/26/90	55 FR 2760
NPRM Comment Period Extended	02/22/90	55 FR 6292
NPRM Comment Period End	03/12/90	
NPRM Further Amendments	11/20/90	55 FR 48446

DOC—ITA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period Extended	12/17/90	55 FR 51733
NPRM Comment Period End	02/01/91	
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA04

437. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA. Proposed rules were published in the Federal Register (November 1984).

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Additional Information: Further action on this regulation is under study by the Department.

Agency Contact: Michael W. Rubinoff, Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, 202 377-0150

RIN: 0625–AA05

438. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1671 et seq; 19 USC 1673 et seq

CFR Citation: 19 CFR 300 to 399

Legal Deadline: None

Abstract: Revisions to the current antidumping duty and countervailing duty regulations are needed in order to conform those regulations to certain statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. Those amendments deal with (1) downstream product monitoring; (2) consultations with the International Trade Commission on certain scope rulings; (3) procedures for administrative protective orders; (4) correction of ministerial errors; and (5) effective dates. The revisions will enable the Department to apply the new statutory provisions in an orderly and efficient basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/09/90	55 FR 9046
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA32

439. SHORT SUPPLY PROCEDURES FOR ITA

Legal Authority: PL 101-221

CFR Citation: 19 CFR 357

Legal Deadline: None

Abstract: In order to implement section 4(b) of the Steel Trade Liberalization Program Implementation Act, ITA promulgated interim regulations on its short supply procedures. The regulations contain uniform rules, criteria, and procedures for ensuring transparency, timeliness, and fairness in the administration of the short supply program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/90	55 FR 1348

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA34

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Completed Actions

440. PROCEDURES AND RULES FOR IMPLEMENTING ARTICLE 1904 OF THE UNITED STATES-CANADA FREE TRADE AGREEMENT

Legal Authority: 19 USC 1516a; 19 USC 1677f(d); PL 100-449, title IV

CFR Citation: 19 CFR 356

Legal Deadline: None

Abstract: Chapter 19 of the United States-Canada Free Trade Agreement established a system under which final antidumping and countervailing duty determinations of both the United States and Canada are subject to review by independent binational panels. The legislation implementing the Agreement authorized the Department to issue regulations necessary to implement Chapter 19. Regulations are

necessary to establish procedures concerning notice of intent to seek judicial review, requests for panel review, notice of receipt by Canada of class or kind determinations, continued suspension of liquidation pending panel review, release of business proprietary and privileged information under protective order during a panel review, and sanctions for violations of such protective orders. The interim rule became effective January 1, 1989, the date the Agreement entered into force.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	53 FR 53232
Final Action	08/08/91	56 FR 37802
Final Action Effective	08/08/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA33

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Final Rule Stage

441. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002; PL 100-418

CFR Citation: 15 CFR 771; 15 CFR 777; 15 CFR 799

Legal Deadline: None

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 777) and related licensing requirements (15 CFR 771 and 799) of the Export Administration Regulations (15 CFR 730-799) is necessary. An interim final rule was issued which included (1) elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products. The Export Administration was made a Bureau in October 1987. The Export Administration Regulations were thereafter transferred from 15 CFR 368-399 to 15 CFR 730-799. Furthermore, the Export Administration Act of 1979 was amended on August 23, 1988, by the Omnibus Trade and Competitiveness (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/09/85	50 FR 41131
Final Action	10/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Act of 1988 (PL 100-418, 102 Stat. 1107). Section 2424 of the Omnibus Trade and Competitiveness Act of 1988 (OTCA) amends section 7 of the EAA but will not require regulatory measures.

Agency Contact: Sharon Gongwer, Regulations Branch, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA01

442. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS)

Legal Authority: 50 USC app 2061 et seq; EO 10480; 50 USC app 468; EO 12742

CFR Citation: 15 CFR 700

Legal Deadline: None

Abstract: The Defense Priorities and Allocations System (DPAS) implements the priorities and allocations authority of Title I of the Defense Production Act of 1950, as amended and the priorities authority of section 468 of the Selective Service Act of 1948. The DPAS was published as a final rule on July 30, 1984. Based on the findings and recommendations of an interagency sponsored study concerning the controlled materials program, and comments from both defense agency and industry users, this proposed rule would amend the DPAS to remove the controlled materials provisions and make certain revisions to its procedural requirements. These amendments will have no costs associated with them, would reduce the regulatory and information reporting burden on industry and make the DPAS more effective and efficient, and would result in cost savings for defense contractors.

Timetable:

Action	Date	FR Cite
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Richard V. Meyers, DPAS Program Manager, Department of Commerce, Bureau of Export Administration, Office of Industrial Resources Admin., National Security Preparedness Div., Room 3878, Washington, DC 20230, 202 377-3634

RIN: 0694–AA02

443. REVISIONS TO GCT ELIGIBILITY FOR ECCN 1565A AND DEFINITION OF SUPERCOMPUTER

Legal Authority: 50 USC app 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 776

Legal Deadline: NPRM, Statutory, November 21, 1989.

Abstract: Section 5(a)(6) of the EAA, as amended by the 1988 Trade Act, requires that a definition of the term "supercomputer" be included in the EAR. A definition of "supercomputer" was published as a proposed rule in the

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Federal Register on 12/5/88. Another proposed rule was published on 1/21/90. Since that time, BXA has reviewed all comments and concluded discussions on supercomputer export controls with Japan. General License GCT is being revised so that computers having a Composite Theoretical Performance (CTP) capability equal to or greater than 195 MTOPS are not eligible for GCT. This limitation does not apply to Japan. Supercomputers are defined at the 195 MTOPS level in this interim rule.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48932
NPRM Comment Period End	01/19/89	
NPRM	01/29/90	55 FR 3017
NPRM Comment Period End	03/15/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA03

444. WEST-WEST DECONTROL OF CERTAIN MAGNETICALLY ENHANCED SPUTTERING EQUIPMENT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 100-418; PL 99-64; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: On June 24, 1987, the President issued a national security override for a finding of foreign availability for certain types of sputtering equipment controlled under ECCN 1355A of the Commodity Control List. As a result of this override, export controls on the equipment were maintained pending the conclusion of negotiations with the source country to eliminate the foreign availability. The statutorily authorized 18-month negotiating period expired on December 24, 1988, with the source country agreeing to eliminate foreign availability for sputtering equipment until May 31, 1989. The source country has since agreed to eliminate foreign availability for certain types of sputtering equipment for an additional period. This rule amends ECCN 1355A by decontrolling to free world destinations that sputtering equipment that the source country has not agreed to control, and by maintaining controls on that equipment for which foreign availability has been eliminated.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/89	54 FR 24166
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Pastore, Electrical Engineer, Department of Commerce, Bureau of Export Administration, Office of Foreign Availability, Room SB701, Washington, DC 20230, **202 377-5953**

RIN: 0694–AA05

445. EXPORTS FROM ABROAD OF FOREIGN PRODUCTS INCORPORATING U.S.-ORIGIN PARTS AND COMPONENTS

Significance: Regulatory Program

Legal Authority: 50 USC app 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 776

Legal Deadline: None

Abstract: In accordance with section 5(a)(A) of the EAA, as amended by the 1988 Trade Act, this rule revises section 776.12 of the EAR to reduce export and reexport controls on U.S.-origin parts and components incorporated in foreign-made products. Under section 776.12 prior authorization is not required when U.S.-origin content comprises 25 percent or less and the foreign-made product is exported to a country listed in Supplements 2 and 3 to Part 773, i.e., countries cooperating in nuclear non-proliferation policy. This interim rule revises section 776.12 to apply the 25 percent exemption to all destinations, except the embargoed countries. The 10 percent exemption, but not the dollar value limitation, is continued for these proscribed destinations. The rule also exempts from control foreign-made products incorporating U.S.-origin content consisting of low level technology specifically designated on the Commodity Control List.

Timetable:

Action	Date	FR Cite
NPRM	12/07/88	53 FR 49327
Interim Final Rule	10/03/89	54 FR 40640

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA06

446. GENERAL LICENSE GFW

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; EO 12525; EO 12532

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: Section 5(b)(3)(A) of the Omnibus Trade and Competitiveness Act of 1988 (OTCA) requires the removal of national security based licensing requirements on all exports to Free World countries. Commodities that are covered by this provision are those described in the Advisory Notes in the Commodity Control List that indicate likelihood of approval for Country Groups QWY.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/90	55 FR 6791

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA07

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Final Rule Stage

447. REVISION OF FOREIGN BOYCOTT PROVISIONS OF EXPORT ADMINISTRATION REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 769

Legal Deadline: None

Abstract: The Department proposes to revise the foreign boycott provisions of the Export Administration Regulations. The revisions would clarify the application of: (1) the intent provision to the reporting requirement; (2) the jurisdictional requirements relating to the implementation of letters of credit; (3) the furnishing information prohibitions to information about the nationality of directors and about blacklisted persons; (4) the shipping requirement exception to refusals to use blacklisted vessels; and (5) the import and shipping document exception to information about the nationality of carriers and residence of manufacturers or suppliers. The revisions are intended to clarify areas of confusion. In addition, the proposal would remove many references and provisions dealing with effective dates and grace periods that are no longer applicable.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39415
NPRM Comment Period End	10/26/89	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Martin, Acting Director, Compliance Policy Division, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 377-4550**

RIN: 0694–AA11

448. ELIMINATION OF CONTROLS ON EXPORTS TO AND REEXPORTS FROM COCOM MEMBER COUNTRIES

Significance: Regulatory Program

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 770; 15 CFR 771; 15 CFR 772; 15 CFR 773; 15 CFR 776; 15 CFR 779; 15 CFR 786; 15 CFR 799

Legal Deadline: None

Abstract: The interim rule created a new general license GCT that permitted license-free shipment to COCOM member countries, with certain conditions and exceptions. The final rule will remove almost all restrictions, creating a true license-free zone, and will allow national security-based reexports from COCOM member countries without prior U.S. authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/90	55 FR 25083

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, **202 377-4159**

RIN: 0694–AA13

449. SHIPPER'S EXPORT DECLARATION: COMBINING GENERAL LICENSE AND VALIDATED LICENSE ON THE SAME SED

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 786

Legal Deadline: None

Abstract: Section 786.3(h) of the Export Administration Regulations contains certain requirements for listing commodities on the Shipper's Export Declaration (SED). Previously, section 786.3(h)(1) contained a general prohibition against combining general license commodities with validated license commodities on the same SED. This interim rule will amend section 786.3(h) to permit general license commodities and validated license commodities to be listed on the SED. The rule also will revise section 786.3(h) to clarify that the commodities that may be listed on the same SED must be included in one shipment on board a single carrier and must be from the same exporter to the same consignee.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/90	55 FR 47048

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Gongwer, Acting Chief, Regulations Branch, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA14

450. REVISION OF GENERAL LICENSE GIFT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-145; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 771

Legal Deadline: None

Abstract: The Bureau of Export Administration is revising section 771.18 of the Export Administration Regulations (15 CFR Parts 768-799), which contains provisions on the applicability of General License GIFT for exports from the United States. General License GIFT authorizes export of parcels from U.S. individuals or charitable organizations overseas. General License GIFT is modified to allow no more than one gift parcel from the same donor to the same donee in any one month. Currently, one parcel may be shipped each week. This change is intended to assure that the license is utilized in conformity with its intended purpose, namely the donative provision of gifts between individuals. Specific authorization to exceed this limit may be granted on a case-by-case basis to meet compelling humanitarian concerns (e.g., gifts of medicine to relatives). The Bureau of Export Administration will grant case-by-case exemptions through issuance of a validated license. For clarity, new text is added on appropriateness of items as gifts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/09/89	54 FR 19883

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist,

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Final Rule Stage

Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA26

451. CHANGE IN REPORTING REQUIREMENTS FOR THE SPECIAL LICENSES

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 773

Legal Deadline: None

Abstract: This rule amends the EAR to remove requirements that exporters submit certain documents to BXA with their license applications or concerning their exports under bulk licenses. Instead, exporters will be required to retain the documents in their files for five years. The current retention period is two years. The changes facilitate the EAR provisions governing electronic submission of license applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/90	55 FR 47050

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230, 202 377-4159

RIN: 0694–AA27

452. ELIMINATION OF SUBMISSION REQUIREMENT FOR CERTAIN SUPPORTING DOCUMENTS

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 100-418; PL 99-64; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 772; 15 CFR 774; 15 CFR 775; 15 CFR 787

Legal Deadline: None

Abstract: This rule amends the EAR to remove requirements that exporters submit certain documents to BXA with their license applications or concerning their exports under bulk licenses. Instead exporters will be required to retain the documents in their files for five years. The current retention period is two years. The changes facilitate the EAR provisions governing electronic submission of license applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/05/90	55 FR 46503

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA28

453. EXPANSION AND IMPOSITION OF FOREIGN POLICY CONTROLS ON CHEMICAL WEAPON PRECURSORS

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 776; 15 CFR 799

Legal Deadline: None

Abstract: In support of U.S. foreign policy and particularly U.S. policies of opposing the proliferation and prohibited use of chemical weapons, the Department of Commerce revised the foreign policy controls on exports of certain chemical weapon precursors, i.e., chemicals that can be used in the manufacture of chemical weapons. This rule makes several significant revisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/20/89	54 FR 52017

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Gongwer, Acting Chief, Regulations Branch, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622 HCHB, Washington, DC 20230, 202 377-2440

RIN: 0694–AA32

454. CONVERSION TO THE METRIC SYSTEM

Legal Authority: PL 100-418

CFR Citation: 15 CFR 730 to 799

Legal Deadline: None

Abstract: The Bureau of Export Administration is amending the Export Administration Regulations to convert units of weight and measure to the metric system. This brings BXA into compliance with the 1988 Omnibus Trade and Competitiveness Act, which amends the Metric Conversion Act of 1975 to authorize the conversion of the weights and measures of "all U.S. trade and commerce" and all Federal agencies to the metric system. It also reflects the current situation of international trade, which is conducted (almost) exclusively in the metric system. Much of this will be accomplished by the publications of the CORE list in the fall of 1991.

Timetable:

Action	Date	FR Cite
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Gongwer, Regulations Branch, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-3856

RIN: 0694–AA50

455. IMPLEMENTATION OF COCOM CORE LIST

Significance: Regulatory Program

Legal Authority: 50 USC app 2401 et seq

CFR Citation: 15 CFR 799.1, supp 1

Legal Deadline: None

Abstract: The Commodity Control List is based on the Multinational Industrial List, agreed to by the 17 member nations of the Coordinating Committee (COCOM). COCOM has agreed to replace the Industrial List with a totally new "Core List." The Core List will be arranged and numbered differently. Since the CCL is now based on the Industrial List Numbering System, the entire CCL will have to be reformatted to adapt to the new system. The new list incorporates format changes to make it easier to use. While exporters

will have to make major changes in their systems to adjust to a totally new control list, they should also benefit from a tighter, more specific list and an improved format that will simplify the process of determining export controls on their products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/29/91	56 FR 42824
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel E. Cook, Director, Policy Development Division, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4479

RIN: 0694–AA51

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456. TRANSFER OF DUAL USE ITEMS FROM U.S. MUNITIONS LIST TO COMMODITY CONTROL LIST

Significance: Regulatory Program

Legal Authority: 50 USC 2401 et seq; 50 USC 1702 et seq; EO 12571; EO 12730

CFR Citation: 15 CFR 799.1

Legal Deadline: None

Abstract: The COCOM Industrial List (IL) controls so-called dual-use items, which have both civil and military uses. There is not a direct correspondence between the IL and BXA's Commodity Control List (CCL) because some IL items are controlled by the State Department in the U.S. munitions list.

In his November 15, 1990 memorandum of disapproval of H.R. 4653 the President determined that, "By June 1, 1991, the United States will remove from the U.S. munitions list all items contained on the COCOM dual-use list unless significant U.S. national security interests would be jeopardized." This rule will implement BXA controls through the CCL on those items removed from the U.S. munitions list as a result of the President's decision.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel E. Cook, Director, Policy Development Division, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 377-4159

RIN: 0694–AA52

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457. ● EXPANSION OF FOREIGN POLICY CONTROLS ON CHEMICAL WEAPON PRECURSORS

Significance: Agency Priority

Legal Authority: PL 96-72, 93 Stat. 503 (50 USC 2401 app et seq), as amended; PL 95-223, 91 Stat. 1626 (50 USC 1701 et seq); EO 12730 of September 30, 1990 (55 FR 40373, October 2, 1990); EO 12735 of November 16, 1990 (55 FR 48587, November 20, 1990)

CFR Citation: 15 CFR 776; 15 CFR 799

Legal Deadline: None

Abstract: In support of U.S. policies opposing the proliferation and use of chemical weapons the Department expanded foreign policy controls on exports of certain chemical weapons precursors (i.e., chemicals that can be used in the manufacture of chemical weapons). This rule expands the number of countries for which a validated license is required for 39 precursor chemicals. These chemicals will require a validated license for export to all destinations except NATO member countries, Australia, Austria, Ireland, Japan, New Zealand, and Switzerland.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/91	56 FR 10756

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-3856

RIN: 0694–AA53

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458. ● IMPOSITION AND EXPANSION OF FOREIGN POLICY CONTROLS (MEGAREG)

Significance: Agency Priority

Legal Authority: PL 96-72, 93 Stat. 503 (50 USC 2401 app et seq), as amended; PL 95-223, 92 Stat. 1626 (50 USC 1701 et seq); PL 95-242, 92 Stat. 141 (42 USC 2139(a)); EO 12730 of September 30, 1990 (55 FR 40373, October 2, 1990); EO 12735 of November 16, 1990 (55 FR 48587, November 20, 1990)

CFR Citation: 15 CFR 771; 15 CFR 773; 15 CFR 776; 15 CFR 778; 15 CFR 779; 15 CFR 799

Legal Deadline: None

Abstract: The Department is amending the EAR in support of U.S. nonproliferation policies. This interim rule imposes foreign policy controls on certain exports by providing authority to deny most items already requiring a validated license where the export could be destined for the design, development, production, or use of missiles or chemical or biological weapons, or for a facility engaged in such activities. The rule also imposes foreign policy controls on exports to specified destinations, where the exporter knows the item may be related to such purposes or be destined to such sites. The rule also restricts related activities of U.S. persons or their activities at certain sites and groups regulations relating to weapons proliferation in newly designated part 778.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/15/91	56 FR 40494
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-3856

RIN: 0694–AA54

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459. ● IMPOSITION OF FOREIGN POLICY CONTROLS ON EQUIPMENT AND TECHNICAL DATA RELATED TO THE PRODUCTION OF CHEMICAL AND BIOLOGICAL WEAPONS

Significance: Agency Priority

Legal Authority: PL 96-72, 93 Stat. 503 (50 USC 2401 app et seq), as amended; PL 95-223, 91 Stat. 1626 (50 USC 1701 et seq); PL 95-242, 92 Stat. 141 (42 USC 2139(a)); EO 12730 of September 30, 1990 (55 FR 40373, October 2, 1990); EO

DOC—BXA

Final Rule Stage

12735 of November 16, 1990 (55 FR 48587, November 20, 1990)

CFR Citation: 15 CFR 770; 15 CFR 776; 15 CFR 778; 15 CFR 799

Legal Deadline: None

Abstract: In support of U.S. policies opposing the proliferation and prohibited use of chemical and biological weapons, the Department imposed foreign policy controls on exports of certain dual-use equipment that can be used to produce: 1) chemicals or biological agents controlled by certain ECCNs; 2) chemical or biological agents controlled under the International Traffic in Arms Regulations. The Department also imposed foreign policy controls on technical data for the production of such equipment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/91	56 FR 10760

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Seeraratnam, Industrial Specialist, Department of Commerce, Bureau of Export Administration, Room 4060, Washington, DC 20230, 202 377-5695

RIN: 0694–AA55

460. ● REVISIONS TO THE COMMODITY CONTROL LIST: CHANGES IN NUCLEAR NONPROLIFERATION CONTROLS

Significance: Agency Priority

Legal Authority: PL 96-72, 93 Stat. 503 (50 USC 2401 app et seq) as amended; PL 95-223, 91 Stat. 1626 (50 USC 1701 et seq); PL 95-242, 92 Stat. 141 (42 USC 2139a); EO 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); EO 12730 of Sept. 30, 1990 (55 FR 40373, Oct. 2, 1990); EO 12735 of Nov. 16, 1990 (55 FR 48587, Nov. 20, 1990)

CFR Citation: 15 CFR 773; 15 CFR 799

Legal Deadline: None

Abstract: This interim rule amends the CCL by revising the items subject to control for nuclear nonproliferation reasons. The changes are intended to update the nuclear nonproliferation policy. While the changes made by this rule may have a significant impact on the licensing requirement for individual Export Control Commodity Numbers, the net effect of these changes on export licensing requirements will be limited.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/28/91	56 FR 42652
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA56

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Completed Actions

461. EXPORTS OF MEDICAL EQUIPMENT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; EO 12525; PL 95-223; PL 99-440; EO 12532; EO 12571

CFR Citation: 15 CFR 776

Legal Deadline: None

Abstract: To implement section 5(C)(5)(A)(ii) of the Export Administration Act, the Bureau of Export Administration is creating a new section 776.20. This new section permits the export of medical equipment containing controlled parts and components to country group T&V (except the People's Republic of China and Afghanistan), without prior written authorization from the Office of Export Licensing, provided that the transaction meets the eligibility criteria described in this section.

Timetable:

Action	Date	FR Cite
Withdrawn	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Gongwer, Acting Chief, Regulations Branch, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4159

RIN: 0694–AA09

DEPARTMENT OF COMMERCE (DOC)
National Institute of Standards & Technology (NIST)

Proposed Rule Stage

462. FIPS FOR POSIX SYSTEM ADMINISTRATION

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a set of specifications on an interim basis to provide functional system administration requirements for POSIX operating system implementations. Actual utility names and options for system administration will be specified in a future revision to this FIPS. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151

Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA71

463. FIPS FOR OPEN SYSTEMS INTERCONNECTION (OSI) TRANSPORT LAYER SECURITY PROTOCOL (SP4)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will provide for confidentiality and integrity services at the Transport Layer of OSI Systems. The standard will be based on specifications and technical agreements reached through cooperative government and industry efforts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA75

464. FIPS FOR IRDS EXPORT/IMPORT FILE FORMAT

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard being developed by Standards Committee X3H4. The standard will specify the precise format of files used to exchange information between IRDSs. The specification will complete the IRD-IRD Interface, the functionality of which is specified in FIPS PUB 156.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA76

465. FIPS FOR GOVERNMENT NETWORK MANAGEMENT PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will specify a management protocol, management information, and management functions for interoperable multi-vendor networks that implement Open System Interconnection (OSI) standards. The standard will be based on the stable agreements reached by NIST Workshop for Implementors of OSI as developed by the Special Interest Group on Network Management.

Timetable:

Action	Date	FR Cite
NPRM	07/31/91	56 FR 36136
NPRM Comment Period End	10/29/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA85

466. FIPS FOR DIGITAL SIGNATURE STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will specify a Digital Signature algorithm appropriate for digital signature applications. The standard will enable users to verify the integrity of the data and the origin of messages sent between computers, and to verify the integrity of data and programs that are stored in computers.

Timetable:

Action	Date	FR Cite
NPRM	08/30/91	56 FR 42980
NPRM Comment Period End	11/29/91	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA86

467. FIPS FOR INITIAL GRAPHICS EXCHANGE SPECIFICATION (IGES)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will adopt the American National Standard Digital Representation for Communication of Product Definition Data, ASME/ANSI Y14.26M-1989, more commonly known as the Initial Graphics Exchange Specification (IGES). This FIPS will establish information structures for the digital representation and communication of product definition data and permit the compatible exchange of product definition data used by various computer-aided design and computer-aided manufacturing (CAD/CAM) systems.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA88

468. ● FASTENER QUALITY

Significance: Regulatory Program

DOC—NIST **Proposed Rule Stage**

Legal Authority: PL 101-592

CFR Citation: 15 CFR 280

Legal Deadline: NPRM, Statutory, May 15, 1991.

Abstract: This rule will implement the Fastener Quality Act. In 1990, Congress enacted the Fastener Quality Act (the Act) to protect public safety, deter introduction of nonconforming fasteners into commerce, improve traceability of fasteners used in critical applications, and provide customers with greater assurance that fasteners meet stated specifications. The Act requires that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured; provides for accreditation of laboratories engaged in fastener testing; and requires the inspection, testing, and certification (in accordance with standardized methods) of fasteners used in critical applications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stanley Warshaw, FQA Program Manager, Office of Standards Services, Department of Commerce, National Institute of Standards & Technology, Room A603 Administration, Gaithersburg, MD 20899, **301 975-4000**

RIN: 0693–AA92

469. ● REVISION OF FIPS 128, COMPUTER GRAPHICS METAFILE (CGM)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revised FIPS will adopt the redesignated version of the CGM standard, known as ANSI/ISO 8632.1-4:1991, and add a requirement for the use of profiles. A profile defines the options, elements, and parameters of ANSI/ISO 8632 necessary to accomplish a particular function and to maximize the probability of interchange between systems implementing the profile. The revised FIPS will also adopt MIL-D-28003, Computer-aided Acquisition and Logistics Support (CALS), as the first CGM Application Profile.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA93

470. ● FIPS FOR AUTOMATED PASSWORD GENERATOR

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will provide an algorithm that will be implemented in software systems. The algorithm will generate pronounceable passwords for authenticating users of an ADP system, or for authorizing access to system resources.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA94

471. ● PROPOSED FIPS FOR VHDL

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will adopt the standard hardware description language contained in IEEE Std 1076-1987, VHDL Language Reference Manual. The VHSIC Hardware Description Language (VHDL) is a formal notation intended for use in all phases of the creation of electronic systems.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA95

DEPARTMENT OF COMMERCE (DOC)
National Institute of Standards & Technology (NIST)

Final Rule Stage

472. FIPS FOR CONFORMANCE TESTING POLICY AND PROCEDURES

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will specify the policy and procedures for conformance test methods, for conformance testing of implementations of FIPS, and for certifying those implementations that comply with the FIPS requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/03/88	53 FR 29249
NPRM Comment Period End	11/01/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA66

473. FIPS FOR DOCUMENT APPLICATION PROFILE (DAP) FOR THE OFFICE DOCUMENT ARCHITECTURE (ODA) AND INTERCHANGE FORMAT STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will be based on international standards for office document architecture and office document interchange formats. The profile will provide necessary functionality to enable documents developed on different manufacturers' equipment to be interchanged between systems.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4054
NPRM Comment Period End	04/27/89	54 FR 4054

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA67

474. REVISION OF FIPS 140, GENERAL SECURITY REQUIREMENTS FOR EQUIPMENT USING THE DATA ENCRYPTION STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will bring the standard up to date to cover new encryption applications, and new policies for testing for conformance to the standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/88	53 FR 49722
ANPRM Comment Period End	03/09/89	53 FR 49722
NPRM	01/08/91	56 FR 681
NPRM Comment Period End	04/08/91	56 FR 681
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA68

475. FIPS FOR POSIX SHELL AND UTILITY APPLICATION INTERFACE FOR COMPUTER OPERATING SYSTEMS ENVIRONMENTS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt, on an interim basis, Draft 9 of the Institute of Electrical and Electronics Engineers (IEEE) Standard for Shell and Application Utility Interface for Computer Operating Systems Environments (IEEE 1003.2/POSIX Shell and Tools). This standard will extend the functionality of the POSIX standard by providing an interactive interface for users to control processing.

Timetable:

Action	Date	FR Cite
NPRM	06/07/89	54 FR 24375
NPRM Comment Period End	09/05/89	54 FR 24375
Repeated NPRM	06/13/90	55 FR 23959
NPRM Comment Period End	09/11/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA70

476. FIPS FOR SPATIAL DATA TRANSFER STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt specifications developed by the Department of the Interior for representing data used in mapping applications. The standard will improve interchange of information among agencies analyzing land use, demographics, and other geographic information.

Timetable:

Action	Date	FR Cite
NPRM	04/11/91	56 FR 14686
NPRM Comment Period End	07/10/91	56 FR 14686
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA73

477. FIPS FOR FIBER DISTRIBUTED DATA INTERFACE (FDDI)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will adopt five voluntary industry standards that are nearing final approval by ANSI. FDDI is a layered standard for a 100 Mbits fiber optic token ring Local Area Network (LAN).

Timetable:

Action	Date	FR Cite
NPRM	08/10/89	54 FR 32841
NPRM Comment Period End	11/08/89	54 FR 32841

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA74

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478. FIPS FOR KEY MANAGEMENT USING ANSI X9.17

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt ANSI X9.17, a voluntary industry standard for Financial Institution Key Management (Wholesale), and will specify a set of options for using the protocols of ANSI X9.17 in the automated distribution of keying materials needed for data encryption, decryption, and authentication. ANSI X9.17 is a voluntary industry standard that defines procedures for the manual and automated management of the data (e.g., keys and initialization vectors) necessary to establish and maintain cryptographic keying relationships.

Timetable:

Action	Date	FR Cite
NPRM	02/13/91	56 FR 5800
NPRM Comment Period End	05/14/91	56 FR 5800
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA87

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479. FIPS ON MODEMS FOR DATA COMMUNICATIONS USE ON TELEPHONE-TYPE CIRCUITS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This new family of Federal Information Processing Standards will replace Federal Information Processing Standards 133, 134-1, 135, and 136 (formerly designated Federal Standards 1005A, 1006A, 1007, and 1008). This new family of standards will adopt selected portions of CCITT (International Telegraph and Telephone Consultative Committee) modem recommendations: V.22, V.22 bis, V.26, V.26 bis, V.27 bis, V.27 ter, V.29, V.32, V.33, V.42, and V.42 bis.

Timetable:

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15583
NPRM Comment Period End	07/16/91	56 FR 15583
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA89

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480. ● WITHDRAWAL OF 12 FEDERAL INFORMATION PROCESSING STANDARDS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This action will withdraw twelve (12) Federal Information Processing Standards (FIPS 3-1, 25, 50, 51, 52, 79, 93, 114, 115, 116, 117, 118). These standards will be withdrawn because the technical specifications that they adopt are obsolete and are no longer supported by industry.

Timetable:

Action	Date	FR Cite
NPRM	06/19/91	56 FR 28141
NPRM Comment Period End	09/17/91	56 FR 28141
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA91

DEPARTMENT OF COMMERCE (DOC)
National Institute of Standards & Technology (NIST)

Completed Actions

481. FIPS 100-1, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA NETWORKS (PSDN), OR BETWEEN TWO DTES, (CONT)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard specifies the interface between data-terminating equipment (DTE) and data circuit-terminating equipment (DCE) for terminals operating in the packet mode on package-switched data networks (PSDN), or between two DTEs, by dedicated circuit. The standard covers both the DTE/DCE and DTE/DTE interfaces, and adopts the American National Standard ANSI X3.100-1989 which in turn adopts CCITT Recommendation X.25-1988, ISO 7776-1986, and ISO 8208-1987.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25088
NPRM Comment Period End	10/08/86	51 FR 25088
Notice With Request for Comments	03/20/90	55 FR 10276
Comments Due	06/18/90	
Final Action	03/20/91	56 FR 11730
Final Action Effective	09/16/91	56 FR 11730

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Additional Information: TITLE CONT: by Dedicated Circuit

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA39

482. FIPS 160, C

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard adopts an American National Standard (X3.159-1989) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters, or forms of high-level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 851
NPRM Comment Period End	04/09/87	52 FR 851
Repeated NPRM	05/11/90	55 FR 19768
NPRM Comment Period End	08/09/90	
Final Action	03/13/91	56 FR 10540
Final Action Effective	09/30/91	56 FR 10540

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA48

483. FIPS FOR RECORDED FORMATS FOR ONE- AND TWO-SIDED 5.25 INCH (130 MM) AND 3.5 INCH (90 MM) FLEXIBLE DISK CARTRIDGES

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that specifies the track layout, track format, and other characteristics of the recorded signal. This is one part of a set of functional specifications needed to ensure interchangeability of data between information processing systems by use of a physically removable medium.

Timetable:

Action	Date	FR Cite
Withdrawn - Not in best interest of Government to propose standard.	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA54

484. FIPS FOR RECORDED MAGNETIC TAPE AND CARTRIDGE FOR INFORMATION INTERCHANGE; 18 TRACK, PARALLEL, 12.65 MM (1/2 IN), 1491 CPMM (37871 CPI) GROUP-CODED RECORDING

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides requirements for a tape cartridge to be used for information interchange among information processing systems, communications systems, and associated equipment. Used with associated standards for unrecorded media, tape labels, and file structures, this standard will support data interchange between different systems.

Timetable:

Action	Date	FR Cite
Withdrawn - Not in best interest of Government to propose standard.	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151

Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA55

485. FIPS FOR APPLICATIONS PORTABILITY PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will provide an architectural approach to applications portability, and will include standard elements that can be used to develop and maintain portable applications. Components of the profile will include database management, data interchange, network services, user interfaces, and programming languages.

Timetable:

Action	Date	FR Cite
Withdrawn - Not in best interest of Government to propose standard.	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA65

486. FIPS 146-1, GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROFILE (GOSIP)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision of FIPS 146 will add new protocols to the Government OSI Profile for virtual terminal, end-system to intermediate-system, connection-oriented network service, office document architecture, connectionless transport, and Integrated Services Digital Network (ISDN) technology. The specification addresses needs to acquire multivendor systems using available or soon-to-be-available standard products.

Timetable:

Action	Date	FR Cite
NPRM	07/13/89	54 FR 29597
NPRM Comment Period End	10/11/89	54 FR 29597
Repeated NPRM	07/05/90	55 FR 27666
NPRM Comment Period End	08/20/90	
Final Action	04/03/91	56 FR 13626
Final Action Effective	04/03/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA69

487. FIPS FOR GOSIP CONFORMANCE AND INTEROPERATION TESTING AND REGISTRATION

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will identify requirements for conformance testing and interoperability testing of GOSIP protocols and protocol stacks. FIPS 146, GOSIP, defines a common set of data communication protocols which enable systems developed by different vendors to interoperate and enable the users of different applications on these systems to exchange information.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47254
NPRM Comment Period End	02/12/90	54 FR 47254
Withdrawn - Not in best interest of Government to propose standard.	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA79

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Prerule Stage

NATIONAL MARINE FISHERIES SERVICE

488. U.S. STANDARDS FOR GRADES OF FRESH AND FROZEN FISH FILLETS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263 Subparts A to E

Legal Deadline: None

Abstract: The purpose of this notice is to invite written comments to evaluate national interest in the deletion of the current five (5) Fillet Standards for Grades and the development of a new U.S. General Standard for Grades of Fresh and Frozen Fish Fillets that would be applicable to all species.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648–AD53

489. ● GENERAL PROVISIONS FOR DOMESTIC FISHERIES

Legal Authority: 16 USC 1801-81 Magnuson Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The amendments to the Magnuson Act of November 14, 1990, added several new prohibitions such as the ban on large-scale driftnet fishing and the prohibition on assaulting observers. The regulations at 50 CFR 620 contain the prohibitions that apply generally to domestic fishing regulated under the Magnuson Act. The regulations must be amended to reflect the recent amendments to the Magnuson Act and to update and improve current language generally. The alternative would be to leave the regulatory language as it is now. This would be unacceptable because it would leave the regulation out of date and inconsistent with the current statutory language. The benefits would be to improve the current regulations and to clarify the scope of the new statutory language. There are no potential costs identified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Kraniotis, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel, 1335 East-West Highway, Room 7360, Silver Spring, MD 20910, **301 427-2292**

RIN: 0648–AE39

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490. ● RESTRICTIONS UPON THE USE OF INFORMATION OBTAINED BY VOLUNTARY FISHERY DATA COLLECTORS

Legal Authority: 16 USC 1853(f)

CFR Citation: 15 CFR 904; 50 CFR 11; 50 CFR 12

Legal Deadline: None

Abstract: Problem: The National Marine Fisheries Service requires scientific data about the state of various fisheries in order to provide better management. In the past, much of this data has been collected by voluntary fishery data collectors placed aboard private vessels by NMFS. Owners and operators of these vessels have expressed concern that information collected by these voluntary fishery data collectors might be used against them in a subsequent enforcement proceeding, thereby affecting their willingness to take on these collectors. Solution: The newly enacted statute "restricts" the use of data obtained by voluntary fishery data collectors in subsequent enforcement proceedings brought pursuant to the Magnuson Fishery Conservation and Management Act, 16 USC 1801, the Marine Mammal Protection Act, 16 USC 1361, and the Endangered Species Act, 16 USC 1531.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: Location of future regulations is currently unknown. They should probably appear in a separate part of title 15.

Agency Contact: Joel LaBissonniere, Attorney, Office of General Counsel-Enforcement and Litigation, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Room 7360, Silver Spring, MD 20910, **301 427-2292**

RIN: 0648–AE40

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491. ● THUNDER BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Thunder Bay if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/92	
ANPRM Comment Period End	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Universal Bldg., Room 714, Washington, DC 20235, **202 606-4122**

RIN: 0648–AE41

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492. ● GRAYS REEF NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 938

Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/92	
ANPRM Comment Period End	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Universal Bldg., Room 714, Washington, DC 20235, **202 606-4122**

RIN: 0648–AE42

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

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493. PROPOSED REGULATIONS FOR THE FLORIDA KEYS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: Final, Statutory, May 1993.

Abstract: These regulations are necessary for the implementation of the congressionally designated national marine sanctuary.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/92	
ANPRM Comment Period End	06/00/92	

DOC—NOAA **Prerule Stage**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	02/00/93	
Final Action	06/00/93	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648–AD85

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

NATIONAL MARINE FISHERIES SERVICE

494. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 674; 50 CFR 611.92

Legal Deadline: None

Abstract: As required under PL 98-623, NOAA issues a regulatory amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	07/00/92	
Interim Final Rule	10/00/92	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Jonathan Pollard, Attorney-Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel-GCAK, P.O. Box 21668, Juneau, AK 99801, 907 586-7414

RIN: 0648–AB51

495. POLICY TO REQUIRE OBSERVERS TO BE CARRIED ON DOMESTIC FISHING VESSELS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The policy would establish guidelines for the use of observers in the domestic fisheries managed under the Magnuson Act. The observers collect catch and effort data on fishing operations, and biological information on fish stocks and the marine ecosystem.

Timetable:

Action	Date	FR Cite
ANPRM	06/06/88	53 FR 20661
ANPRM Comment Period End	07/18/88	
NPRM	11/07/91	
Final Action	04/07/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: Following consultation with Regional Fishery Management Councils and industry representatives, the action was put on hold in February 1989 by the Assistant Administrator for Fisheries, NOAA, to await the outcome of voluntary observer programs planned by the fishing industry in Alaska waters for the 1989 and 1990 fishing seasons. Following the passage of the reauthorized Magnuson Act (11/90), the policy has been subjected to further revision and legal review to ensure consistency with congressional mandates.

Agency Contact: Peter H. Fricke, Sociologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Fisheries Conservation & Mgmt., 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2334

RIN: 0648–AC45

496. SCIENTIFIC RESEARCH—DOMESTIC AND FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611; 50 CFR 620

Legal Deadline: None

Abstract: The rule would define scientific research under the Magnuson Act and would add several prohibitions to the general regulations governing domestic fisheries.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	
NPRM Comment Period End	06/00/92	
Final Action	08/00/92	
Final Action Effective	09/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Marilyn Luipold, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2292

RIN: 0648–AC61

497. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SEA SCALLOP FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 650

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt of the amendment from the fishery management council.

Abstract: The amendment to the Fishery Management Plan for Atlantic sea scallops is expected to: (1) address effort and/or vessel controls; (2) address current meat count/shell height standards; and (3) define overfishing of Atlantic sea scallops as required by an amendment to 50 CFR part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/04/91	
NPRM Comment Period End	12/16/91	
Final Action	02/06/92	
Final Action Effective	03/02/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC99

498. REVISED REGULATIONS GOVERNING PERMITS FOR THE TAKING AND IMPORTING OF MARINE MAMMALS FOR SCIENTIFIC RESEARCH AND PUBLIC DISPLAY

Legal Authority: 16 USC 1361 et seq, Marine Mammal Protection Act

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: The National Marine Fisheries Service is conducting the first comprehensive examination of its permit program for scientific research and public display since the passage of the Marine Mammal Protection Act in 1972 and issuance of permit regulations in 1974 (15 CFR 216). The review encompasses all aspects of permit program policy, procedures, and management concerning marine mammals under the authority of the Marine Mammal Protection Act of 1972, 16 USC 1361 et seq., and the Endangered Species Act, 16 USC 1531 et seq. At the conclusion of this permit program review, the National Marine Fisheries Service will issue proposed revised regulations governing permits for the taking and importing of marine mammals for scientific research and public display.

Timetable:

Action	Date	FR Cite
NPRM	10/01/91	
NPRM Comment Period End	12/01/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Art Jeffers, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2289

RIN: 0648–AD11

499. SECRETARIAL FISHERY MANAGEMENT PLAN FOR ATLANTIC OCEAN SHARKS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 678

Legal Deadline: NPRM, Statutory. NPRM 15 days after the beginning of a 60-day period for fishery management council's consideration and comment on the Secretarial Plan.

Abstract: The Secretarial Fishery Management Plan establishes a new management program intended to: (1) prevent overfishing of Atlantic Ocean sharks; (2) encourage management of sharks throughout their range; (3) establish a data collection research, and fishery monitoring program; (4) prohibit the practice of "finning"; and (5) optimize benefits and minimize wastes of shark resources. Proposed measures include: (1) an annual commercial quota; (2) a recreational bag limit; (3) prohibition on "finning" and requirement that fins be landed in proportion to carcass weight; (4) commercial fishing and dealer permits; (5) prohibition on sale of recreational catch; (6) reporting of catch and effort information by commercial vessels and landing and price information by dealers; (7) an annual fishing year beginning July 1 of each year; and (8) a requirement for all fishermen to cut the fishing line for all sharks not taken as part of the quota or bag limit.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	02/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Additional Information: Will involve new collections of information under the Paperwork Reduction Act.

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD12

500. AMENDMENT 15 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 20 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 16 USC 1361 et seq; 22 USC 1971 et seq

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments would provide for limited access systems for the sablefish fishery and the Pacific halibut fishery.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD19

501. AMENDMENT 4 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 649

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will: (1) decrease to 3 1/4 inches the minimum carapace length for American lobsters in Federal waters and delay further increases in the minimum size until July 1, 1993; and (2) define overfishing for American lobsters.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	12/03/91	
Final Action Effective	12/30/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AD20

502. REGULATIONS GOVERNING THE TAKE OF DOLPHINS INCIDENTAL TO REMOVING OIL AND GAS PLATFORMS IN THE GULF OF MEXICO

Legal Authority: 16 USC 1371(a)(5)

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: NMFS has received an amended request from the American Petroleum Institute for the take of bottlenose and spotted dolphins incidental to the removal of oil and gas platforms in the Gulf of Mexico. This activity would be allowed under Section 101(a)(5) of the Marine Mammal Protection Act if the Service makes certain findings and if regulations are issued that cover monitoring and reporting.

Timetable:

Action	Date	FR Cite
NPRM	10/31/91	
NPRM Comment Period End	01/31/92	
Final Action	03/31/92	
Final Action Effective	04/30/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Ziobro, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2323**

RIN: 0648–AD25

503. APPROACHING MARINE MAMMALS

Legal Authority: 16 USC 1540(f); 16 USC 1361

CFR Citation: 50 CFR 216; 50 CFR 218; 50 CFR 222

Legal Deadline: None

Abstract: This rule will establish a minimum distance for approaches to marine mammals by humans, vessels, aircraft, and thrillcraft. These regulations are considered necessary because of the increasing popularity of whale watching and similar activities. Guidelines have not been effective in protecting marine mammals from this growing industry and from individuals wishing to view these animals too closely. An interim regulation regarding approaching humpback whales in Hawaii is working far better than previously used guidelines.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	12/31/91	
Final Action Effective	01/31/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret Lorenz, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2322**

RIN: 0648–AD30

504. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the New England Fishery Management Council.

Abstract: Amendment 5 to the Northeast Multispecies Fishery Management Plan will establish significantly tighter effort controls to allow rebuilding of groundfish stocks. This amendment will address the percent maximum spawning potential targets established by the FMP as defining overfishing. The timeframe and rebuilding strategy to achieve targets will be established by Amendment 5. Emphasis will be on an overall reduction of fishing effort.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	
NPRM Comment Period End	07/00/92	
Final Action	09/00/92	
Final Action Effective	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AD33

505. GROUNDFISH OF THE GULF OF ALASKA AND BERING SEA AND ALEUTIAN ISLANDS; REGULATORY AMENDMENT PROHIBITING POT LONGLINE GEAR

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This amendment would provide a definition of groundfish pots that can legally be used to fish groundfish in the EEZ off Alaska.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	11/00/91	
Final Action Effective	01/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD45

506. AMENDMENT 17 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 22 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments would provide an experimental fishing procedure, Walrus Island closure, redefine overfishing, and establish a Bogoslof District.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/00/91	
Final Action Effective	01/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD47

507. AMENDMENT 18 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 23 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments would provide for separate allocations of groundfish for offshore processors and processors that are on or near the shore.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD50

508. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment would establish an entry limitation system to control effort in the wreckfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	01/00/92	
Final Action Effective	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD57

509. AMENDMENT 6 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 611; 50 CFR 663

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Pacific Fishery Management Council.

Abstract: Amendment 6 would institute a license limitation program ("limited entry") for the Pacific Coast groundfish fishery. Only vessels with groundfish trawl gear, longlines, or fish pots would be required to have permits to use the gear. Permits would be transferable. Control dates for participation were previously established as July 11, 1984, through August 1, 1988. The license

limitation program would limit or reduce harvest capacity.

Timetable:

Action	Date	FR Cite
NPRM	02/18/92	
NPRM Comment Period End	04/04/92	
Final Action	05/24/92	
Final Action Effective	06/24/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AD63

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510. GROUNDFISH OF THE GULF OF ALASKA: REGULATORY AMENDMENT—APPORTIONMENT OF THE PROHIBITED SPECIES CATCH OF HALIBUT AMONG HOOK-AND-LINE FISHERIES

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: Provides authority to apportion the halibut prohibited species catch between hook-and-line fisheries in the Gulf of Alaska. These fisheries are those for sablefish, Pacific cod, and other groundfish.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/00/91	
Final Action Effective	01/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD67

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511. AMENDMENT 24 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA AND AMENDMENT 19 TO THE FMP FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This action would institute a moratorium on entry into groundfish fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands Area.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	05/00/92	
Final Action	07/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AD76

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512. CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 603

Legal Deadline: None

Abstract: Rule to amend 50 CFR Part 603 to conform with changes in the Magnuson Fishery Conservation and Management Act. This rule will permit state employees access to confidential fishery statistics pursuant to an agreement with the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark C. Holliday, Chief, Fisheries Statistics Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Room 8313, Silver Spring, MD 20910, **301 427-2328**

RIN: 0648–AD77

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513. REGULATORY AMENDMENT FOR HOOK-AND-LINE PSC AND TIME-AND-AREA CLOSURES

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611; 50 CFR 675

Legal Deadline: None

Abstract: Establishes prohibited species catch (PSC) limits for hook-and-line fisheries in the Bering Sea and Aleutian Islands Management Area and establishes time-and-area closures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD79

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514. REGULATORY AMENDMENT TO ESTABLISH NORTH PACIFIC RESEARCH PLAN; FEES FOR DOMESTIC OBSERVERS

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Establishes a Northern Pacific Research Plan and a fee system for funding of domestic observers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	02/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD80

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515. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will implement a limited entry system in the spiny lobster fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/27/92	
NPRM Comment Period End	05/09/92	
Final Action	07/01/92	
Final Action Effective	07/26/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AD81

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516. AMENDMENT 7 TO THE WESTERN PACIFIC CRUSTACEAN FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 681

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will establish a limited entry system for vessels entering the fishery and standardize the fishing permit application process.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AD82

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517. FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This FMP will establish objectives, management measures, and definitions to manage and conserve the white shrimp resource of the EEZ off the South Atlantic coast. One management measure that may be included will close Federal waters at the same time as State waters of Georgia and South Carolina to protect white shrimp. The FMP will also define overfishing for white shrimp in the South Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	01/30/92	
NPRM Comment Period End	03/13/92	
Final Action	05/06/92	
Final Action Effective	06/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AD86

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518. FOREIGN FISHING POUNDAGE AND PERMIT FEES FOR 1992

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.22

Legal Deadline: None

Abstract: This rule will set poundage and permit fees for 1992.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/15/91	
Final Action Effective	01/01/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2337**

RIN: 0648–AD89

DOC—NOAA

Proposed Rule Stage

519. FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This FMP will establish management measures to rebuild the queen conch resources.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	
Final Action	07/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD91

520. CERTIFICATE OF LEGAL ORIGIN FOR ANADROMOUS FISH PRODUCTS

Legal Authority: PL 101-627, Sec 801; Fishery Conservation Amendments of 1990

CFR Citation: 50 CFR 247

Legal Deadline: Final, Statutory, May 27, 1991.
Final regulations are required by PL 101-627, Section 801(d) within 180 days of November 28, 1990.

Abstract: The regulation will provide for the issuance of Certificates of Legal Origin for anadromous fish and anadromous fish products legally harvested by vessels of the United States. The certificates will be issued pursuant to agreements between the United States and other countries negotiated under Section 801(a) of PL 101-627.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alan Mager, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, Office of Enforcement, 1335 East-West Highway, Room 7140, Silver Spring, MD 20910, 301 427-2300

RIN: 0648–AD93

521. AMENDMENT 4 TO THE FMP FOR PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 685

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 will establish a 2 1/2-year moratorium on the issuance of permits for new entrants into Hawaiian longline fisheries.

Timetable:

Action	Date	FR Cite
NPRM	08/22/91	56 FR 41643
NPRM Comment Period End	10/07/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AD99

522. REGULATORY AMENDMENT TO IMPLEMENT A COMPREHENSIVE DATA COLLECTION PROGRAM FOR U.S. FISHING VESSELS AND CERTAIN HARVESTING VESSELS FOR THE PACIFIC COAST GROUNDFISH FISHERY

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: Regulations would implement a comprehensive data collection and regulatory program for all processing vessels longer than 125 feet and for all harvesting vessels that deliver their catch to those vessels in the groundfish fishery off Washington, Oregon, and California. This program would consist of: (1) a requirement that processing vessels carry observers; (2) a requirement for a mandatory Federal permit; (3) recordkeeping and reporting requirements; and (4) a definition for "fishing trip" for processing vessels over 125 feet for the purpose of applying trip landing and frequency limits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	11/01/91	
Final Action Effective	12/01/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115-0070, 206 526-6150

RIN: 0648–AE01

523. AMENDMENT 11 TO THE FMP FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COAST OF WASHINGTON, OREGON, AND CALIFORNIA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 661

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 11 will (1) address new Magnuson Act requirements that each FMP must consider and provide for temporary adjustments to compensate for fishing days lost due to unsafe weather or sea conditions, and (2) modify the procedure for distributing salmon allocations to the recreational fishery among coastal communities in Washington State.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	02/00/92	
Final Action	04/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AE05

524. NONTRAWL SABLEFISH REGULATORY AMENDMENT UNDER THE PACIFIC COAST GROUNDFISH FMP

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory amendment would change the opening date of the nontrawl sablefish fishery off Washington, Oregon, and California from April 1 to May 15, or another date, to coincide with the opening of the Alaska fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/01/91	
NPRM Comment Period End	11/01/91	
Final Action	12/02/91	
Final Action Effective	01/01/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AE07

525. BLACK ROCKFISH REGULATORY AMENDMENT UNDER THE PACIFIC COAST GROUNDFISH FMP

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory amendment would modify restrictions on fishing for black rockfish off the coast of Washington. It would (1) reduce the recreational daily bag limit from 15 to 12 black rockfish; (2) impose a non-Indian commercial trip limit on hook-and-line fisheries of 100 pounds or 30 percent of the total catch of all species, whichever is greater; and (3) establish coastal treaty Indian commercial harvest guidelines for rockfish.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AE08

526. SECRETARIAL AMENDMENT TO THE FMP FOR ATLANTIC SWORDFISH

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after beginning of review.

Abstract: PL 101-627 (signed into law November 7, 1990) transferred full responsibility for the management of swordfish, including preparation of fishery management plans and amendments, from the regional fishery management councils to the Secretary of Commerce. The Secretary will prepare and amendment to the FMP for Atlantic swordfish that will reduce fishing mortality, prevent overfishing, rebuild an overexploited resource, and be consistent with conservation measures recommended by the International Commission for the Conservation of Atlantic Tunas. The existing FMP management measures remain in effect until superseded by Secretarial actions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	02/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2334

RIN: 0648–AE09

527. ROLLER TRAWL REGULATORY AMENDMENT UNDER THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory amendment will increase the minimum mesh size for roller trawls in the Vancouver,

British Columbia, and Eureka subareas from 3 to 4 1/2 inches.

Timetable:

Action	Date	FR Cite
NPRM	09/12/91	56 FR 46401
NPRM Comment Period End	10/09/91	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AE10

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528. SEA TURTLE CONSERVATION; SHRIMP TRAWLING REQUIREMENTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 217; 50 CFR 222; 50 CFR 227

Legal Deadline: None

Abstract: The National Marine Fisheries Service (NMFS) has determined that there is a need to enhance enforcement and compliance of the 1987 Sea Turtle Conservation Regulations (50 CFR parts 217, 222, and 227) to provide adequate protection to endangered and threatened sea turtles. In addition, NMFS has determined that there is a need to strengthen the conservation measures of these regulations. This is necessary because a significant number of shrimp fishermen are failing to properly use and operate qualified turtle excluder devices (TED) as specified in the 1987 regulations. Some commercial shrimp fishermen are altering, or otherwise modifying, the turtle escape openings of TEDs making them nonfunctional for turtle release. In addition, while implementation of the regulations has resulted in a reduction in the number of turtles killed, significant mortality continues during the months of the year when the conservation requirements are not in effect. The intended effect of these revisions is to reduce the mortality of endangered and threatened sea turtles that may be killed incidental to shrimp trawling, and to enhance compliance with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $6,000,000; Yearly Recurring Cost: $3,000,000; Base Year for Dollar Estimates: 1991

Analysis: Regulatory Impact Review 05/30/91

Agency Contact: Phil Williams, Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2322

RIN: 0648–AE12

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529. ● AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 655

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 would: (1) change foreign fishing area and time restrictions; (2) require that catch limitation changes in the specifications that differ from those recommended by the Council be published in the Federal Register; (3) expand and clarify the overfishing definition for Atlantic mackerel; (4) include conditions previously attached to foreign fishing permits for Atlantic mackerel in the fishery management plan and in implementing regulations; and (5) discontinue use of the term initial optimum yield, and replace it with optimum yield.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	12/15/91	
Final Action Effective	01/15/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9200

RIN: 0648–AE19

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530. ● AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 683

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days from receipt from the fishery management council.

Abstract: Amendment 5 would establish a single limited entry zone in the fishery.

Timetable:

Action	Date	FR Cite
NPRM	12/15/91	
NPRM Comment Period End	01/30/92	
Final Action	03/15/92	
Final Action Effective	04/15/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AE20

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531. ● AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE SUMMER FLOUNDER FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 625

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment would address overfishing by: (1) expanding

permit and reporting requirements; (2) implementing quota management measures; (3) modifying size limits and mesh-size requirements; and (4) initiating framework measures in the recreational fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/01/91	
Final Action	12/30/91	
Final Action Effective	01/30/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AE21

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532. ● NORTHEAST MULTISPECIES FISHERY—RULE TO IMPLEMENT FORMERLY DISAPPROVED PORTIONS OF AMENDMENT 4

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 75 days after receipt from the fishery management council.

Abstract: This action contains management measures to protect small fish. Framework measures would protect yellowtail flounder and Atlantic cod. The measures are intended to protect small fish in areas where the occurrence of small fish can be adequately anticipated. Implementation of these measures will depend upon discard rates of small yellowtail flounder and cod.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	11/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AE22

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533. ● AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 6 will: (1) revise the allocation of Gulf-group king mackerel into eastern and western subgroups effective for the fishing year when the stock assessment panel is able to provide ABC ranges for the subgroups; (2) change minimum size for king mackerel to 20-inch fork length; (3) set recreational bag limits on a calendar year basis; (4) set a September-August fishing year for Gulf-group king mackerel; and (5) include in the modified notice action procedure the ability to adjust size limits, vessel trip limits, closed seasons or areas, and gear restrictions.

Timetable:

Action	Date	FR Cite
NPRM	11/13/91	
NPRM Comment Period End	12/30/91	
Final Action	02/21/92	
Final Action Effective	03/19/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AE23

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534. ● AMENDMENT 4 TO THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 would: (1) make technical changes to language of the FMP's framework procedure; (2) impose a moratorium on new commercial reef fish permits (renewals permissible) effective July 1, 1992, not to exceed 5 years, during which the Gulf of Mexico Fishery Management Council may develop a limited access program; (3) apply greater amberjack management measures to lesser amberjack; (4) add almaco jack and banded rudder fish to the FMP's management unit; and (5) combine shallow-water and deep-water grouper commercial quotas into a single quota.

Timetable:

Action	Date	FR Cite
NPRM	11/01/91	
NPRM Comment Period End	12/16/91	
Final Action	02/04/92	
Final Action Effective	03/06/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AE25

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535. ● SHALLOW-WATER GROUPER REGULATORY AMENDMENT UNDER THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: Other, Statutory, January 1, 1992.
Existing regulations at 50 CFR part 641 require annual adjustment of management measures by January 1 of each year to accomplish goals of the FMP.

Abstract: This regulatory amendment, under the annual adjustment of management measures framework of Amendment 1, would add 700,000 pounds to the shallow-water grouper quota for 1991 to compensate for the premature closure in 1990 using preliminary landings.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AE26

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536. ● REGULATORY AMENDMENT PROHIBITING LANDING OF SURF CLAMS AND OCEAN QUAHOGS ON THE SAME TRIP

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 652

Legal Deadline: None

Abstract: This regulatory amendment would prohibit the landing of surf clams and ocean quahogs on the same trip under the Mid-Atlantic Surf Clam and Ocean Quahog FMP. For individuals holding individual transferable quotas (ITQs) for both surf clams and ocean quahogs, mixing of the harvest of these species on the same trip may lead to misreporting of the catch and overrun of individual quotas. The Regional Director would be authorized to require vessel operators to specify whether they intended to fish for surf clams or ocean quahogs on a specified trip.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AE27

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537. ● REGULATORY AMENDMENT FOR RED GROUPER, AMBERJACK, AND VERMILION SNAPPER UNDER THE GULF OF MEXICO REEF FISH FMP

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: Other, Statutory, January 1, 1992.
Existing regulations at 50 CFR 641 require annual adjustments of management measures by January 1.

Abstract: This regulatory amendment, under the annual adjustments of management measures framework of Amendment 1, would adjust red grouper, amberjack, and vermilion snapper management measures for 1992, if justified by 1991 stock assessments.

Timetable:

Action	Date	FR Cite
NPRM	11/01/91	
NPRM Comment Period End	11/15/91	
Final Action	12/16/91	
Final Action Effective	01/01/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AE28

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538. ● AMENDMENT TO GUIDELINES FOR FISHERY MANAGEMENT PLANS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 602

Legal Deadline: None

Abstract: This action would define recreational fishing and commercial fishing for purposes of fishery management plans.

Timetable:

Action	Date	FR Cite
NPRM	10/01/91	
NPRM Comment Period End	12/01/91	
Final Action	02/15/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2334**

RIN: 0648–AE30

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539. ● PACIFIC HALIBUT CATCH-SHARING PLAN

Legal Authority: 5 U.S.T. 5, T.I.A.S. No. 2900; 16 USC 773-773k

CFR Citation: 50 CFR 301

Legal Deadline: None

Abstract: This action provides for allocation of Pacific halibut in 1992 in Area 2A between Treaty Indian and non-Indian commercial and recreational fishermen.

Timetable:

Action	Date	FR Cite
NPRM	01/15/92	
NPRM Comment Period End	02/14/92	
Final Action	04/15/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AE31

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540. ● PACIFIC WHITING REGULATORY AMENDMENT FOR 1992

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory amendment would allocate the 1992 quota for Pacific whiting to fishing vessels that

harvest and process, and to fishing vessels that do not process, and establish a reserve with priority use for supplying shore-side processing. Other changes would be a change in season opening date for the whiting fishery, closure of certain areas, prohibition of night fishing, and requirement that fish waste be ground before dumping at sea.

Timetable:

Action	Date	FR Cite
NPRM	10/15/91	
NPRM Comment Period End	11/01/91	
Final Action	12/02/91	
Final Action Effective	01/01/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Roland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AE32

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541. ● REGULATORY AMENDMENT FOR SET NETS SOUTH OF 38 DEGREES NORTH LATITUDE—PACIFIC COAST GROUNDFISH FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: Regulations by the State of California were endorsed by the Pacific Council in 1982 and were found adequate for management of the set-net fishery south of 38 degrees N latitude. However, in 1991, California sought to ban set nets for rockfish in the exclusive economic zone. The Council found this action inconsistent with the FMP. Federal regulations are needed to manage the set-net fishery for rockfish in the exclusive economic zone south of 38 degrees N latitude.

Timetable:

Action	Date	FR Cite
NPRM	10/15/91	
NPRM Comment Period End	11/15/91	
Final Action	12/16/91	
Final Action Effective	01/15/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AE33

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542. ● REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 658

Legal Deadline: None

Abstract: This amendment would modify, temporarily, the boundary of the Tortugas Shrimp Sanctuary to reduce the area closed to trawl fishing. This would enable fishermen to harvest marketable-sized shrimp during specified periods from three small areas that would otherwise be closed.

Timetable:

Action	Date	FR Cite
NPRM	10/22/91	
NPRM Comment Period End	12/06/91	
Final Action	03/01/92	
Final Action Effective	04/11/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AE34

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543. ● AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 685

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment would address native Hawaiian rights.

Timetable:

Action	Date	FR Cite
NPRM	03/15/92	
NPRM Comment Period End	05/00/92	
Final Action	06/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. C. Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, 213 514-6196

RIN: 0648–AE35

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544. ● AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 685

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Council.

Abstract: This amendment would incorporate tuna into the Fishery Management Plan for the Pelagic fisheries of the Western Pacific Region.

Timetable:

Action	Date	FR Cite
NPRM	10/30/91	
NPRM Comment Period End	12/15/91	
Final Action	01/15/92	
Final Action Effective	02/15/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. C. Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, 213 514-6196

RIN: 0648–AE36

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545. ● IMPLEMENTATION OF MANAGEMENT MEASURES IN THE ATLANTIC SWORDFISH FISHERY

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 630

Legal Deadline: None

Abstract: This action implements conservation and management measures for Atlantic swordfish. It redefines the management unit, establishes a minimum size, establishes annual quotas, and prohibits sale of recreationally caught fish.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	11/10/91	
Final Action Effective	12/10/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2334**

RIN: 0648–AE37

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

546. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	
Final Action	06/00/93	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, **202 606-4122**

RIN: 0648–AA33

547. PROPOSED REGULATIONS FOR THE FAGATELE BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 941

Legal Deadline: None

Abstract: These existing regulations are to be revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	
Final Action	11/00/93	
Final Action Effective	01/00/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, **202 606-4122**

RIN: 0648–AA74

548. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	
Final Action	06/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, **202 606-4122**

RIN: 0648–AB64

549. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program--(1) giving a stronger emphasis for conducting, promoting, and coordinating research within the system; (2) changing the name of the program to "National Estuarine Reserve Research System"; (3) increasing the amount of Federal financial assistance to $4,000,000 per site; and (4) requiring submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/28/88	53 FR 43816
NPRM Comment Period End	12/30/88	
Interim Final Rule	07/23/90	55 FR 29940
Second NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, **202 606-4122**

RIN: 0648–AB68

550. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 935

Legal Deadline: None

Abstract: These existing regulations are to be revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	08/00/93	
Final Action Effective	10/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648–AC03

551. PROPOSED REGULATIONS FOR THE GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 936

Legal Deadline: None

Abstract: These existing regulations are being revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	08/00/93	
Final Action Effective	10/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648–AC05

552. THE MONITOR NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 924

Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	02/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648–AC78

553. REGULATION IMPLEMENTING 1990 AMENDMENTS TO SECTION 315 OF THE COASTAL ZONE MANAGEMENT ACT

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: This action will incorporate any amendments resulting from the planned 1990 reauthorization of section 315 of the Coastal Zone Management Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Universal Bldg., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648–AC90

554. PROPOSED REGULATIONS FOR THE NORTHERN PUGET SOUND NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of the waters of northern Puget Sound in the State of Washington, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	
Final Action	03/00/93	
Final Action Effective	05/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Universal Bldg., Room 714, Washington, DC 20235, 202 606-4122

RIN: 0648–AC91

555. PROPOSED REGULATIONS FOR THE NORFOLK CANYON NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Norfolk Canyon if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	05/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

DOC—NOAA

Proposed Rule Stage

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Universal Bldg., Room 714, Washington, DC 20235, 202 606-4122

RIN: 0648–AC92

556. PROPOSED REGULATIONS FOR THE OLYMPIC COAST NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 925

Legal Deadline: None

Abstract: These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of the waters offshore of the Olympic Coast of the State of Washington, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	09/20/91	56 FR 47836
NPRM Comment Period End	11/27/91	
Final Action	09/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Universal Bldg., Room 714, Washington, DC 20235, 202 606-4122

RIN: 0648–AC93

557. REGULATIONS IMPLEMENTING 1990 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT

Legal Authority: 16 USC 1450 et seq

CFR Citation: 15 CFR 923; 15 CFR 928

Legal Deadline: None

Abstract: NOAA is pursuing a phased rulemaking to implement the Coastal Zone Act Reauthorization Amendments of 1990, which amended the CZMA and reauthorized it through Fiscal Year 1995. The phased rulemaking will allow us to meet statutory deadlines while at the same time developing necessary information and agreements that should precede some parts of the rulemaking. Phase I will include the Coastal Zone Enhancement Grants (section 309), on which regulations are required within one year of enactment, and the new provisions on program evaluation (section 312), including interim and final sanctions. Phase II would include program approval requirements for the new coastal nonpoint pollution control programs (section 6217). These requirements should be based on final guidance which is required from EPA within 18 months of enactment, and on agreements between NOAA and EPA over their respective responsibilities for program review and approval.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	01/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Vickie A. Allin, Chief, Policy Coordination Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Room 701, Washington, DC 20235, 202 606-4100

RIN: 0648–AD09

OFFICE OF THE ADMINISTRATOR

558. LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

Significance: Regulatory Program

Legal Authority: 15 USC 4244

CFR Citation: 15 CFR 960

Legal Deadline: None

Abstract: NOAA has agreed to amend its regulations for licensing private remote-sensing space systems in response to a petition by news organizations. Petitioners seek clearer definition of when a license might be restricted because of national security. NOAA will consider ways to provide clarity to reassure potential applicants but will not consider the specific standard proposed by the media, which was rejected during the original rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/18/89	54 FR 01945
NPRM	11/30/91	
NPRM Comment Period End	02/28/92	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John A. Milholland, Senior Counselor/Satellite, Department of Commerce, National Oceanic and Atmospheric Administration, Room 603, 1825 Connecticut Avenue, NW., Washington, DC 20235, 202 673-5200

RIN: 0648–AC64

559. NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 101-380, Sec 1006, Oil Pollution Act of 1990

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, August 18, 1992. Other, Statutory. Congress required the regulations to be promulgated no later than two years following the enactment of the Oil Pollution Act.

Abstract: In section 1006(e) of the Oil Pollution Act, Congress specified that the Federal Government, through NOAA, take the lead in developing natural resource damage assessment regulations. A Federal approach will provide a consistent, uniform set of procedures specifically for use in oil spills. These procedures will be available to State, Indian, and foreign natural resource trustees. A single Federal solution will be more cost effective than having the individual States develop separate methodologies. It is expected that trustees will use the procedures contained in the regulations because any determination or assessment of damages made in accordance with the regulations shall have the force and effect of a rebuttable presumption on behalf of the trustee in an administrative or judicial proceeding under the Oil Pollution Act.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53478
Public Meeting Scheduled for 03/20/91	02/28/91	56 FR 8307
ANPRM Comment Period End	04/01/91	56 FR 8307
NPRM	01/00/92	
NPRM Comment Period End	04/00/92	
Final Action	06/00/92	
Final Action Effective	08/00/92	
Begin Review	08/00/93	
End Review	08/00/94	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Randall Luthi, Project Manager, Department of Commerce, National Oceanic and Atmospheric Administration, 14th Street and Constitution Ave., NW., Washington, DC 20230, **202 377-1400**

RIN: 0648–AE13

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

NATIONAL MARINE FISHERIES SERVICE

560. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM, ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A

Legal Deadline: None

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38881
NPRM Comment Period End	11/06/89	
Extension of Comment Period	12/29/89	54 FR 53660
NPRM Comment Period End	01/29/90	54 FR 53660
Interim Final Rule	10/16/90	54 FR 41856
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9319**

RIN: 0648–AA46

561. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into categories -- U.S. Grades A, B, and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
NPRM	09/21/89	54 FR 38885
NPRM Comment Period End	11/06/89	
Extension of Comment Period	12/29/89	54 FR 53660
NPRM Comment Period End	01/29/90	54 FR 53660
Interim Final Rule	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9319**

RIN: 0648–AA47

562. ENDANGERED FISH AND WILDLIFE; APPROACHING HUMPBACK WHALES IN HAWAIIAN WATERS

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100-yard perimeter

around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs. In response to comments received in the public record, NOAA is defining two specific sites as cow/calf areas in which an approach closer than 300 yards is prohibited. This addition creates a new subsection to the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271
Interim Final Rule	11/23/87	52 FR 44912
Final Action	12/31/91	
Final Action Effective	01/31/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Additional Information: NMFS will incorporate the humpback whale Interim Rule into the "general" approach regulations when they become final.

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Terminal Island, CA 90731, 213 514-6194

RIN: 0648–AB79

563. INTERIM EXEMPTION GOVERNING THE INCIDENTAL TAKING OF MARINE MAMMALS DURING COMMERCIAL FISHING OPERATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: NPRM, Statutory, March 23, 1989. Final, Statutory, July 21, 1989. Other, Statutory, January 20, 1989. ANPRM legal deadline was January 20, 1989.

Abstract: 1988 Amendments to the Marine Mammal Protection Act direct the Secretary of Commerce to establish within 240 days, a 5-year program for exempting commercial fishing operations within the U.S. Exclusive Economic Zone from the Act's prohibition on taking marine mammals. The exemption will require registration of vessels with the National Marine Fisheries Service, reports on interactions with marine mammals, and taking Government observers if required.

Timetable:

Action	Date	FR Cite
ANPRM	01/27/89	54 FR 04154
ANPRM Comment Period End	02/27/89	
Interim Final Rule	05/19/89	54 FR 21910
Final Action	06/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $8,300,000; Yearly Recurring Cost: $7,900,000; Base Year for Dollar Estimates: 1989

Agency Contact: Nancy Foster, Director, Office of Protected Resources Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2332

RIN: 0648–AC65

564. FISHERMEN'S PROTECTIVE ACT

Legal Authority: 22 USC 1980

CFR Citation: 50 CFR 258

Legal Deadline: None

Abstract: Reinstating regulations inadvertently dropped when the Fishermen's Guaranty Fund Program was transferred to the State Department.

Timetable:

Action	Date	FR Cite
Final Action	11/01/91	
Final Action Effective	11/01/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2396

RIN: 0648–AC73

565. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 measures will provide tighter controls for some of the Gulf of Maine's small-mesh fisheries because of their high discard rates of cod, haddock, pollock, and flounders. Management measures will include: (1) replacing the exempted fisheries program with an experimental fishery; (2) limiting the shrimp fishery to January, February, and March; (3) including silver hake, red hake, and ocean pout as regulated species with the appropriate management measures; (4) implementing a minimum mesh size of 2 1/2 inches in areas outside the regulated mesh area; (5) establishing a Cultivator Shoals whiting fishery; and (6) establishing a seasonal closure in the Nantucket Lightship Area.

Timetable:

Action	Date	FR Cite
NPRM	01/10/91	56 FR 979
NPRM Comment Period End	02/21/91	
Interim Final Rule	05/31/91	56 FR 24724
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC88

DOC—NOAA

Final Rule Stage

566. ATLANTIC BLUEFIN TUNA FISHERY

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: This action addresses the bycatch of Atlantic bluefin tuna in the South Atlantic and Gulf of Mexico and the catch of young school, school, and medium tuna in the angling category.

Timetable:

Action	Date	FR Cite
NPRM	03/11/91	56 FR 10227
NPRM Comment Period End	04/25/91	
Final Action	11/15/91	
Final Action Effective	12/31/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AD01

567. DEPLETION OF THE COASTAL-MIGRATORY STOCK OF BOTTLENOSE DOLPHINS IN THE U.S. MID-ATLANTIC

Significance: Agency Priority

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act; 16 USC 1383b

CFR Citation: 50 CFR 216.15

Legal Deadline: None

Abstract: Based on a review of the best available information on the status of the coastal-migratory stock of bottlenose dolphins in the U.S. Mid-Atlantic, the National Marine Fisheries Service (NOAA Fisheries) is considering the publication of a proposed rule designating this population stock as depleted under the Marine Mammal Protection Act (MMPA). This action is required by the MMPA when a species or population stock falls below its optimum sustainable population (OSP). If this population stock is designated as depleted, the MMPA requires the application of certain additional restrictions on taking and importation, and the preparation and implementation of a conservation plan to restore the stock to OSP. NOAA Fisheries is also requesting any additional scientific information on this action that may be available from interested parties, as required by the MMPA Amendments of 1988.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/89	54 FR 41654
ANPRM Comment Period End	12/17/89	
NPRM	08/15/91	56 FR 40594
NPRM Comment Period End	09/30/91	
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $25,000; Yearly Recurring Cost: $50,000; Base Year for Dollar Estimates: 1990

Agency Contact: Dean Wilkinson, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2322

RIN: 0648–AD02

568. PERFORMANCE STANDARDS FOR TUNA VESSEL OPERATORS

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NOAA will establish a system of performance standards for operators of U.S.-flag tuna purse seine fishing vessels that catch yellowfin tuna associated with marine mammals in the eastern tropical Pacific Ocean.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46086
NPRM Comment Period End	12/01/89	
Interim Final Rule Effective	05/16/90	
Interim Final Rule	05/17/90	55 FR 20458
Interim Final Rule Comment Period End	09/03/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Terminal Island, CA 90731, 213 514-6194

RIN: 0648–AD03

569. PROHIBITION OF THE USE OF EXPLOSIVES IN THE YELLOWFIN TUNA-DOLPHIN FISHERY

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24(d)(2)(vii)(E)

Legal Deadline: Final, Statutory, April 1, 1990.

Abstract: In 1988, Congress amended the Marine Mammal Protection Act to prohibit the use of explosive devices in tuna purse seine operations that involve marine mammals. An exception from this prohibition was that Class C explosive pest control devices, approved by the Department of Transportation, could continue to be used when marine mammals are present. An interim final rule in this regard was published in the Federal Register (54 FR 411) and became effective January 1, 1989. Continued unrestricted use of the Class C explosive pest control devices was made contingent upon the outcome of a study mandated by Congress and undertaken by NMFS. The MMPA requires the Secretary to prescribe regulations to prohibit or restrict the use of Class C explosives by April 1, 1990, unless the Secretary, based upon the study, determines "...that the use of such devices does not result in physical impairment or increased mortality of marine mammals." Such a study was conducted by NMFS and the results were reviewed by experts in a workshop. The workshop participants determined that physical injuries to dolphins were caused by Class C explosives (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/90	55 FR 11588
Interim Final Rule Effective	04/01/90	
Interim Final Rule Comment Period End	04/27/90	
Final Action	10/01/91	
Final Action Effective	11/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: that were detonated within 0.5 meters of the animal. Therefore, because NMFS cannot show that Class C seal bombs do not result in physical impairment or increased mortality of dolphins, and because these devices have the potential to cause injuries and compromise the future survivability of the marine mammals affected, NMFS implemented an interim final rule.

Agency Contact: Wanda L. Cain, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2319**

RIN: 0648–AD08

570. AMENDMENT 16 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 21 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 16 USC 1361 et seq; 22 USC 1971 et seq

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments contain bycatch management measures for halibut in the Gulf of Alaska and the Bering Sea and Aleutian Islands and bycatch management of red King crab and Tanner crab in the Bering Sea and Aleutian Islands. The vessel incentive program as originally submitted in Amendments 16 and 21 was disapproved by the Secretary of Commerce. This portion of the amendments was resubmitted for proposed and final rulemaking (see Supplemental Timetable).

Timetable:

Action	Date	FR Cite
NPRM	09/18/90	55 FR 38347
NPRM Comment Period End	10/27/90	
Additional NPRM: - revised	01/16/91	56 FR 1612
Final Action	01/24/91	56 FR 2700
Interim Final Rule	05/10/91	56 FR 21619
Final Action	11/00/91	
Final Action Effective	01/01/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Additional Information: RIN 0648-AC98 has been combined with this RIN.

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD18

571. REGULATORY AMENDMENT - U.S. NATIONALS FISHING IN SOVIET FISHERIES

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 299

Legal Deadline: None

Abstract: The regulation specifies procedures for U.S. nationals fishing in the Soviet economic zone. Procedures include annual permits, port calls, visas, emergency medical treatment, exchange of crews, research vessels and Soviet-imposed sanctions. U.S. nationals are required to comply with permit requirements, comply with Soviet law, protect marine mammals, and cooperate with enforcement procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/17/89	54 FR 29896
Final Action	04/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: William W. Fox, Jr., Assistant Administrator for Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2239**

RIN: 0648–AD29

572. FOREIGN FISHING, HEALTH AND SAFETY STANDARDS

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 611.8(d)(8)

Legal Deadline: None

Abstract: Proposed rule requiring any foreign fishing vessel fishing in the United States EEZ and carrying an observer, to have on board an emergency position indicating radio beacon that broadcasts on 406 MHz.

Timetable:

Action	Date	FR Cite
NPRM	05/24/90	55 FR 21410
NPRM Comment Period End	06/25/90	
Final Action	12/31/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rule applies only to foreign fishing vessels to which U.S. observers are deployed. Foreign fishing has diminished off the coast of the United States to the point where it is almost nonexistent. The need for this rule is no longer critical and final action has been deployed due to higher priorities.

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2300**

RIN: 0648–AD35

DOC—NOAA

Final Rule Stage

573. PROCEDURE FOR SETTING QUOTAS ON REMOVAL OF ATLANTIC BOTTLENOSE DOLPHINS FROM THE WATERS OF THE GULF OF MEXICO AND FLORIDA'S EAST COAST

Legal Authority: 16 USC 1361

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: Regulations will establish a procedure for setting and revising quotas to govern the removal of Atlantic bottlenose dolphins (Tursiops truncatus) from the Gulf of Mexico and Florida's east coast. Regulations will be supported by an EIS that will provide a comprehensive review of the status of stocks of bottlenose dolphins in the southeast region and the validity of the 2 percent rule for determining the allowable take to the extent reliable data are available. These regulations and quotas will take into account other types of taking such as those that may occur incidentally to commercial fisheries.

Timetable:

Action	Date	FR Cite
ANPRM	05/31/90	55 FR 22042
ANPRM Comment Period End	07/02/90	
Final Action	11/29/91	
Final Action Effective	12/31/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Aleta Hohn, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2289

RIN: 0648–AD39

574. GROUNDFISH OF THE GULF OF ALASKA AND GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREAS; REGULATORY AMENDMENT—STANDARD PRODUCT RECOVERY RATES FOR GROUNDFISH

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Product recovery rates are used to calculate weights of whole groundfish from weights of finished product. These product recovery rates will be published in the Federal Register for public comment.

Timetable:

Action	Date	FR Cite
NPRM	02/01/91	56 FR 4029
NPRM Comment Period End	03/04/91	
Interim Final Rule	10/00/91	
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD44

575. REGULATIONS GOVERNING THE TAKE OF MARINE MAMMALS INCIDENTAL TO LAUNCHES OF THE TITAN IV SPACE VEHICLE—AIR FORCE

Legal Authority: 16 USC 1371(a)(5)

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: NMFS has received a request from the Department of the Air Force for a take of marine mammals incidental to launches of the Titan IV space vehicle from Vandenberg Air Force Base, CA over the next 5 years. Under section 101 (a)(5) of the Marine Mammal Protection Act, NMFS can authorize an incidental take if certain findings are made, and if regulations are issued that require monitoring and reporting.

Timetable:

Action	Date	FR Cite
NPRM	01/16/91	56 FR 1606
NPRM Comment Period End	02/15/91	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Agency Contact: Margaret Lorenz, Protected Resources Management, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Room 8268, Silver Spring, MD 20910, 301 427-2322

RIN: 0648–AD48

576. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment would address growth overfishing of species in the management unit and may include such measures as size limits, area closures, and gear restrictions.

Timetable:

Action	Date	FR Cite
NPRM	07/01/91	56 FR 29922
NPRM Comment Period End	08/12/91	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD58

577. REGULATORY AMENDMENT FOR RED SNAPPER-GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: Other, Statutory. Existing regulations at 50 CFR part 641 require annual adjustment of management measures by January 1 of each year to accomplish goals of the FMP.

Abstract: This regulatory amendment, under the annual adjustment of management measures framework of Amendment 1, would modify measures to allow for the rebuilding of red snapper stocks in the Gulf of Mexico reef fish fishery. The regulatory amendment reduces the 1991 commercial quota for red snapper from 3.1 million to 2.04 million pounds and adjusts the 1991 total allowable catch for red snapper to 4.0 million pounds. The seven-fish recreational bag limit was retained.

Timetable:

Action	Date	FR Cite
NPRM	05/20/91	56 FR 23044
NPRM Comment Period End	05/30/91	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AD62

578. GROUNDFISH OF THE GULF OF ALASKA AND GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS: REGULATORY AMENDMENT—AUTHORITY FOR REQUIRING DAILY CATCH REPORTS AND CHECK-IN AND CHECK-OUT REPORTS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Provides authority for National Marine Fisheries Service to require vessels of the United States to report daily catches of groundfish and prohibited species when the Director, Alaska Region, requests that they do so. Also provides authority for National Marine Fisheries Service to require vessels of the United States to check in and check out of regulatory areas in the Gulf of Alaska and the Bering Sea/Aleutian Islands management areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/91	56 FR 9636
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD66

579. TAKING AND IMPORTING OF MARINE MAMMALS; PURSE SEINE SETS ON MARINE MAMMALS IN THE EASTERN TROPICAL PACIFIC

Significance: Agency Priority

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24(e)(5)(i)

Legal Deadline: None

Abstract: In 1988, Congress amended the Marine Mammal Protection Act to require that a harvesting nation must meet a two-part test to determine whether its marine mammal program is comparable to that of the United States before its yellowfin tuna and yellowfin tuna products are allowed to enter this country. These regulations provide specific criteria for issuing initial and subsequent findings to a harvesting nation which implements a prohibition against intentional purse seine sets on marine mammals by its vessels.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/90	55 FR 47880

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Wanda L. Cain, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2319**

RIN: 0648–AD69

580. ATLANTIC SWORDFISH FISHERY; REGULATORY AMENDMENT TO REQUIRE COMPLETION OF REPORTING REQUIREMENTS BEFORE RENEWAL OF ANNUAL VESSEL PERMITS, ETC

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: None

Abstract: The regulatory amendment would: (1) establish as a condition for the renewal of an annual vessel permit in the Atlantic swordfish fishery that all vessel reports required for that vessel must have been submitted; and (2) add to the swordfish regulations a reference regarding the marine mammal exemption program under the Marine Mammal Protection Act as it applies to vessels and persons in the longline and gillnet fisheries for swordfish.

Timetable:

Action	Date	FR Cite
NPRM	12/05/90	55 FR 50199
NPRM Comment Period End	12/20/90	55 FR 50199
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2334**

RIN: 0648–AD70

581. UNITED STATES-CANADA FISHERIES ENFORCEMENT AGREEMENT

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 298

Legal Deadline: None

Abstract: The regulation will implement the agreement of October 1, 1990, between the Governments of the United States and Canada on Fisheries Enforcement. This agreement requires the United States to take appropriate measures to ensure that U.S. nationals,

residents, and vessels do not violate Canadian fisheries laws and regulations within waters under Canadian jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32160
NPRM Comment Period End	08/14/91	56 FR 32160
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Patricia Kraniotis, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel (GCEL), 1335 East-West Highway, Room 7360, Silver Spring, MD 20910, **301 427-2292**

RIN: 0648–AD78

582. ENDANGERED AND THREATENED SPECIES; PETITION TO LIST SOCKEYE SALMON IN THE SNAKE RIVER, ID

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 222

Legal Deadline: NPRM, Statutory, April 2, 1991. Final, Statutory, April 2, 1992.

Abstract: NMFS has received a petition to add the sockeye salmon (oncorhynchus nerka) in the Snake River to the U.S. List of Endangered and Threatened Wildlife. As required by the ESA, NMFS determined that the petitioned action may be warranted and is conducting a status review of the species. If warranted, NMFS will publish its proposed determination and proposed rule in the Federal Register.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/90	55 FR 22942
ANPRM Comment Period End	08/06/90	55 FR 22942
NPRM	04/05/91	56 FR 14055
NPRM Comment Period End	06/04/91	
Final Action	04/02/92	
Final Action Effective	05/02/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia Montanio, Protected Species Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1335 East-West Highway, Room 8268, Silver Spring, MD 20910, **301 427-2322**

RIN: 0648–AD90

583. U.S. STANDARDS FOR GRADES OF FROZEN FISH PORTIONS

Legal Authority: 7 USC 1621 to 1630, Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264; 50 CFR 269

Legal Deadline: None

Abstract: The revised rule will expand coverage of established voluntary standards for grades of frozen fish portions. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

Action	Date	FR Cite
NPRM	06/11/90	55 FR 23565
NPRM Comment Period End	08/27/90	55 FR 23565
Interim Final Rule	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas J. Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9319**

RIN: 0648–AD92

584. AMENDMENT 3 TO THE FMP FOR PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 685

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 3 would permanently close the pelagic longline fishery within the protected species zone around the northwestern Hawaiian Islands.

Timetable:

Action	Date	FR Cite
NPRM	08/02/91	56 FR 37070
NPRM Comment Period End	09/16/91	56 FR 37070
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AD98

585. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE PRECIOUS CORALS FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 680

Legal Deadline: None

Abstract: This regulatory amendment would make the precious coral fishing permit process and requirements consistent with the permit process and requirements of other fisheries in the Western Pacific.

Timetable:

Action	Date	FR Cite
NPRM	07/08/91	56 FR 30893
NPRM Comment Period End	08/22/91	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S.

Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AE00

586. ● ELIMINATE THE OPTION OF EXTENDING FUR SEAL SUBSISTENCE HARVEST PAST AUGUST 8

Legal Authority: 16 USC 1151 to 1175; 16 USC 1361 to 1384

CFR Citation: 50 CFR 215

Legal Deadline: None

Abstract: This proposed rule would eliminate completely the current option of extending the subsistence harvest of northern fur seals on the Pribilof Islands beyond August 8 of each year. The purpose behind this proposed change is to safeguard the reproductive potential of the species by ensuring no harvesting of seals will take place when there is any chance of females being in harvest areas. Experience and studies show that the risk of accidentally taking a female seal during harvest activities is almost nonexistent before August 8, but increases dramatically thereafter.

Timetable:

Action	Date	FR Cite
NPRM	06/03/91	56 FR 25066
NPRM Comment Period End	07/18/91	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Aleta Hohn, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2289

RIN: 0648–AE16

587. ● REGULATORY AMENDMENT—SOUTH PACIFIC TUNA FISHERIES

Legal Authority: 16 USC 973-973r

CFR Citation: 50 CFR 282

Legal Deadline: None

Abstract: This regulation implements the South Pacific Tuna Act of 1988 by setting forth requirements for U.S. flag tuna vessels to fish in a 10-million-square-mile area of the South Pacific Ocean encompassing the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States. It also establishes a license application system pursuant to section 9(e) of the South Pacific Tuna Act of 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/89	54 FR 4031
Final Action	10/00/91	
Final Action Effective	10/00/91	

License Application System
Interim Final Rule 04/26/91 (56 FR 19312)

South Pacific Tuna Act Implementation
Final Rule 04/26/91 (56 FR 19312)

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This action results from the merging of two previous entries in the regulatory agenda.

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AE18

588. ● AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PELAGIC REGION

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 685

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days from receipt from the fishery management council.

Abstract: Amendment 5 will permanently close areas in the main Hawaiian Islands to longline fishing to prevent gear conflicts.

Timetable:

Action	Date	FR Cite
Final Action	10/15/91	
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action Effective	11/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AE24

589. ● PACIFIC HALIBUT REGULATIONS FOR 1992

Legal Authority: 16 USC 733c

CFR Citation: 50 CFR 301

Legal Deadline: None

Abstract: This action provides the quotas for domestic fishing for Pacific halibut as approved by the International Pacific Halibut Commission.

Timetable:

Action	Date	FR Cite
Final Action	05/01/92	
Final Action Effective	05/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AE29

590. ● FINANCIAL AID PROGRAM PROCEDURES

Legal Authority: 16 USC 742; 46 USC 1271 to 1279; 46 USC 1177; 42 USC 4321 to 4347; 86 Stat 909

CFR Citation: 50 CFR 251; 50 CFR 255; 50 CFR 259

Legal Deadline: None

Abstract: This action will end the conditional fishery status of surf clams. Such designation, made pursuant to 50 CFR 251, restricts the normal availability of NOAA's financial aid programs based on fisheries management, conservation, and protection considerations. Management of the surf clam fishery has progressed to the point at which this restriction is unnecessary. The programs involved provide financial assistance to fishermen for fishing vessel construction, acquisition, and

reconstruction. No alternatives are being considered. There is no potential change in cost due to this action. The benefits are that normal availability of the Fisheries Obligation Guarantee and the Fishing Vessel Capital Construction Fund programs will contribute to the financial stability and industrial safety and efficiency of the surf clam fishing industry.

Timetable:

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42590
NPRM Comment Period End	09/27/91	
Interim Final Rule	02/28/92	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2396**

RIN: 0648–AE38

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591. ● REGULATORY AMENDMENT TO REGULATIONS GOVERNING PROCESSED FISHERY PRODUCTS—FEE FOR INAUGURATION OF INSPECTION SERVICE ON A CONTRACT

Legal Authority: 7 USC 1621 to 1629 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 260

Legal Deadline: None

Abstract: Final rule to delete 50 CFR 260.71 "Fee for Inauguration of Inspection Service on a contract basis" as recommended by the Inspector General.

Timetable:

Action	Date	FR Cite
Final Action	01/01/92	
Final Action Effective	01/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard V. Cano, Chief, Inspection Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Services, 1335 East-West Highway, Room 6110, Silver Spring, MD 20910, **301 427-2355**

RIN: 0648–AE43

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

592. FINAL REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	02/24/89	54 FR 7953
NPRM Comment Period End	04/25/89	
Interim Final Rule	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, **202 606-4126**

RIN: 0648–AB49

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593. FINAL REGULATIONS FOR THE MONTEREY BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 944

Legal Deadline: None

Abstract: These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of Monterey Bay and surrounding offshore waters of the State of California, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	08/03/90	55 FR 31786
NPRM Comment Period End	10/03/90	
Final Action	12/00/91	
Final Action Effective	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, Universal Bldg., Room 714, 1825 Connecticut Avenue, NW., Washington, DC 20235, **202 606-4122**

RIN: 0648–AC63

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594. PROPOSED REGULATIONS FOR THE STELLWAGEN BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 940

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Stellwagen Bank if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	02/08/91	56 FR 5282
NPRM Comment Period End	04/08/91	
Final Action	12/00/91	
Final Action Effective	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Universal Bldg., Room 714, Washington, DC 20235, **202 606-4126**

RIN: 0648–AC94

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595. IMPLEMENTATION OF COASTAL ZONE MANAGEMENT ACT APPEAL FEES

Legal Authority: 16 USC 1451 et seq

CFR Citation: 15 CFR 930

DOC—NOAA **Final Rule Stage**

Legal Deadline: None

Abstract: This rulemaking will implement new authority under the Coastal Zone Management Act to charge fees for appeals.

Timetable:

Action	Date	FR Cite
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Margo F. Jackson, Asst. General Counsel for Ocean Services, Office of General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 603, Washington, DC 20235, **202 673-5200**

RIN: 0648–AD83

596. TECHNICAL CONFORMING CHANGES TO EXISTING NOAA REGULATIONS TO IMPLEMENT 1990 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT

Legal Authority: 16 USC 1451 et seq

CFR Citation: 15 CFR 923; 15 CFR 928; 15 CFR 930

Legal Deadline: None

Abstract: This rulemaking will make technical conforming changes to NOAA's existing regulations which are necessary to implement the 1990 reauthorization of the Coastal Zone Management Act.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean & Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 701, Washington, DC 20235, **202 606-4100**

RIN: 0648–AE11

DEPARTMENT OF COMMERCE (DOC) — Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

597. REGULATION TO CONTROL ILLEGAL FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ) AND OVERFISHING OUTSIDE THE EEZ

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 611.7; 50 CFR 611.93

Legal Deadline: None

Abstract: Foreign fishing on the high seas of the central Bering Sea takes excessive amounts of stocks of Alaska pollock, which may be shared in the economic zones of the United States and the Soviet Union. The foreign fleets also use such fishing for illegal fishing incursions in the U.S. EEZ under cloud cover and cover of darkness.

Timetable:

Action	Date	FR Cite
ANPRM	04/25/88	53 FR 13422
ANPRM Comment Period End	05/25/88	
Withdrawn	08/23/91	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, F/CM1, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2337

RIN: 0648–AC66

598. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE SUMMER FLOUNDER FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 625

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt of the amendment from the fishery management council.

Abstract: This amendment would require a minimum mesh size of 5 1/2 inches (diamond mesh) and 6 inches (square mesh) for otter trawl vessels that retain more than 500 pounds of summer flounder. Exemptions would apply to: (1) vessels fishing with flynets with a 50-pound limit per haul; (2) vessels fishing seaward of a certain line drawn in the northern range of the fishery; and (3) vessels with nets on board that are stowed and secured with the cod end removed (that do not meet the legal mesh requirement) and considered to be "not available for immediate use." Also, a definition of overfishing is included.

Timetable:

Action	Date	FR Cite
NPRM	01/09/91	56 FR 976
NPRM Comment Period End	02/19/91	
Withdrawn	04/01/91	56 FR 13303

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Additional Information: Only the overfishing definition contained in Amendment 1 was approved. Therefore, there are no regulations promulgated through this action, and the proposed rule was withdrawn.

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AC83

599. AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COAST OF WASHINGTON, OREGON, AND CALIFORNIA COMMENCING IN 1978 (FMP)

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 661

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 10 would: (1) modify the method for inseason reallocation of Coho Salmon south of Cape Falcon, Oregon, to help assure achievement of the Pacific Council's recreational season duration objectives and still allow the commercial fishery an opportunity to harvest any available reallocation; (2) modify and clarify criteria that guide ocean harvest allocation for the non-treaty commercial and recreational fisheries north of Cape Falcon, including inseason and geographic deviations from the allocation schedule; and (3) define overfishing based on the spawning escapement goals for Chinook and Coho Salmon stocks.

Timetable:

Action	Date	FR Cite
NPRM	02/19/91	56 FR 6614
NPRM Comment Period End	03/29/91	
Final Action	06/11/91	56 FR 26774
Final Action Effective	07/11/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AC85

600. REGULATORY AMENDMENT TO THE REGULATIONS IMPLEMENTING THE FMP FOR ATLANTIC BILLFISH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 644

Legal Deadline: None

Abstract: This regulatory amendment will change the regulations implementing the Fishery Management Plan for Atlantic Billfish (FMP) to: (1) broaden the definitions of "dealer" and "billfish" for the limited purposes of ascertaining the eligibility for sale of a billfish possessed by a dealer or processor; (2) clarify the scope of the regulations; (3) prohibit the removal at sea shoreward of the outer boundary of the EEZ of the head, fins, or bill from a billfish; and (4) prohibit the offering for sale of a billfish harvested from its management unit.

Timetable:

Action	Date	FR Cite
NPRM	09/27/90	55 FR 39494
NPRM Comment Period End	10/26/90	
Final Action	04/02/91	56 FR 13116
Final Action Effective	05/02/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC87

601. AMENDMENT 6 TO THE NORTHERN ANCHOVY FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 662

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment defines overfishing for northern anchovy, addresses issues of vessel safety and habitat, and changes the harvest quota.

Timetable:

Action	Date	FR Cite
NPRM	12/21/90	55 FR 52284
NPRM Comment Period End	02/01/91	
Final Action	04/16/91	56 FR 15299
Final Action Effective	05/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AC95

602. REPEAL OF VESSEL REGISTRATION REQUIREMENTS FOR THE GROUNDFISH REQUIREMENTS FOR THE GROUNDFISH HOOK-AND-LINE FISHERY IN THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: This rule would repeal the requirements for vessel registration in the sablefish hook-and-line fishery in the Gulf of Alaska. The regulation at 50 CFR 672.6 was useful in prior years for the management of the sablefish fishery. Now, catches by the fleet during the fishing season can be estimated since the number of vessels in the sablefish fleet has stabilized.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	04/01/90	
Interim Final Rule	04/06/90	55 FR 12832
Interim Final Rule Comment Period end	06/01/90	
Final Action Effective	04/05/91	
Final Action	04/10/91	56 FR 14480

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald J. Berg, Fishery Management Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7230

RIN: 0648–AD06

603. WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES—AMENDMENT 3 TO DEFINE OVERFISHING

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 683

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will revise the definition of overfishing for bottomfish and seamount groundfish of the Western Pacific. This will satisfy the requirement to revise overfishing definitions in all fishery management plans as established by an amendment to 50 CFR part 602 effective August 23, 1989.

Timetable:

Action	Date	FR Cite
Withdrawn - This action is nonregulatory in nature.	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AD14

604. REGULATORY AMENDMENT—SOUTH PACIFIC TUNA FISHERIES

Legal Authority: 16 USC 973-973r

CFR Citation: 50 CFR 282

Legal Deadline: None

Abstract: This regulation implements the South Pacific Tuna Act of 1988 by setting forth requirements for U.S. flag tuna vessels to fish in a 10 million square mile area of the South Pacific Ocean encompassing the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/89	54 FR 4031
Withdrawn Merged with RIN 0648-AD94	08/23/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AD15

605. WESTERN PACIFIC PRECIOUS CORALS—AMENDMENT 2 TO DEFINE OVERFISHING

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 680

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will revise the definition of overfishing for precious corals of the Western Pacific. This will satisfy the requirement to revise overfishing definitions in all fishery management plans as established by an amendment to 50 CFR part 602 effective August 23, 1989.

Timetable:

Action	Date	FR Cite
Withdrawn - This action is nonregulatory in nature.	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AD16

606. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 645

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment defines overfishing for spiny lobster in Puerto Rico and the U.S. Virgin Islands as required by an amendment of 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
Withdrawn - This action is nonregulatory.	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AD21

607. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will define overfishing for brown, pink, and white shrimp in the Gulf of Mexico as required by an amendment of 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	03/01/91	56 FR 8737
NPRM Comment Period End	04/15/91	
Final Action	05/17/91	56 FR 22827
Final Action Effective	05/17/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AD24

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608. STONE CRAB FISHERY OF THE GULF OF MEXICO—AMENDMENT 4 TO DEFINE OVERFISHING

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 654

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will revise the definition of overfishing for Gulf of Mexico stone crab. This will satisfy the requirement to revise overfishing definitions in all fishery management plans as established by an amendment to 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
Withdrawn - Will not involve rulemaking.	08/23/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AD32

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609. DISPOSITION OF STRANDED OR DISTRESSED ENDANGERED OR THREATENED SPECIES OF FISH AND WILDLIFE

Legal Authority: 16 USC 1361 et seq, Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: Under the provisions of the Marine Mammal Protection Act (16 USC 1361 et seq), NOAA has set up Marine Mammal Stranding Networks to rescue live stranded marine mammals and to salvage tissues from dead stranded marine mammals for scientific research. Federal and State officials and individuals specifically authorized for such activities currently respond to such strandings. NMFS proposes to clarify the procedures for salvage of materials from dead stranded marine mammals and the procedures for subsequent transfer of such materials for scientific and educational purposes.

Timetable:

Action	Date	FR Cite
Merged with RIN 0648-AD71.	08/23/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Dean Wilkinson, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Room 8268, Silver Spring, MD 20910, 301 427-2322

RIN: 0648–AD46

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610. AMENDMENT 16A TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment would establish prohibited species caps for herring in the groundfish fishery of the Bering Sea and Aleutian Islands. Attainment of the caps would cause closure of groundfish fishing in certain areas important for herring.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/12/91	
Final Action	07/18/91	56 FR 32984

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD49

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611. PACIFIC HALIBUT REGULATIONS FOR 1991

Legal Authority: 16 USC 733c

CFR Citation: 50 CFR 301

Legal Deadline: None

Abstract: This action provides the quotas for domestic fishing for Pacific halibut as approved by the International Pacific Halibut Commission.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/18/91	
Final Action	04/23/91	56 FR 18535

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD52

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612. REGULATORY AMENDMENT TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 649

Legal Deadline: None

Abstract: This amendment would (1) specify the size, location, and material that must be used for escape vents in lobster traps and (2) define the term "V-notch."

Timetable:

Action	Date	FR Cite
NPRM	01/23/91	56 FR 2496
NPRM Comment Period End	02/22/91	
Final Action	04/26/91	56 FR 19316
Final Action Effective	05/28/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AD54

613. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 685

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment defines overfishing, revises the definition of optimum yield, and revises FMP objectives to bring them into accord with the definition of recruitment overfishing and the status of fishery development.

Timetable:

Action	Date	FR Cite
NPRM	12/10/90	55 FR 50755
NPRM Comment Period End	01/28/91	
Final Action Effective	03/01/91	
Final Action	03/07/91	56 FR 9686

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AD55

614. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will (1) define overfishing for white shrimp, and (2) remove the annual reviews for the Tortugas Sanctuary and the Texas Closure.

Timetable:

Action	Date	FR Cite
Withdrawn - This amendment will not require rulemaking.	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AD61

615. GROUNDFISH OF THE GULF OF ALASKA AND GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS: REGULATORY AMENDMENT—REQUIREMENTS FOR OBSERVER COVERAGE; RELEASE OF DATA ON PSC BYCATCH RATES

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Establishes equitable standards for requiring observers on fishing vessels and processors, revises the definition of an "observer trip," and provides authority to release to the public data concerning the rates at which an individual vessel is catching or receiving prohibited species.

Timetable:

Action	Date	FR Cite
Final Action	07/02/91	56 FR 30874
Final Action Effective	07/02/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD65

616. GROUNDFISH OF THE GULF OF ALASKA: REGULATORY AMENDMENT—SABLEFISH HOOK-AND-LINE FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: The hook-and-line fishery for sablefish would be delayed from April 1 to May 15 on an annual basis.

Timetable:

Action	Date	FR Cite
Merged with RIN 0648-AE14	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AD68

617. DISPOSITION OF TISSUES FROM STRANDED MARINE MAMMALS

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.3; 50 CFR 216.22

Legal Deadline: None

Abstract: NMFS proposes to clarify the procedures for salvage of materials from dead stranded marine mammals and the procedures for subsequent transfer of such materials for scientific and educational purposes. Persons authorized to respond to marine mammal strandings would be authorized to retain specimen materials provided that such retention is reported to NMFS within 30 days. Materials may

be transferred to professionally accredited scientific collections or to other authorized persons if NMFS is notified. NMFS may authorize transfer of materials to other individuals for scientific or educational purposes.

Timetable:

Action	Date	FR Cite
NPRM	12/20/90	55 FR 52194
NPRM Comment Period End	03/01/91	56 FR 4029
Final Action	08/20/91	56 FR 41304
Final Action Effective	09/19/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: None

Agency Contact: Dean Wilkinson, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2322

RIN: 0648–AD71

618. AMENDMENT 4 TO THE WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES FMP

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 683

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment would make the existing emergency rule establishing observer requirements for bottomfish vessels operating in the area covered by the FMP permanent.

Timetable:

Action	Date	FR Cite
NPRM	03/15/91	56 FR 11166
NPRM Comment Period End	04/26/91	
Final Action Effective	05/26/91	
Final Action	05/30/91	56 FR 24351

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AD74

619. AMENDMENT 3 TO THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 3: (1) extends the target date for achieving 20-percent spawning potential ratio for red snapper from the year 2000 to the year 2007; (2) adds to the management measures that may be implemented via the FMP's framework procedure for setting target dates for rebuilding overfished reef fish stocks with an upper limit for rebuilding periods not exceeding 1.5 times the generation time of the species; (3) transfers classification of the speckled hind (Kitty Mitchell) from the shallow-water grouper complex to the deep-water grouper complex.

Timetable:

Action	Date	FR Cite
NPRM	03/27/91	56 FR 12698
NPRM Comment Period End	05/07/91	
Final Action	07/03/91	56 FR 30513
Final Action Effective	07/29/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD75

620. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will implement a limited-entry system in the shrimp fishery of the Gulf of Mexico.

Timetable:

Action	Date	FR Cite
Withdrawn - Action will amend FMP but will not require rulemaking.	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD84

621. AMENDMENT 5 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 649

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will (1) potentially replace the gauge increase and (2) implement an effort control management program.

Timetable:

Action	Date	FR Cite
Withdrawn - This action is not expected until 1993.	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AD87

622. PROPOSED REGULATIONS FOR ALLOCATION OF PACIFIC HALIBUT IN REGULATORY AREA 4E OF THE EASTERN BERING SEA

Legal Authority: 16 USC 773 to 773k

CFR Citation: 50 CFR 301

Legal Deadline: None

Abstract: This action allocates the catch of Pacific halibut in Regulatory Area 4E in the eastern Bering Sea and Bristol Bay off Alaska.

Timetable:

Action	Date	FR Cite
NPRM	02/27/91	56 FR 8178
NPRM Comment Period End	03/25/91	
Final Action	04/29/91	56 FR 19617
Final Action Effective	05/28/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7228

RIN: 0648–AD88

623. REGULATORY AMENDMENT FOR A SYSTEM TO ALLOCATE LICENSES UNDER THE SOUTH PACIFIC TUNA ACT OF 1988

Legal Authority: 16 USC 973 to 973r

CFR Citation: 50 CFR 282

Legal Deadline: None

Abstract: This regulation amendment would establish a tuna purse seine license application system pursuant to section 9(e) of the South Pacific Tuna Act of 1988.

Timetable:

Action	Date	FR Cite
Merged with RIN 0648-AD15	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6196

RIN: 0648–AD94

624. REGULATORY AMENDMENT TO PROHIBIT DIRECTED FISHING FOR POLLOCK IN THE GULF OF ALASKA FROM APRIL 1 TO MAY 31

Legal Authority: 16 USC 1801 et seq. Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: This regulation would prohibit directed fishing for pollock in the Gulf of Alaska from April 1 through May 31. The modification of the pollock fishing season would prevent pollock fishing in the Gulf until the Bering Sea pollock season begins.

Timetable:

Action	Date	FR Cite
Withdrawn - Action will not be taken due to change in circumstances.	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD95

625. REGULATORY AMENDMENT PROVIDING FOR QUARTERLY ALLOCATION OF PACIFIC COD IN THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq. Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This regulation would allocate the allowable catch of Pacific cod by quarter so that some harvest by trawl and hook-and-line could occur throughout the fishing year, or until the total allowable catch is attained.

Timetable:

Action	Date	FR Cite
Withdrawn - Action will not be taken due to change in circumstances.	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD96

626. AMENDMENT 2 TO THE FMP FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq. Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 685

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will make the existing emergency rule establishing permit, reporting, and observer requirements for all U.S. longline vessels covered by the FMP permanent.

Timetable:

Action	Date	FR Cite
NPRM	04/03/91	56 FR 13611
NPRM Comment Period End	05/13/91	
Final Action Effective	05/26/91	56 FR 24731
Final Action	05/31/91	56 FR 24731

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AD97

627. TECHNICAL AMENDMENT TO THE FMP FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 685

Legal Deadline: None

Abstract: This technical amendment will standardize reporting and permit requirements for the fishery.

Timetable:

Action	Date	FR Cite
Merged with RIN 0648-AD97	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AE02

628. TECHNICAL AMENDMENT TO THE FMP FOR THE BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 683

Legal Deadline: None

Abstract: This technical amendment will standardize reporting and permit requirements for the fishery.

Timetable:

Action	Date	FR Cite
Merged with RIN 0648-AD74	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AE03

629. TECHNICAL AMENDMENT TO THE WESTERN PACIFIC CRUSTACEAN FMP

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 681

Legal Deadline: None

Abstract: This technical amendment will standardize reporting and permit requirements for the fishery.

Timetable:

Action	Date	FR Cite
Merged with RIN 0648-AD82	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AE04

630. PACIFIC WHITING INSHORE-OFFSHORE ALLOCATION REGULATORY AMENDMENT UNDER THE PACIFIC COAST GROUNDFISH FMP

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.70; 50 CFR 663

Legal Deadline: None

Abstract: This regulatory amendment would limit the amount of the 1991 Pacific whiting quota of 228,000 metric tons (mt) that can be harvested initially by fishing vessels that also process fish to 104,000 mt, would limit the harvest of whiting by vessels that do not process to 88,000 mt initially, and would reserve 36,000 mt to either or both group(s), except that some or all of the reserve would be provided first for shore-based processing plants, if needed.

Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32165
NPRM Comment Period End	07/31/91	
Final Action	09/04/91	56 FR 43718

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AE06

631. ● GROUNDFISH OF THE GULF OF ALASKA: DELAY OF SABLEFISH HOOK- AND-LINE FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: The hook-and-line fishery for sablefish is delayed from April 1 to May 15 on an annual basis.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/01/91	
Final Action	04/02/91	56 FR 13418

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AE14

632. ● SHALLOW-WATER REEF FISH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS: MESH-SIZE MODIFICATION

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 669

Legal Deadline: None

Abstract: This rule would modify the mesh-size requirement scheduled under Amendment 1 to the fishery management plan that becomes effective on 9/14/91, thereby reducing the short-term economic impacts on the fish-trap fishery while continuing the rebuilding of the resource. The action also includes requirements for a single escape panel and specifies that degradable material must be used to fasten the panels to provide protection against continued fishing by lost traps.

DOC—NOAA **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	08/19/91	56 FR 41114
NPRM Comment Period End	08/28/91	
Final Action	09/26/91	56 FR 48755

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33703, **813 893-3141**

RIN: 0648–AE17

DEPARTMENT OF COMMERCE (DOC)
National Telecommunications and Information Administration (NTIA)

Final Rule Stage

633. PUBLIC TELECOMMUNICATION FACILITIES PROGRAM

Significance: Regulatory Program

Legal Authority: 47 USC 390; 47 USC 392

CFR Citation: 15 CFR 2301

Legal Deadline: None

Abstract: Public telecommunications growth necessitates reordering the priorities of the Public Telecommunications Facilities Program. The new rules will accord greater priority to funding nonbroadcast telecommunications projects for educational purposes. A number of administrative changes for the rules are also proposed.

Timetable:

Action	Date	FR Cite
NPRM	08/09/91	56 FR 38007
NPRM Comment Period End	09/09/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian E. Harris, Attorney-Advisor, Department of Commerce, National Telecommunications and Information Administration, 14th Street and Constitution Avenue, NW., Room 4713, Washington, DC 20230, **202 377-1816**

RIN: 0660–AA02

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Prerule Stage

634. ● PATENT APPLICATION ELECTRONIC SUBMISSION RULES

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The Office proposes to allow patent applicants the option of submitting their applications electronically. The proposed revisions to 37 CFR 1 would set out the procedures for filing patent applications in an electronic format.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/92	
ANPRM Comment Period End	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: V. Douglas Hines, Director, OASMA, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-6003

RIN: 0651–AA50

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

635. DUTY OF DISCLOSURE—INFORMATION DISCLOSURE STATEMENT

Significance: Regulatory Program

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.56; 37 CFR 1.97; 37 CFR 1.98; 37 CFR 1.99

Legal Deadline: None

Abstract: 37 CFR 1.56 and 1.97-1.99, which relate to the duty of patent applicants and owners to disclose information material to the examination of patent applications or to reexaminations, will be amended to specify more clearly the requirements to be met in making disclosures.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11334
NPRM Comment Period End	06/20/89	54 FR 11334
Second NPRM	08/06/91	56 FR 37321
Comment Period End	10/08/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Charles E. Van Horn, Patent Policy & Programs

Administrator, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651–AA27

636. MISCELLANEOUS CHANGES IN PATENT PRACTICE

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.1; 37 CFR 1.12; 37 CFR 1.84; 37 CFR 1.88

Legal Deadline: None

Abstract: The Patent and Trademark Office proposes revising its requirements for sending mail to the Office and modifying patent administrative processing requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	05/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey V. Nase, Supervisory Petitions Examiner, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4282

RIN: 0651–AA34

637. DRAWING CHANGES IN PATENTS CASES

Legal Authority: 35 USC 6; 35 USC 41; 35 USC 113; 35 USC 114; 35 USC 161; 35 USC 171

CFR Citation: 37 CFR 1.81; 37 CFR 1.83; 37 CFR 1.84; 37 CFR 1.85; 37 CFR 1.88; 37 CFR 1.96; 37 CFR 1.136; 37 CFR 1.152; 37 CFR 1.154; 37 CFR 1.165; 37 CFR 1.174

Legal Deadline: None

Abstract: Drawing rules have caused confusion and slowed down the processing of patent applications. The PTO proposes to clarify the requirements for patent drawings and also to expedite patent drawing procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jeffrey V. Nase, Supervisory Petitions Examiner, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4282

RIN: 0651–AA44

638. TRADEMARK PROCEDURES

Legal Authority: 15 USC 1051 et seq

CFR Citation: 37 CFR 2.24; 37 CFR 2.85(e); 37 CFR 2.102(e); 37 CFR 2.119; 37 CFR 2.146(d); 37 CFR 2.162(e); 37 CFR 2.183; 37 CFR 2.33; 37 CFR 2.111(b); 37 CFR 2.80; 37 CFR 2.162(e); 37 CFR 2.187; 37 CFR 2.189

Legal Deadline: None

Abstract: The proposed rule changes concern housekeeping changes to conform the rules to the Trademark Law Revision Act of 1988 and other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lynne Beresford, Trademark Administrator, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-7464

RIN: 0651–AA46

639. REGISTRATION OF ATTORNEYS AND AGENTS

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 31; 35 USC 32

CFR Citation: 37 CFR 10.6; 37 CFR 10.9

Legal Deadline: None

Abstract: The rule change would clarify PTO's requirement for registering aliens to practice before the Office.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Cameron Weiffenbach, Director, Office of Enrollment and Discipline, Department of Commerce, Patent and Trademark Office, Box OED, Washington, DC 20231, 703 557-2012

RIN: 0651–AA48

640. ● APPLICATION PROCESSING UNDER THE PATENT COOPERATION TREATY

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 351 to 376

CFR Citation: 37 CFR 1.401 to 1.499

Legal Deadline: Other, Statutory, July 1, 1992.
Deadline for national implementation set by International Patent Cooperation Union Assembly.

Abstract: The United States Patent and Trademark Office proposes to change the regulations found at 37 CFR 1 Subpart C to clarify practice and to reflect the changes of the Patent Cooperation Treaty which were agreed to at the International Patent Cooperation Union Assembly Session of July 8 to 12, 1991.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	04/00/92	
Final Action Effective	07/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles E. Van Horn, Patent Policy & Programs Administrator, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-3054

RIN: 0651–AA51

DOC—PTO

Proposed Rule Stage

641. ● PATENT TERM EXTENSION APPLICATION REQUIREMENTS

Legal Authority: 35 USC 6; 35 USC 156

CFR Citation: 37 CFR 1.740; 37 CFR 1.785

Legal Deadline: None

Abstract: The regulations pertaining to applications for patent term extension are proposed to be amended to clarify requirements for eligibility and filing.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Van Horn, Patent Policy & Programs Administrator, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3054**

RIN: 0651–AA52

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

642. VARIETY DENOMINATION REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None

Abstract: PTO will amend its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52963
NPRM	11/02/87	52 FR 42016
NPRM Comment Period End	01/08/88	52 FR 42016
Final Action	11/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: H. Dieter Hoinkes, Legislative and International Intellectual Property Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3065**

RIN: 0651–AA12

643. PATENT AND TRADEMARK ASSIGNMENT RULES

Legal Authority: 35 USC 6; 35 USC 261; 15 USC 1060; 15 USC 1113; 15 USC 1123

CFR Citation: 37 CFR 1.331; 37 CFR 1.332; 37 CFR 1.333; 37 CFR 1.334; 37 CFR 1.335; 37 CFR 2.185; 37 CFR 2.186; 37 CFR 2.187

Legal Deadline: None

Abstract: The Patent and Trademark Office proposes to modify the rules relating to recording assignments involving patents and trademarks. Currently, there are two sets of rules -- one for patents and one for trademarks. The Office plans to consolidate the assignment rules into one set of rules.

Timetable:

Action	Date	FR Cite
NPRM	05/10/91	56 FR 21641
NPRM Comment Period End	07/09/91	56 FR 21641
Final Action	11/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda M. Skoro, Assistant Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-4035**

RIN: 0651–AA43

644. REVISION OF PATENT AND TRADEMARK FEES

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 41; 35 USC 376; 35 USC 1113

CFR Citation: 37 CFR 1; 37 CFR 2

Legal Deadline: None

Abstract: The Patent and Trademark Office plans to propose amendments of its rules of practice to revise patent and trademark fees consistent with statutory authority.

Timetable:

Action	Date	FR Cite
NPRM	05/10/91	56 FR 21890
NPRM Comment Period End	06/12/91	56 FR 21890

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frances Michalkewicz, Director, Office of Long-Range Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-1610**

RIN: 0651–AA45

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed Actions

645. TRADEMARK INTERROGATORY PRACTICE

Legal Authority: 35 USC 6; 15 USC 1123

CFR Citation: 37 CFR 2.120

Legal Deadline: None

Abstract: The proposed rule would require the party served with an objection to the number of interrogatories to file a motion to compel.

Timetable:

Action	Date	FR Cite
NPRM	04/15/91	56 FR 15059
NPRM Comment Period End	05/30/91	56 FR 15059
Final Action	09/12/91	56 FR 46376
Final Action Effective	11/12/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Box 5, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-3551

RIN: 0651–AA47

646. ● PATENT INTERFERENCE PROCEEDINGS

Legal Authority: 35 USC 6; 35 USC 23; 35 USC 41; 35 USC 135

CFR Citation: 37 CFR 1.651; 37 CFR 1.684

Legal Deadline: None

Abstract: The proposed rule would clarify the time when a party in a patent interference must file a motion to take testimony abroad.

Timetable:

Action	Date	FR Cite
NPRM	06/12/91	56 FR 26949
NPRM Comment Period End	07/12/91	56 FR 26949
Final Action	08/28/91	56 FR 42528
Final Action Effective	09/27/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Fred E. McKelvey, Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Washington, DC 20231, 703 557-4035

RIN: 0651–AA49

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)

Proposed Rule Stage

647. LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404; 37 CFR 102

Legal Deadline: None

Abstract: The Department held a public meeting on July 31, 1991, to discuss the need to revise the Federal domestic and foreign patent licensing regulations, and will issue a notice of proposed rulemaking for public comment later this year.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Joseph P. Allen, Director, Office of Technology Commercialization, Department of Commerce, Technology Administration, Room H 4418, Washington, DC 20230, 202 377-8101

RIN: 0692–AA04

648. ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

Significance: Agency Priority

Legal Authority: EO 10096; EO 10930; 35 USC 207 to 208; 15 USC 3701 et seq

CFR Citation: 37 CFR 501; 37 CFR 101

Legal Deadline: None

Abstract: The Department held a public meeting on July 31, 1991, to discuss the need to revise the employee rights determination procedure.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Joseph P. Allen, Director, Office of Technology Commercialization, Department of Commerce, Technology Administration, Room H 4418, Washington, DC 20230, 202 377-8101

RIN: 0692–AA05

DEPARTMENT OF COMMERCE (DOC)
United States Travel and Tourism Administration (USTTA)

Final Rule Stage

649. UNITED STATES TRAVEL AND TOURISM ADMINISTRATION FACILITATION FEE

Significance: Agency Priority

Legal Authority: 22 USC 2128; 22 USC 2129; International Travel Act, Secs 306 and 307

CFR Citation: 15 CFR 1201

Legal Deadline: None

Abstract: Implements the United States Travel and Tourism Administration Facilitation Fee required to be imposed on commercial airlines and cruise ship lines transporting business and pleasure visitors to the United States.

DOC—USTTA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Rule	01/03/91	56 FR 176
NPRM	03/15/91	56 FR 1116
NPRM Comment Period End	04/15/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Lee Wells**, Director, Office of Strategic Planning and Administration, Department of Commerce, United States Travel and Tourism Administration, Herbert C. Hoover Bldg., Room 1524, 14th Street & Constitution Avenue, NW., Washington, DC 20230, **202 377-3811**

RIN: 0644–AA01

[FR Doc. 91-20870 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of Defense.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under E.O. 12291 "Federal Regulation" and the Office of Federal Procurement Policy Act of 1988 (102 Stat. 4055; 41 U.S.C. 402). This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, the Federal Procurement Policy Act, and other regulatory programs. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, public, or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on April 22, 1991, and includes regulations expected to be issued and under review over the next 12 months. The procurement-related agenda items included in this publication will also be used by the Office of Federal Procurement Policy to publish a "Procurement Regulatory Activity Report" as required by the Office of Federal Procurement Policy Act Amendments of 1988.

The next agenda is scheduled to be published in April 1992. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mr. William P. Pearce, telephone 703-746-0933, or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact the Office of the General Counsel, DoD, Washington, DC 20301, or call 703-697-2714.

For general information on Office of the Secretary regulations, contact Mrs. Patricia H. Means, Directives Division, Directorate for Correspondence and Directives, Washington Headquarters Services; telephone 703-697-4111. For general information on the procurement-related agenda items, contact Mr. Owen L. Green III, telephone 703-697-7266, or write to the Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062.

For general information on Department of the Army regulations, contact Mr. Kenneth L. Denton, telephone 703-325-6277, or write to Commander, U.S. Army Publications and Printing Command, ATTN: ASQZ-PGS-S, Room 1050, Hoffman I, Alexandria, Virginia 22331-0302.

For general information on Department of the Navy regulations, contact Ms. Alcinda P. Wenberg, telephone 703-602-2542, or write to Department of the Navy, Deputy Assistant Secretary of the Navy (Command, Control, Communications, Computers and Intelligence/Electronic Warfare/Space) (DASN (C4I/EW/S)), 2211 Jefferson Davis Highway, CP5, Room 334, Arlington, Virginia 22202.

For general information on Department of the Air Force regulations, contact Ms. Patsy J. Conner, telephone 703-614-3527, or write to Department of the Air Force, SAF/AAIA, Pentagon, Washington, DC 20330-1000.

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports, including procurement-related regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements with follow-on reporting actions taken as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes component level of authority and type of issuance, in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle, which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act;

c. GATT International Trade Agreement; and

d. Office of Federal Procurement Policy Act Amendments of 1988.

These DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain four sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce the economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in each section.

DOD

Although sensitive to the needs of the public and regulatory reform, the Department of Defense reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 and section 1 of E.O. 12291.

Dated: August 16, 1991.

Arthur Ehlers,

Deputy Director, Administration and Management.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
650	Fraud Payment Reductions (DAR Case 90-318)	0790-AD02
651	Recovery of Business Expense, Offset Agreements (DAR Case 91-008)	0790-AD17
652	Disposal of Hazardous Government Property (DAR Case 91-009)	0790-AD18
653	Use of Indicia Mail (DAR Case 91-023D)	0790-AD20
654	Waiver of United Kingdom Levies (DAR Case 91-027)	0790-AD21
655	Recovery of Nonrecurring Costs (DAR Case 91-033)	0790-AD22
656	Air Circuit Breakers for Naval Ships, PL 101-510, Sec 1421 (DAR Case 91-303)	0790-AD24

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
657	Defense Industrial Personnel Security Clearance Review Program (DoD Directive 5220.6)	0790-AA84
658	Total Quality Management (DoD Directive 5000.51)	0790-AB33
659	Confidentiality of Medical Quality Assurance (QA) Records (DoD Directive 6040.37)	0790-AC06
660	Restrictions on Lobbying	0790-AC54
661	Release of Acquisition-Related Information (DoD Directive 5200.xx)	0790-AC62
662	Department of Defense Personnel Security Program (DoD Directive 5200.2)	0790-AD25
663	Department of Defense Unclassified Controlled Nuclear Information (DoD UCNI) (DoD Directive 5210.bb)	0790-AD27
664	Drug-Free Workforce (DAR Case 88-083)	0790-AB58
665	Trade Agreements Act (DAR Case 89-106)	0790-AC24
666	Acquisition of Commercial Items (DAR Case 89-316)	0790-AC43
667	Deviations-Extraordinary Contractual Actions (DAR Case 90-044)	0790-AC87
668	Duty Free Entry (DAR Case 90-047)	0790-AC89
669	Mentor-Protege (DAR Case 90-314)	0790-AC98
670	Historical Black Colleges and Universities Goal (DAR Case 90-315)	0790-AC99
671	Uncompensated Overtime (DAR Case 90-316)	0790-AD00
672	Carbonyl Iron Powders (DAR Case 90-317)	0790-AD01
673	Fixed Price Development Contracts (DAR Case 90-327)	0790-AD07
674	Suspension of Liquidated Damages (DAR Case 90-336)	0790-AD13
675	Timekeeping and Labor Accounting Systems (DAR Case 91-004)	0790-AD16
676	Customary Progress Payment Rates (DAR Case 91-002)	0790-AD19

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
677	Human Immunodeficiency Virus (HIV-1) (DoD Directive 6485.aa)	0790-AC49
678	Federal Policy for the Protection of Human Subjects	0790-AC80
679	Criteria and Procedures for Providing Assistance to Local Educational Agencies (DoD Instruction 1342.18)	0790-AD26
680	Reserve Components Common Personnel Data System (RCCPDS) (DoD Instruction 7730.54)	0790-AD28
681	Human Immunodeficiency Virus (HIV-1) (DoD Directive 6485.1)	0790-AD29
682	False Representation-Small Business, PL 100-656, Sec 405 (DAR Case 88-331D)	0790-AB76
683	Contractor ADP Software Costs (DAR Case 87-051)	0790-AC07

DOD

Office of the Secretary—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
684	Product Quality Deficiency Reports (DAR Case 89-073)	0790-AC18
685	Revision to Liability Clause at 252.247-7110 (DAR Case 89-113)	0790-AC29
686	Labor Standards-Application for Installation Service and Support (DAR Case 90-016)	0790-AC67
687	Review and Evaluate Contractor Proposals (DAR Case 90-521)	0790-AC78
688	Rewrite of the DOD FAR Supplement (DAR Case 90-743a)	0790-AC79
689	Rewrite of the DOD FAR Supplement (DAR Case 90-743b)	0790-AC81
690	Rewrite of the DOD FAR Supplement (DAR Case 90-743c)	0790-AC82
691	Recovery of Non-recurring Costs on Commercial Sales (DAR Case 90-001)	0790-AC83
692	Form DD 1662 (DAR Case 90-006)	0790-AC84
693	Contracting for Audit Services (DAR Case 90-034)	0790-AC85
694	Combat Forgings (DAR Case 90-043)	0790-AC86
695	Modified Plant Clearance Functions (DAR Case 90-045)	0790-AC88
696	Cost or Pricing Threshold (DAR Case 90-303)	0790-AC90
697	Alternate Source Requirement (DAR Case 90-305)	0790-AC91
698	Multiyear Revisited (DAR Case 90-307)	0790-AC92
699	Pilot Program (DAR Case 90-308)	0790-AC93
700	Small Disadvantaged Business Definitions (DAR Case 90-309)	0790-AC94
701	Convict Prohibition (DAR Case 90-310)	0790-AC95
702	Post Employment Rules (DAR Case 90-312)	0790-AC96
703	Independent Research and Development Costs (DAR Case 90-313)	0790-AC97
704	Contractor Whistleblower Protection (DAR Case 90-319)	0790-AD03
705	Master Agreements (DAR Case 90-320)	0790-AD04
706	Public-Private Competition (DAR Case 90-325)	0790-AD05
707	Supercomputers (DAR Case 90-326)	0790-AD06
708	Anchor and Mooring Chains (DAR Case 90-328)	0790-AD08
709	Night Vision Tubes and Devices (DAR Case 90-329)	0790-AD09
710	Nonprofit Subcontracting Goals (DAR Case 90-332)	0790-AD10
711	Bundling of Requirements (DAR Case 90-334)	0790-AD11
712	Non-Manufacturer's Rule (DAR Case 90-335)	0790-AD12
713	Economic Adjustment Program, PL 101-510, Sec 4002 (DAR Case 91-301)	0790-AD23

U.S. Army Corps of Engineers—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
714	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D—Endangered Species Counterpart Regulations	0710-AA17

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
715	Part 326, Enforcement; Class II Administrative Penalties	0710-AA25
716	Regulatory Programs of the Corps of Engineers	0710-AA30

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
717	Nationwide Permit Program	0710-AA20
718	Flood Plain Management Services Program: Establishment of Fees for Cost Recovery	0710-AA28

DOD

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
719	Part 325, Processing Department of the Army Permits	0710-AA23
720	Shoreline Management Fees at Civil Works Projects	0710-AA27

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
721	Availability of Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public	0703-AA33
722	Adjustments to Prices Under Shipbuilding Contracts	0703-AA34

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
723	Public Affairs Policies and Procedures (AFR 190-1)	0701-AA18
724	Air Force Privacy Act Program (AFR 12-35)	0701-AA30
725	Air Force Freedom of Information Act Program (AFR 12-30)	0701-AA31
726	Air Force Systems Command Contractor Performance Assessment (AFSC 800-54)	0701-AA33
727	Environmental Impact Analysis Process (EIAP) (AFR 19-2)	0701-AA36

Department of the Air Force—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
728	Air Force Logistics Command Federal Acquisition Regulation Supplement; Special Contracting Methods, Vendor Rating System	0701-AA34
729	Utilization of Excess and Disposal of Surplus Real Property	0701-AA35
730	Air Force Systems Command Federal Acquisition Regulation; Supplement Clause: Total System Performance Responsibility (TSPR)	0701-AA37
731	Air Force Federal Acquisition Regulation Supplement Clause: Contractor Toxicological Testing-Aircraft Accidents	0701-AA39

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identifier Number
732	Department of Defense Commercial Air Carrier Quality and Safety Review Program	0701-AA38

Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
733	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Supplemental Insurance Plans (DoD 6010.8-R)	0720-AA01

DOD

Office of Assistant Secretary for Health Affairs—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
734	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Mental Health Services; (DoD 6010.8-R)	0720-AA02
735	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Mental Health Services; (DoD 6010.8-R)	0720-AA03
736	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Program for the Handicapped (DoD 6010.8-R)	0720-AA04

Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
737	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Annual Fiscal Year Deductible for Outpatient Services or Supplies (DoD 6010.8-R)	0720-AA00

DEPARTMENT OF DEFENSE (DOD)

Prerule Stage

Office of the Secretary (OS)

650. FRAUD PAYMENT REDUCTIONS (DAR CASE 90-318)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 836

CFR Citation: 48 CFR 232

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: Modify the Defense FAR Supplement to implement Section 836 of PL 101-150 which provides that agencies can reduce or suspend payments to a contractor if there is substantial evidence that the request for payment is based on fraud.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD02

651. ● RECOVERY OF BUSINESS EXPENSE, OFFSET AGREEMENTS (DAR CASE 91-008)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement an Office of the Secretary of Defense recommendation to allow contractors to recover costs associated with implementation of offset agreements.

Timetable:

Action	Date	FR Cite
Case opened	02/27/91	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC, 20301-3000, 703 697-7266

RIN: 0790–AD17

652. ● DISPOSAL OF HAZARDOUS GOVERNMENT PROPERTY (DAR CASE 91-009)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 245

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Defense Logistics Agency recommendation to address special handling for hazardous materials and hazardous wastes.

Timetable:

Action	Date	FR Cite
Case opened	02/27/91	
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a

paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD18

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653. ● USE OF INDICIA MAIL (DAR CASE 91-023D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 242

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Navy recommendation to describe the authority for using Indicia Mail.

Timetable:

Action	Date	FR Cite
Case Opened	04/11/91	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 30201-3000, 703 697-7266

RIN: 0790–AD20

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654. ● WAIVER OF UNITED KINGDOM LEVIES (DAR CASE 91-027)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement an Office of the Secretary of Defense recommendation to require offerors to identify commercial exploitation levies assessed by the Government of the United Kingdom.

Timetable:

Action	Date	FR Cite
Case Opened	04/24/91	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD21

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655. ● RECOVERY OF NONRECURRING COSTS (DAR CASE 91-033)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 234; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement an Office of the Secretary of Defense recommendation to establish a requirement to collect recoupment charges on commercial, foreign and domestic sales.

Timetable:

Action	Date	FR Cite
Case Opened	06/19/91	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD22

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656. ● AIR CIRCUIT BREAKERS FOR NAVAL SHIPS, PL 101-510, SEC 1421 (DAR CASE 91-303)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 1421

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 1421 of PL 101-510 which prohibits the purchase of Air Circuit Breakers for Naval Vessels from other than US firms.

Timetable:

Action	Date	FR Cite
Case Opened	05/30/91	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD24

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Final Rule Stage

657. DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Legal Deadline: None

Abstract: This part is being revised to establish a standard for determining petitions for reimbursement for loss of earnings, incorporate the revised DoD Adjudication Policies for security clearance determinations under this rule, and revise procedures for cases not requiring a hearing, and procedures for considering issues raised on appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16864
NPRM Comment Period End	06/05/87	52 FR 16864
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: L. Schachter, Department of Defense, Office of the Secretary, **703 696-4599**

RIN: 0790–AA84

658. TOTAL QUALITY MANAGEMENT (DOD DIRECTIVE 5000.51)

Legal Authority: EO 12637

CFR Citation: 32 CFR 281

Legal Deadline: None

Abstract: This proposed rule establishes policy and assigns responsibility for implementation of the Total Quality Management concept in the Department of Defense. The concept will be implemented both internally with the Department of Defense as well as in DoD acquisition strategies.

Timetable:

Action	Date	FR Cite
NPRM	07/19/89	54 FR 30227
NPRM Comment Period End	08/18/89	54 FR 30227
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: F. Doherty, Department of Defense, Office of the Secretary, **703 695-7915**

RIN: 0790–AB33

659. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE (QA) RECORDS (DOD DIRECTIVE 6040.37)

Legal Authority: 10 USC 1101; 5 USC 301

CFR Citation: 32 CFR 255a

Legal Deadline: None

Abstract: In 1987, Congress provided confidentiality for medical quality assurance documents in the DoD Authorization Act, recognizing that confidentiality is important to prevent public disclosure of facts and opinions that might cause harm to participants in the process of quality assurance activities. At the same time, allowance is made for disclosure of specified information when required for authorized quality monitoring, patient safety, or administrative functions. This proposed rule adheres closely to the specific provisions of the statute.

Timetable:

Action	Date	FR Cite
NPRM	12/18/89	54 FR 51766
NPRM Comment Period End	01/17/90	54 FR 51766
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: T. Ray, Department of Defense, Office of the Secretary, **703 695-6800**

RIN: 0790–AC06

660. RESTRICTIONS ON LOBBYING

Legal Authority: PL 102-121; 31 USC 1352; 5 USC 301; 10 USC 113

CFR Citation: 32 CFR 282

Legal Deadline: None

Abstract: The Department of Defense (DoD) is adopting the following interim rule establishing new restrictions on lobbying and will proceed with internal agency coordination, the results of which will be reflected in the final common rule. It is the Department of Defense's objective to establish uniform practices within the Office of the Secretary of Defense, the military departments, and the defense agencies that would be consistent with those being established by other executive departments and agencies in adopting this governmentwide rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6752
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: F. Sobieszczyk, Department of Defense, Office of the Secretary, Washington, DC 20301, **703 614-0205**

RIN: 0790–AC54

661. RELEASE OF ACQUISITION-RELATED INFORMATION (DOD DIRECTIVE 5200.XX)

Legal Authority: PL 101-189

CFR Citation: 32 CFR 286h

Legal Deadline: None

Abstract: This rule establishes the policy of the Department of Defense to make the maximum amount of acquisition-related information available to the public and to respond promptly to specific requests from the public.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/12/90	55 FR 28614
Interim Final Rule Comment Period End	08/13/90	55 FR 28614
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Slavsky, Department of Defense, Office of the Secretary, **703 697-8335**

RIN: 0790–AC62

662. ● DEPARTMENT OF DEFENSE PERSONNEL SECURITY PROGRAM (DOD DIRECTIVE 5200.2)

Legal Authority: 50 USC 781

CFR Citation: 32 CFR 156

Legal Deadline: None

Abstract: The Department of Defense has revised and updated its policies regarding standards for the conduct of personnel security investigations, adjudication criteria for access to classified information and minimum due process procedures when an unfavorable personnel security determination is proposed. These changes are the first to the directive since 1979 and are attempting to make the source document for the DoD personnel program consistent with more recent policy development.

Timetable:

Action	Date	FR Cite
NPRM	06/10/91	56 FR 26634
NPRM Comment Period End	07/10/91	56 FR 26634
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Federal

Agency Contact: P. Nelson, Department of Defense, Office of the Secretary, 703 697-3039

RIN: 0790–AD25

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663. ● DEPARTMENT OF DEFENSE UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION (DOD UCNI) (DOD DIRECTIVE 5210.BB)

Legal Authority: 10 USC 128; 5 USC 552(b)(3)

CFR Citation: 32 CFR 223

Legal Deadline: None

Abstract: This implements Pub. L. 100-180, Section 123, pertaining to the protection and prevention of the unauthorized dissemination of Department of Defense Unclassified Controlled Nuclear Information (DoD UCNI) to distinguish it from a similar Department of Energy program. This part prescribes DoD policy for the identification and control of DoD UCNI and outlines procedures for document handling and marking, dissemination and transmission methods, safeguarding requirements, and criteria for withholding DoD UCNI from public release under the provisions of the Freedom of Information Act. This part also contains a topical guide describing types of information to be considered for control as DoD UCNI.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 28845
NPRM Comment Period End	07/25/91	56 FR 28845
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: R. Pike, Department of Defense, Office of the Secretary, 703 697-5568

RIN: 0790–AD27

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664. DRUG-FREE WORKFORCE (DAR CASE 88-083)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 223

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Secretary of Defense requirement that contractors establish and maintain a drug-free workforce program.

Timetable:

Action	Date	FR Cite
Case Opened	06/14/88	
Interim Final Rule	09/28/88	53 FR 37764
Final Action	11/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AB58

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665. TRADE AGREEMENTS ACT (DAR CASE 89-106)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Defense Logistics Agency recommendation to add a definition of Domestic End Product for purposes of the Trade Agreements Act.

Timetable:

Action	Date	FR Cite
Case Opened	10/04/89	
Interim Final Rule	03/04/91	56 FR 9082
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC24

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666. ACQUISITION OF COMMERCIAL ITEMS (DAR CASE 89-316)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 824

CFR Citation: 48 CFR 214

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement Section 824 of PL 101-189, which requires the development of a simplified uniform contract for the acquisition of commercial items.

Timetable:

Action	Date	FR Cite
Case Opened	12/06/89	
NPRM	07/11/90	55 FR 28514
NPRM Comment Period End	08/27/90	

Action	Date	FR Cite
Interim Final Rule	04/23/91	56 FR 18610
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC43

667. DEVIATIONS-EXTRAORDINARY CONTRACTUAL ACTIONS (DAR CASE 90-044)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 250

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement an Office of the Secretary of Defense recommendation to delete the requirement for having to obtain approval from the Secretary of Defense for deviations from FAR Part 50.

Timetable:

Action	Date	FR Cite
Case opened	11/28/90	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC87

668. DUTY FREE ENTRY (DAR CASE 90-047)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Defense Logistics Agency recommendation to allow for use of the Customs Office computer system for direct input of Duty Free actions on DoD contracts.

Timetable:

Action	Date	FR Cite
Case opened	10/24/90	
Interim Final Rule	03/04/91	56 FR 9082
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC89

669. MENTOR-PROTEGE (DAR CASE 90-314)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 831

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, August 2, 1991.

Abstract: Modify the Defense FAR Supplement to implement Section 831 of PL 101-510 which requires that large businesses act as mentors to small and disadvantaged businesses.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
NPRM	05/02/91	56 FR 20322
NPRM Comment Period End	06/03/91	
Final Action	10/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC98

670. HISTORICAL BLACK COLLEGES AND UNIVERSITIES GOAL (DAR CASE 90-315)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 832

CFR Citation: 48 CFR 226; 48 CFR 219

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 832 of PL 101-510 which requires the Secretary of Defense to set specific goals within 5% for historically Black colleges and universities and minority institutions.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of

Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC99

671. UNCOMPENSATED OVERTIME (DAR CASE 90-316)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 834

CFR Citation: 48 CFR 215; 48 CFR 252

Legal Deadline: Final, Statutory, August 5, 1991.

Abstract: Modify the Defense FAR Supplement to implement Section 834 of PL 101-510 which requires that professional and technical services be acquired on the basis of the task to be performed rather than on the basis of the number of hours the services are provided.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
NPRM	05/07/91	56 FR 21121
NPRM Comment Period End	06/06/91	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD00

672. CARBONYL IRON POWDERS (DAR CASE 90-317)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 835

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 835 of PL 101-510 which requires that only domestically manufactured carbonyl iron powders may be used in a system or item procured by or provided to the Department of Defense.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Interim Final Rule	04/15/91	56 FR 15162
Final Action	12/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD01

673. FIXED PRICE DEVELOPMENT CONTRACTS (DAR CASE 90-327)

Significance: Agency Priority

Legal Authority: PL 101-511, Sec 8038

CFR Citation: 48 CFR 235

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement section 8038 of PL 101-511 to prohibit the use of fiscal year 1991 funds for fixed price development contracts in excess of $10 million unless they are approved by the Undersecretary of Defense for Acquisition.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD07

674. SUSPENSION OF LIQUIDATED DAMAGES (DAR CASE 90-336)

Significance: Agency Priority

Legal Authority: PL 101-574, Sec 402

CFR Citation: 48 CFR 252

Legal Deadline: Final, Statutory, November 15, 1990.

Abstract: Modify the Defense FAR Supplement to implement section 402 of PL 101-574 to eliminate the requirement to assess liquidated damages for contractors' failure to comply in good faith with approved subcontracting plans.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Interim Final Rule	04/15/91	56 FR 15162
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD13

DOD—OS

Final Rule Stage

675. ● TIMEKEEPING AND LABOR ACCOUNTING SYSTEMS (DAR CASE 91-004)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 209; 48 CFR 242

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to clarify the requirement for contractors to have sufficient internal accounting controls.

Timetable:

Action	Date	FR Cite
Case opened	02/21/91	
NPRM	06/10/91	56 FR 26645
NPRM Comment Period End	08/01/91	
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD16

676. ● CUSTOMARY PROGRESS PAYMENT RATES (DAR CASE 91-002)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 232; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement an Office of the Secretary of Defense recommendation to increase customary uniform progress payment rates for DoD contracts.

Timetable:

Action	Date	FR Cite
Case opened	04/10/91	
NPRM	04/24/91	56 FR 18800
NPRM Comment Period End	05/24/91	
Final Action	12/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD19

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Completed Actions

677. HUMAN IMMUNODEFICIENCY VIRUS (HIV-1) (DOD DIRECTIVE 6485.AA)

Legal Authority: 10 USC 113

CFR Citation: 32 CFR 58a

Legal Deadline: None

Abstract: This proposed rule establishes the policy promulgated by the August 8, 1988, Deputy Secretary of Defense memorandum on HIV-1/AIDS. It denies eligibility for appointment or enlistment for military service to individuals with serologic evidence of HIV-1 infection; requires periodic screening of active duty and Reserve component military personnel for evidence of HIV-1 infection; refers active duty personnel with serologic evidence of HIV-1 infection for a medical evaluation of fitness for continued service in the same manner as personnel with other progressive illnesses; and denies eligibility for extended active duty (duty for a period of more than 30 days) to those Reserve component members with serologic evidence of HIV-1 infection.

Timetable:

Action	Date	FR Cite
NPRM	12/05/89	54 FR 50243
NPRM Comment Period End	01/04/90	54 FR 50243
Withdrawn	05/20/91	56 FR 23043

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. Peterson, Department of Defense, Office of the Secretary, 703 695-7116

RIN: 0790–AC49

678. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Legal Authority: 5 USC 301; 41 USC 300v-1(b)

CFR Citation: 32 CFR 219

Legal Deadline: None

Abstract: The Department of Defense has adopted the common rule establishing procedures for the protection of human subjects in research. It is the Department of Defense's objective to establish uniform practices within the Office of the Secretary of Defense, the Military Departments, and the Defense Agencies that are consistent with those being established by other Executive Departments and Agencies in adopting this governmentwide common rule.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
NPRM Comment Period End	01/09/89	53 FR 45661
Final Action	06/18/91	56 FR 28021
Final Action Effective	08/19/91	56 FR 28003

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: J. Cutting, Department of Defense, Office of the Secretary, Washington, DC 20301, 703 697-8714

RIN: 0790–AC80

679. ● CRITERIA AND PROCEDURES FOR PROVIDING ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES (DOD INSTRUCTION 1342.18)

Legal Authority: PL 101-511; 104 Stat 1860; 10 USC 113(d)

CFR Citation: 32 CFR 240

Legal Deadline: None

Abstract: This rule implements the DoD Appropriations Act, 1991, title II (Pub. L. 101-511, 104 Stat. 1860). The rule is necessary to establish criteria for the Secretary of Defense to provide financial assistance to local educational agencies that are heavily impacted by the military presence. The fiscal year 1991 DoD Appropriations Act provides $10 million for this purpose.

Timetable:

Action	Date	FR Cite
NPRM	03/26/91	56 FR 12493
NPRM Comment Period End	04/25/91	56 FR 12493
Final Action Effective	06/03/91	56 FR 28821
Final Action	06/25/91	56 FR 28821

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: H. Nevarez, Department of Defense, Office of the Secretary, **703 325-8162**

RIN: 0790–AD26

680. ● RESERVE COMPONENTS COMMON PERSONNEL DATA SYSTEM (RCCPDS) (DOD INSTRUCTION 7730.54)

Legal Authority: 10 USC 261; 10 USC 267; 10 USC 275; 10 USC 511; 10 USC 651; 10 USC 652; 10 USC 671; 10 USC 1331; 10 USC 6330; 10 USC 8914

CFR Citation: 32 CFR 114

Legal Deadline: None

Abstract: This provides DoD policy and guidance for reporting Reserve Component categories, personnel transactions accounting, personnel data items, definitions, and accuracy standards to the Reserve Components Common Personnel Data System (RCCPDS). The RCCPDS is the computerized data base that has been established to meet policy requirements and to provide statistical tabulations of Reserve Components strength and related data for use throughout the Department of Defense, other Government Agencies, and the Congress. This part will eliminate redundancy in data collection, accommodate recent changes in the law pertaining to the Montgomery GI Bill, and include changes required by standardization of data elements for the automated system.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/15/91	56 FR 18699
Final Action	08/24/91	56 FR 18699

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: C. Ferrandino, Department of Defense, Office of the Secretary, **703 614-0470**

RIN: 0790–AD28

681. ● HUMAN IMMUNODEFICIENCY VIRUS (HIV-1) (DOD DIRECTIVE 6485.1)

Legal Authority: 10 USC 113

CFR Citation: 32 CFR 58

Legal Deadline: None

Abstract: This rule establishes policy promulgated by the August 8, 1988, Deputy Secretary of Defense memorandum on HIV/AIDS, as well as several DoD instructions issued by the Assistant Secretary of Defense (Health Affairs) and the Assistant Secretary of Defense (Force Management and Personnel). It denies eligibility for appointment or enlistment for military service to individuals with serologic evidence of HIV-1 infection; requires periodic screening of active duty and Reserve component military personnel for evidence of HIV-1 infection; refers active duty personnel with serologic evidence of HIV-1 infection for a medical evaluation for fitness for continued service in the same manner as personnel with other progressive illnesses; and denies eligibility for extended active duty (duty for a period of more than 30 days) to those Reserve component members with serologic evidence of HIV-1 infection.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/19/91	56 FR 15281
Final Action	04/16/91	56 FR 15281

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: M. Peterson, Department of Defense, Office of the Secretary, **703 695-7116**

RIN: 0790–AD29

682. FALSE REPRESENTATION-SMALL BUSINESS, PL 100-656, SEC 405 (DAR CASE 88-331D)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 405

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: Final, Statutory, November 15, 1988.

Abstract: Modify the Defense FAR Supplement to implement Section 405 of PL 100-656 which establishes penalties on business entities that provide false representation as a small business or a small disadvantaged business concern.

Timetable:

Action	Date	FR Cite
Case Opened	02/02/89	
Interim Final Rule	05/08/90	55 FR 19070
Final Action Effective	09/28/90	
Final Action DAC 88-16, Item V.	11/21/90	55 FR 48730

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AB76

683. CONTRACTOR ADP SOFTWARE COSTS (DAR CASE 87-051)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 231

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Defense Logistics Agency recommendation to describe how to treat and evaluate contractor's ADP costs.

Timetable:

Action	Date	FR Cite
Case Opened	09/21/89	
Case closed. No DFARS language required.	07/17/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC07

684. PRODUCT QUALITY DEFICIENCY REPORTS (DAR CASE 89-073)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 246

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement an Air Force recommendation to provide coverage needed to support the Department of Defense Product Quality Deficiencies Reports Program. This program tracks quality problems that are discovered in supplies which have been accepted and are in inventory.

Timetable:

Action	Date	FR Cite
Case Opened	07/07/89	
NPRM	09/18/90	55 FR 38341
NPRM Comment Period End	10/18/90	
Case closed. Unnecessary regulatory burden.	07/02/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC18

685. REVISION TO LIABILITY CLAUSE AT 252.247-7110 (DAR CASE 89-113)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement an Army recommendation to increase contractor liability for loss and damage to domestic shipments moved under personal property Government Bills of Lading.

Timetable:

Action	Date	FR Cite
Case Opened	12/06/89	
NPRM	04/11/90	55 FR 13674
NPRM Comment Period End	05/12/90	
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC29

686. LABOR STANDARDS-APPLICATION FOR INSTALLATION SERVICE AND SUPPORT (DAR CASE 90-016)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 222

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to clarify the application of labor standards to installation service/support contracts.

Timetable:

Action	Date	FR Cite
Case Opened	07/05/90	
Final Action	07/31/91	56 FR 36280

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC67

687. REVIEW AND EVALUATE CONTRACTOR PROPOSALS (DAR CASE 90-521)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Defense Logistics Agency recommendation that the price analyst instead of the administrative contracting officer discuss bidder/offeror /contractor pricing proposals directly with the procurement contracting officer.

Timetable:

Action	Date	FR Cite
Case Opened	06/27/90	
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC78

688. REWRITE OF THE DOD FAR SUPPLEMENT (DAR CASE 90-743A)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 202; 48 CFR 203; 48 CFR 207; 48 CFR 219; 48 CFR 220; 48 CFR 224; 48 CFR 226; 48 CFR 229; 48 CFR 231; 48 CFR 233; 48 CFR 243; 48 CFR 248; 48 CFR 250; 48 CFR 251; 48 CFR 252

Legal Deadline: None

Abstract: The Office of the Secretary of Defense has suggested that the entire Defense FAR Supplement be rewritten to eliminate duplication and redundancy. This case involves the rewrite of various parts of the Defense FAR Supplement.

Timetable:

Action	Date	FR Cite
Case Opened	01/02/90	
NPRM	02/14/91	56 FR 6056
NPRM Comment Period End	04/15/91	
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC79

689. REWRITE OF THE DOD FAR SUPPLEMENT (DAR CASE 90-743B)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 205; 48 CFR 206; 48 CFR 209; 48 CFR 210; 48 CFR 212; 48 CFR 213; 48 CFR 216; 48 CFR 228; 48 CFR 230; 48 CFR 234; 48 CFR 246

Legal Deadline: None

Abstract: The Office of the Secretary of Defense has suggested that the entire Defense FAR Supplement be rewritten to eliminate duplication and redundancy. This case involves the rewrite of various parts of the Defense FAR Supplement.

Timetable:

Action	Date	FR Cite
Case opened	08/15/90	
NPRM	09/28/90	55 FR 39788
NPRM Comment Period End	11/27/90	
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC81

690. REWRITE OF THE DOD FAR SUPPLEMENT (DAR CASE 90-743C)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 208; 48 CFR 216; 48 CFR 222; 48 CFR 232; 48 CFR 235; 48 CFR 236; 48 CFR 247; 48 CFR 249

Legal Deadline: None

Abstract: The Office of the Secretary of Defense has suggested that the entire Defense FAR Supplement be rewritten to eliminate duplication and redundancy. This case involves the rewrite of several parts of the Defense FAR Supplement.

Timetable:

Action	Date	FR Cite
Case Opened	08/15/90	
NPRM	10/31/90	55 FR 45904
NPRM Comment Period End	12/31/90	
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC82

691. RECOVERY OF NON-RECURRING COSTS ON COMMERCIAL SALES (DAR CASE 90-001)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 234; 48 CFR 235; 48 CFR 242; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to clarify the role of Contracting Officers to establish and collect recoupment charges on commercial Foreign and Domestic sales.

Timetable:

Action	Date	FR Cite
Case Opened	01/02/90	
Merged with RIN 0790-AD22 (DAR Case 91-033).	06/21/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC83

692. FORM DD 1662 (DAR CASE 90-006)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 253

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to revise DD Form 1662 to account for Government Furnished Material in the contractor's plant.

Timetable:

Action	Date	FR Cite
Case opened	03/21/90	
NPRM	11/19/90	55 FR 47896
NPRM Comment Period End	12/18/90	
Final Action	08/16/91	56 FR 40848
Final Action Effective	08/16/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC84

693. CONTRACTING FOR AUDIT SERVICES (DAR CASE 90-034)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 234

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to add language on award and administration of contracts.

Timetable:

Action	Date	FR Cite
Case opened	09/12/90	
NPRM	02/14/91	56 FR 6056
NPRM Comment Period End	04/15/91	
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC85

694. COMBAT FORGINGS (DAR CASE 90-043)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 208

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Defense Logistics Agency recommendation that restrictions to DFARS 208.78 not apply to the acquisition of spare parts.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Case closed. No further action required.	01/14/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC86

695. MODIFIED PLANT CLEARANCE FUNCTIONS (DAR CASE 90-045)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 45 CFR 245

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement a Defense Contract Management Command recommendation to permit contractors to perform certain plant clearance functions under a modified plant clearance program.

Timetable:

Action	Date	FR Cite
Case opened	11/28/90	
Final Action Effective	02/28/91	
Final Action DAC 88-17, Item XIV.	03/04/91	56 FR 9082

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC88

696. COST OR PRICING THRESHOLD (DAR CASE 90-303)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 803

CFR Citation: 48 CFR 215; 48 CFR 252

Legal Deadline: Final, Statutory, May 6, 1991.

Abstract: Modify the Defense FAR Supplement to implement Section 803 of PL 101-510 which raises the threshold for certified cost or pricing data to $500,000 and asks Contracting Officers to identify procurements requiring cost or pricing data.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Case closed. No DFARS language required.	05/16/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AC90

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697. ALTERNATE SOURCE REQUIREMENT (DAR CASE 90-305)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 805

CFR Citation: 48 CFR 204

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 805 of PL 101-510 to require acquisition strategies for major programs and major subprograms to include an option to use competitive alternate sources.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Case closed. No DFARS language required.	01/09/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AC91

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698. MULTIYEAR REVISITED (DAR CASE 90-307)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 808

CFR Citation: 48 CFR 217

Legal Deadline: Final, Statutory, November 15, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 808 of PL 101-510 to establish additional criteria for using multiyear contracts.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Final Action DAC 88-17, Item V.	03/04/91	56 FR 9082
Final Action Effective	03/04/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AC92

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699. PILOT PROGRAM (DAR CASE 90-308)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 809

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, August 2, 1991.

Abstract: Modify the Defense FAR Supplement to implement Section 809 of PL 101-510, which: (1) sets up a pilot program to try to conduct major acquisition programs in accordance with standard commercial practices; (2) permits waiver of certain statutes; and (3) prohibits waiver of certain statutes.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Case closed. DFARS deferred pending receipt of policy guidance.	01/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AC93

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700. SMALL DISADVANTAGED BUSINESS DEFINITIONS (DAR CASE 90-309)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 811

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 811 of PL 101-510 which adds advertising firms to the definition of small business concerns.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Case closed. No DFARS language required.	02/06/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary,

Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC94

701. CONVICT PROHIBITION (DAR CASE 90-310)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 812

CFR Citation: 48 CFR 203; 48 CFR 208

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 812 of PL 101-510 to extend the prohibition on convicted individuals to the first tier subcontract of a defense contractor.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Interim Final Rule	03/14/91	56 FR 9082
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC95

702. POST EMPLOYMENT RULES (DAR CASE 90-312)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 815

CFR Citation: 48 CFR 252

Legal Deadline: Final, Statutory, November 30, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 815 of PL 101-510 which suspended, from December 1,1990 through May 31, 1991, that part of the clause at 252.203-7002 that prohibits the offering of compensation to a person if the compensation would violate 10 USC 2397b.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Final Action DAC 88-17, Item II.	03/04/91	56 FR 9082
Final Action Effective	03/04/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC96

703. INDEPENDENT RESEARCH AND DEVELOPMENT COSTS (DAR CASE 90-313)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 824

CFR Citation: 48 CFR 231; 48 CFR 242; 48 CFR 225

Legal Deadline: None

Abstract: Modify the DoD FAR Supplement to implement the provisions of Section 824 of PL 101-510 which requires the Secretary of Defense to issue regulations concerning payment of Independent Research and Development and Bid and Proposal costs.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
NPRM	03/14/91	56 FR 10854
NPRM Comment Period End	04/15/91	
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AC97

704. CONTRACTOR WHISTLEBLOWER PROTECTION (DAR CASE 90-319)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 837

CFR Citation: 48 CFR 203

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: Modify the Defense FAR Supplement to implement Section 837 of PL 101-510 which prohibits contractors from disciplining employees who disclose to the Government evidence of violation of laws or regulations.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Interim Final Rule	05/02/91	56 FR 24140
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD03

705. MASTER AGREEMENTS (DAR CASE 90-320)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 834

CFR Citation: 48 CFR 237

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement Section 834(c) of PL 101-510 to permit DoD to issue master agreements for advisory and assistance services and to waive certain requirements on a case by case basis.

Timetable:

Action	Date	FR Cite
Case opened	11/15/90	
Final Action DAC 88-18, Item XI.	04/15/91	56 FR 15162
Final Action Effective	04/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AD04

706. PUBLIC-PRIVATE COMPETITION (DAR CASE 90-325)

Significance: Agency Priority

Legal Authority: PL 101-511, Sec 8072

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 8072 of PL 101-511 which requires the Navy to acquire alteration, overhaul and repair work by competition between public and private shipyards, Naval Aviation depots and private companies.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Case closed. DFARS revisions deferred pending receipt of policy guidance.	04/10/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AD05

707. SUPERCOMPUTERS (DAR CASE 90-326)

Significance: Agency Priority

Legal Authority: PL 101-511, Sec 8034

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 8034 of PL 101-511 which prohibits the use of fiscal year 1991 funds for the purchase of supercomputers not made in the United States.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Final Action DAC 88-18, Item IV.	04/15/91	56 FR 15162
Final Action Effective	04/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AD06

708. ANCHOR AND MOORING CHAINS (DAR CASE 90-328)

Significance: Agency Priority

Legal Authority: PL 101-511, Sec 8041

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 8041 of PL 101-511 which adds a definition of manufacture and provides criteria for when the chain is to be considered manufactured in the United States.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Final Action DAC 88-18, Item V.	04/15/91	56 FR 15162
Final Action Effective	04/16/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, **703 697-7266**

RIN: 0790–AD08

709. NIGHT VISION TUBES AND DEVICES (DAR CASE 90-329)

Significance: Agency Priority

Legal Authority: PL 101-511, Sec 8054

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 8054 of PL 101-511 which states that no Fiscal Year 1991 funds shall be used to buy second or third generation night vision intensifier tubes and devices.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Final Action DAC 88-18, Item VI.	04/15/91	56 FR 15162
Final Action Effective	04/16/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD09

710. NONPROFIT SUBCONTRACTING GOALS (DAR CASE 90-332)

Significance: Agency Priority

Legal Authority: PL 101-511, Sec 8117

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 8117 of PL 101-511 which affords qualified nonprofit agencies for the blind and handicapped maximum practicable opportunities to participate as subcontractors and counts certain purchases toward subcontracting goals.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Final Action DAC 88-18, Item II.	04/15/91	56 FR 15162
Final Action Effective	04/16/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD10

711. BUNDLING OF REQUIREMENTS (DAR CASE 90-334)

Significance: Agency Priority

Legal Authority: PL 101-574, Sec 208

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, November 15, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 208 of PL 101-574 which requires Contracting Officers to take certain actions before bundling requirements into contracts too large for small business.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Case closed. No DFARS language required.	03/13/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD11

712. NON-MANUFACTURER'S RULE (DAR CASE 90-335)

Significance: Agency Priority

Legal Authority: PL 101-574, Sec 210

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, November 15, 1990.

Abstract: Modify the Defense FAR Supplement to implement Section 210 of PL 101-574 which places restrictions on purchasing requirements for non-manufacturers.

Timetable:

Action	Date	FR Cite
Case opened	12/05/90	
Case closed. No DFARS language required.	03/20/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790–AD12

713. ● ECONOMIC ADJUSTMENT PROGRAM, PL 101-510, SEC 4002 (DAR CASE 91-301)

Significance: Agency Priority

Legal Authority: PL 101-510, Sec 4002

CFR Citation: 48 CFR 243; 48 CFR 249

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: Modify the Defense FAR Supplement to implement section 4002 of PL 101-510 to provide assistance to communities, businesses, and workers who are adversely affected by reductions in DoD programs.

Timetable:

Action	Date	FR Cite
Case Opened	01/24/91	
Interim Final Rule	05/28/91	56 FR 24030
Final Action	07/31/91	56 FR 36280
Final Action Effective	12/31/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington DC, 20301-3000, 703 697-7266

RIN: 0790–AD23

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Prerule Stage

714. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D—ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, app D

Legal Deadline: None

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and State resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: No schedule at this time.

Agency Contact: Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1780

RIN: 0710–AA17

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

715. PART 326, ENFORCEMENT; CLASS II ADMINISTRATIVE PENALTIES

Significance: Agency Priority

Legal Authority: 33 USC 1319(g)

CFR Citation: 33 CFR 326.7

Legal Deadline: None

Abstract: The regulation provides the procedures for assessing Class II administrative penalties for violations of the conditions and limitations contained in permits issued by the Corps of Engineers pursuant to section 404 of the Clean Water Act. Clean Water Act Class II administrative penalties may not exceed $10,000 per day, and may not exceed a maximum of $125,000.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	10/00/92	
Final Action Effective	01/00/93	
Begin Review	03/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $3,000,000; Base Year for Dollar Estimates: 1989

Sectors Affected: All

Agency Contact: Jack T. Chowning, Policy Development Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW., Washington, DC 20314-1000, 202 272-1781

RIN: 0710–AA25

716. ● REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS

Significance: Regulatory Program

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 320 to 330

Legal Deadline: None

Abstract: The Corps of Engineers intends to make numerous clarifications to its existing regulations at 33 CFR 320-330, to consolidate all permit regulations into one document, and to reorganize 33 CFR 325 for clarity. Since the Corps Regulatory Program final regulations were published in the Federal Register on November 13, 1986, (51 CFR 41206), there has been need to clarify several of those provisions. Since 1986, we have adopted 2 new appendices at 33 CFR 325, appendices B and C. We have proposed several changes that include: Nationwide Permit Program (33 CFR 330), Fee Schedule, and Class II Administrative Civil Penalties. For clarity, we intend to consolidate all these changes into one document.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	08/00/92	
Final Action	02/00/93	
Final Action Effective	04/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Policy Development Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW., Washington, DC 20314-1000, 202 272-1782

RIN: 0710–AA30

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

717. NATIONWIDE PERMIT PROGRAM

Significance: Regulatory Program

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 330

Legal Deadline: None

Abstract: The Corps intends to propose revisions to 33 CFR 330. The intent of the proposed revisions will be to simplify and clarify the nationwide permit program of the Corps. The nationwide permit program is designed to authorize projects that have minimal impacts with little or no paperwork or delay. Section 330 of the regulation has become so complex that this goal is no longer being met.

Timetable:

Action	Date	FR Cite
NPRM	04/10/91	56 FR 14598
NPRM Comment Period End	06/10/91	56 FR 14598
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710–AA20

718. ● FLOOD PLAIN MANAGEMENT SERVICES PROGRAM: ESTABLISHMENT OF FEES FOR COST RECOVERY

Legal Authority: PL 101-640, Sec 321

CFR Citation: 33 CFR 242

Legal Deadline: None

Abstract: Budgetary constraints in recent years have substantially reduced the Flood Plain Management Services that the Corps has been providing without charge to Federal agencies, State and local governments, and private persons. New legislation, based on the "Beneficiary Pay" principle, authorizes the Corps to recover the cost of services provided to Federal agencies and private persons. This enables the Corps to continue to provide services without charge to State and local governments and to offer services to Federal agencies and private persons on a reimbursable basis. The Corps will use a nonnegotiable fee schedule to charge Federal agencies and private persons for services taking up to one day and negotiated agreements to recover the cost of services taking more than one day. This rule announces the charges contained in the fee schedule.

Timetable:

Action	Date	FR Cite
NPRM	06/04/91	56 FR 25643
NPRM Comment Period End	07/05/91	56 FR 25643
Final Action	10/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerome Q. Peterson, Chief, Flood Plain Management Services and Coastal Resources Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, Attn: CECW-PF, 202 272-0169

RIN: 0710–AA28

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Completed Actions

719. PART 325, PROCESSING DEPARTMENT OF THE ARMY PERMITS

Significance: Agency Priority

Legal Authority: 33 USC 401 et seq; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325.1(f)

Legal Deadline: None

Abstract: This regulation will provide for an increase in the fees charged by the Corps of Engineers for Department of the Army permits issued pursuant to section 10 of the River and Harbor Act of 1899, section 404 of the Clean Water Act, and section 103 of the Marine Protection Research and Sanctuaries Act. This action is being taken after an evaluation of the current fee structure by the Department of Defense Inspector General determined that the fee amounts had not been changed for a significant time. The regulation change will also restructure the fees from "permit fees" to nonrefundable application fees.

Timetable:

Action	Date	FR Cite
NPRM	10/11/90	55 FR 41354
NPRM Comment Period End	12/31/90	55 FR 51303
No further action expected in the next 12 months because of lack of appropriations	10/01/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $1,000,000; Base Year for Dollar Estimates: 1989

Sectors Affected: All

Agency Contact: Jack T. Chowning, Policy Development Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW., Washington, DC 20314-1000, 202 272-1781

RIN: 0710–AA23

720. SHORELINE MANAGEMENT FEES AT CIVIL WORKS PROJECTS

Legal Authority: 16 USC 460d

CFR Citation: 36 CFR 327

Legal Deadline: None

Abstract: The Corps intends to propose a revision to 36 CFR 327. The intent of the proposed revision is to supersede the Shoreline Management Fee Schedule set forth in the Lakeshore Management Regulation dated December 13, 1974. Shoreline

management fees are charged to individuals receiving permits for minor private exclusive use privileges. The proposed revision will increase the cost of shoreline management permits to current and future permit holders. This action is necessary to enable the Federal Government to recover a greater portion of the actual cost of issuing shoreline management permits.

Timetable:

Action	Date	FR Cite
NPRM	08/10/90	55 FR 32644
NPRM Comment Period End	09/24/90	55 FR 32644
No further action expected in the next 12 months because of lack of appropriations	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George E. Tabb, Jr., Chief, Land Management Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-ON, 202 272-0247

RIN: 0710–AA27

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Final Rule Stage

721. AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 32 CFR 701

Legal Deadline: None

Abstract: Amends 32 CFR 701, to comport with DoD Regulation 5400.7R on the time limit to administratively appeal an initial denial of a Freedom of Information Act request.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/05/90	55 FR 12638
Interim Final Rule Effective	04/05/90	55 FR 12638
Interim Final Rule Comment Period End	05/07/90	55 FR 12638
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gwen Aitken, Department of Defense, Department of the Navy, Office of the Chief of Naval Operations, OP-09B30, Room 5E521, Pentagon, Washington, DC 20350-2000, 703 697-1459

RIN: 0703–AA33

722. ADJUSTMENTS TO PRICES UNDER SHIPBUILDING CONTRACTS

Legal Authority: 10 USC 2405

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: The proposed rule defines the terminology of 10 USC 2405 and promulgates a solicitation provision and contract clause on price adjustments to shipbuilding contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/16/89	54 FR 47689
NPRM Comment Period End	02/15/90	55 FR 3608
NPRM	06/29/90	55 FR 26708
NPRM Comment Period End	08/27/90	55 FR 33541
Public Hearing	10/26/90	55 FR 43150
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard A. Moye, Head, Policy Staff, Department of Defense, Department of the Navy, Office of the Assistant Secretary of the Navy (Research, Development and Acquisition), Washington, DC 20350-1000, 703 602-2807

RIN: 0703–AA34

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

723. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 837

Legal Deadline: None

Abstract: Describes Air Force Public Affairs program and how public affairs resources are to be managed to effectively reach public affairs goals.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maj. Martens, Department of Defense, Department of the Air Force, HQ USAF (SAF/PAR), Washington, DC 20330, 703 697-6701

RIN: 0701–AA18

724. AIR FORCE PRIVACY ACT PROGRAM (AFR 12-35)

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 806b

Legal Deadline: None

DOD—AF **Proposed Rule Stage**

Abstract: Establishes Air Force policies and procedures for implementing Privacy Act requirements for collecting, safeguarding, maintaining, using, accessing, amending, and disseminating personal information kept by the Department of the Air Force in Privacy Act systems of records.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne W. Turner, Air Force Access Programs Manager, Department of Defense, Department of the Air Force, SAF/AAIA, Washington, DC 20330-1000, **703 697-3491**

RIN: 0701–AA30

725. AIR FORCE FREEDOM OF INFORMATION ACT PROGRAM (AFR 12-30)

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 806

Legal Deadline: None

Abstract: Establishes Air Force policies and procedures for implementing the Freedom of Information Act (FOIA) and explains how the public may get copies of Air Force records under the FOIA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne W. Turner, Air Force Access Programs Manager, Department of Defense, Department of the Air Force, SAF/AAIA, Washington, DC 20330-1000, **703 697-3491**

RIN: 0701–AA31

726. AIR FORCE SYSTEMS COMMAND CONTRACTOR PERFORMANCE ASSESSMENT (AFSC 800-54)

Legal Authority: 10 USC 2305(a)(3)

CFR Citation: 32 CFR 838

Legal Deadline: None

Abstract: This rule will expand CPAR coverage to operation and maintenance contracts in AFSC. The CPAR system has been effective in improving the ability of AFSC source selection officials when making judgements concerning past performance of contractors on AFSC systems contracts. Performance on these contracts tends to be complex and is accomplished over several years. The CPAR system provides a consistent structure for collecting performance assessments by program officials over the life of these contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/15/90	55 FR 9733
NPRM Comment Period End	04/16/90	55 FR 9733
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Maj. Steve Nippert, Department of Defense, Department of the Air Force, HQ AFSC/PKP, Andrews AFB, Washington, DC 20334-5000, **301 981-5991**

RIN: 0701–AA33

727. ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP) (AFR 19-2)

Significance: Agency Priority

Legal Authority: PL 91-190

CFR Citation: 32 CFR 989

Legal Deadline: None

Abstract: Contains policies, responsibilities, and procedures for the Air Force EIAP in the United States and its territories and possessions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. E. Lindenhofen, Department of Defense, Department of the Air Force, HQ USAF/CEVP, Pentagon, Rm 5D381, Washington, DC 20330-5140, **703 695-8942**

RIN: 0701–AA36

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Final Rule Stage

728. AIR FORCE LOGISTICS COMMAND FEDERAL ACQUISITION REGULATION SUPPLEMENT; SPECIAL CONTRACTING METHODS, VENDOR RATING SYSTEM

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 5317

Legal Deadline: None

Abstract: This rule will assist contracting personnel in determining which competitive offer represents the greatest value to the government. This will be done by providing a historical record of each contractor's performance on past AFLC contracts in terms of quality and timely delivery.

Timetable:

Action	Date	FR Cite
NPRM	10/24/90	55 FR 42863
NPRM Comment Period End	11/23/90	55 FR 42863
Final Action	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: S. Wiginton, Department of Defense, Department of the Air Force, HQ AFLC/PKP, Wright Patterson AFB OH 45433-5001, **513 257-6048**

RIN: 0701–AA34

DOD—AF

Final Rule Stage

729. UTILIZATION OF EXCESS AND DISPOSAL OF SURPLUS REAL PROPERTY

Significance: Agency Priority

Legal Authority: PL 100-526, Sec 204; PL 101-510, Sec 2905

CFR Citation: 41 CFR 132-47

Legal Deadline: None

Abstract: Describes the procedure to be used by the Air Force to transfer excess real property between Federal agencies and to dispose of surplus real property.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/91	56 FR 13286
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gilbert Sailer, Realty Specialist, Department of Defense, Department of the Air Force, HQ AF/BDA-BDT, Washington, DC 20330-5140, **703 697-7446**

RIN: 0701–AA35

730. ● AIR FORCE SYSTEMS COMMAND FEDERAL ACQUISITION REGULATION; SUPPLEMENT CLAUSE: TOTAL SYSTEM PERFORMANCE RESPONSIBILITY (TSPR)

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 5317

Legal Deadline: None

Abstract: This rule proposes a clause for use in contracts for large complex development work. It will ensure that design requirements are clearly recognized and that the design of subsystems, which are developed under other government contracts, are compatible with the system.

Timetable:

Action	Date	FR Cite
NPRM	03/22/91	56 FR 12145
NPRM Comment Period Extended	04/03/91	56 FR 13608
NPRM Comment Period End	05/22/91	56 FR 13608
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David Thomas, Department of Defense, Department of the Air Force, AFSC/PKCP, Andrews AFB, Washington, DC 20334-1000, **301 981-4022**

RIN: 0701–AA37

731. ● AIR FORCE FEDERAL ACQUISITION REGULATION SUPPLEMENT CLAUSE: CONTRACTOR TOXICOLOGICAL TESTING-AIRCRAFT ACCIDENTS

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 5323

Legal Deadline: None

Abstract: This rule requires toxicological testing of any contractor employees after an accident on an Air Force aircraft.

Timetable:

Action	Date	FR Cite
NPRM	05/24/91	56 FR 23829
NPRM Comment Period End	06/24/91	56 FR 23829
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: R. Summerour, Department of Defense, Department of the Air Force, SAF/AQCF, Pentagon, Washington, DC 20330-1000, **703 695-3859**

RIN: 0701–AA39

DEPARTMENT OF DEFENSE (DOD)

Department of the Air Force (AF)

Completed Actions

732. ● DEPARTMENT OF DEFENSE COMMERCIAL AIR CARRIER QUALITY AND SAFETY REVIEW PROGRAM

Legal Authority: 10 USC 8013; 10 USC 2640

CFR Citation: 32 CFR 861

Legal Deadline: None

Abstract: This rule describes DoD quality and safety criteria for air carriers providing or seeking to provide airlift services to the DoD. It includes operating procedures of the DoD Commercial Airlift Review Board.

Timetable:

Action	Date	FR Cite
Final Action	07/02/91	56 FR 30327
Final Action Effective	08/01/91	56 FR 30327

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Col. Robert S. Wells, Jr., Director, DOD Air Carrier Survey and Analysis Directorate, Department of Defense, Department of the Air Force, HQ MAC/XOB, Scott AFB, IL 62225-5001, **618 256-4801**

RIN: 0701–AA38

DEPARTMENT OF DEFENSE (DOD)

Final Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

733. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); SUPPLEMENTAL INSURANCE PLANS (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule defines and limits the types of plans recognized as supplemental insurance coverage under CHAMPUS. The rule will also help provide guidance in identifying plans that would come under the CHAMPUS double coverage regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/12/91	56 FR 26946
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: S. Regensberg, Department of Defense, Office of Assistant Secretary for Health Affairs, Pentagon, Washington, DC 20301-1200, **303 361-3572**

RIN: 0720–AA01

734. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); MENTAL HEALTH SERVICES (DOD 6010.8-R)

Significance: Agency Priority

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements changes required by the National Defense Authorization Act for Fiscal Year 91 and the Department of Defense Appropriations Act for Fiscal Year 91, as amended by the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991, concerning mental health services under CHAMPUS. The Acts change the existing day limits and waiver criteria for acute inpatient psychiatric care, introduce new day limits for residential treatment center care, and protect against improper economic interests in referrals to inpatient facilities by health care professionals. This rule also establishes a partial hospitalization benefit.

Timetable:

Action	Date	FR Cite
NPRM	08/07/91	56 FR 30887
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Agency Contact: M. Wert, Department of Defense, Office of Assistant Secretary for Health Affairs, Pentagon, Washington, DC 20301-1200, **303 361-8336**

RIN: 0720–AA02

735. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); MENTAL HEALTH SERVICES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule would establish a mandatory preadmission program for mental health services under CHAMPUS. Such a program is needed to promote quality assurance and contain rapidly increasing costs in inpatient psychiatric care under CHAMPUS. By maintaining most of the procedures of the current voluntary preadmission authorization program, the proposed rule minimizes inconveniences for providers.

Timetable:

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30360
NPRM Comment Period End	08/01/91	56 FR 30360
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: M. Wert, Department of Defense, Office of Assistant Secretary for Health Affairs, Pentagon, Washington, DC 20301-1200, **303 361-8336**

RIN: 0720–AA03

736. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PROGRAM FOR THE HANDICAPPED (DOD 6010.8-R)

Significance: Agency Priority

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule simplifies access to, and administration of, the CHAMPUS Program for the Handicapped (PFTH). The PFTH benefit is limited to active duty Uniformed Service member dependents with moderate or severe mental retardation or a serious physical handicap. This proposal does not alter the PFTH benefit or PFTH eligibility requirements, but simply rewrites the applicable provisions to remove redundant material, provide more concise definition of key terms, and establish greater flexibility in the administration of the Program.

Timetable:

Action	Date	FR Cite
NPRM	06/10/91	56 FR 26635
NPRM Comment Period End	06/25/91	56 FR 26635
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Agency Contact: J. Baker, Department of Defense, Office of Assistant Secretary for Health Affairs, Pentagon, Washington, DC 20301-1200, **303 361-4019**

RIN: 0720–AA04

DEPARTMENT OF DEFENSE (DOD)

Completed Actions

Office of Assistant Secretary for Health Affairs (DODOASHA)

737. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ANNUAL FISCAL YEAR DEDUCTIBLE FOR OUTPATIENT SERVICES OR SUPPLIES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This amendment incorporates the applicable provisions of recent statutes relevant to the deductible amounts for outpatient care. The Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 stipulates that, in the case of dependents of a member of the Uniformed Services who served or serves on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm, the provisions of Public Law 101-510 and 511, shall not become effective until October 1, 1991. This category is defined in the rule as those dependents whose sponsors are, or were, entitled to Special Pay for Hostile Fire/Imminent Danger authorized by section 310 Title 37, United States Code, for service in the Persian Gulf Area.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/01/91	56 FR 28486
Final Action	06/21/91	56 FR 28486

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Agency Contact: A. Chris Armijo, Department of Defense, Office of Assistant Secretary for Health Affairs, Pentagon, Washington, DC 20301-1200, **303 361-3630**

RIN: 0720–AA00

[FR Doc. 91-20871 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21, 1991

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Office of the Secretary, Education.

ACTION: Publication of the semiannual agenda of Federal regulations.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulations in accordance with guidance issued by the Office of Management and Budget (OMB) issued under the authority of section 6(b) of Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to Kenneth C. Depew, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue SW., Washington, DC 20202-2241; telephone: (202) 401-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, OMB has issued guidance prescribing the content and structure of the Unified Agenda of Federal Regulations. The Unified Agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the Agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent Agenda, and planned dates of future rulemaking. In addition, the Agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness, and, to the extent possible, vesting greater discretion in State and local agencies; and (2) if necessary, to clarify and simplify requirements governing that program.

The Department will review all regulations that will be published to ensure that those regulations support the President's education strategy, AMERICA 2000, and other efforts to help the Nation reach the National Education Goals. These goals call for:

- All children starting school ready to learn;
- increasing the high school graduation rate to at least 90 percent;
- demonstrating competency in challenging subject matter, including English, mathematics, science, history, and geography;
- becoming first in the world in science and mathematics achievement;
- becoming literate and being able to exercise the rights and responsibilities of citizenship; and
- freeing every school of drugs and violence so as to offer a disciplined environment conducive to learning.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

Dated: August 27, 1991.

Jeffrey C. Martin,

General Counsel.

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
738	Direct Grant Program	1880-AA50
739	State-Administered Programs (Liquidation of Obligations for RSA Programs)	1880-AA41
740	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) and Student Assistance General Provisions	1880-AA51

ED

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
741	Demands for Testimony or Documents in Legal Proceedings	1880-AA45
742	Disposal and Utilization of Surplus Real Property for Educational Purposes	1880-AA42
743	Uniform Administrative Requirements for Grants and Cooperative Agreements	1880-AA34
744	Education Department General Administrative Regulations—Amendments II	1880-AA24
745	Technical Amendments to Program Regulations	1880-AA33
746	New Restrictions on Lobbying	1880-AA48

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
747	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06

Office for Civil Rights—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
748	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office of Educational Research and Improvement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
749	Educational Partnerships Program	1850-AA40
750	Javits Gifted and Talented Students Education Program	1850-AA38

Office of Educational Research and Improvement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
751	Library Services and Construction Act - State-Administered Program	1850-AA39

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
752	Eisenhower Mathematics and Science Education—State Grant Program	1810-AA40
753	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Education Where LEAs Cannot Provide Suitable Free Public Education	1810-AA58
754	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Education of Children Where LEAs Cannot Provide Suitable Free Public Education	1810-AA59

ED

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
755	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Education of Children Where LEAs Cannot Provide Suitable Free Public Education	1810-AA20

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
756	Follow Through Program	1810-AA25
757	Assistance for School Expenditures and Construction in Cases of Certain Disasters	1810-AA57

Office of Planning and Budget and Evaluation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
758	Protection of Human Subjects in Research	1875-AA07

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
759	Student Right-to-Know and Campus Security Act	1840-AB44
760	Institutional Eligibility—Additional Locations and Student Assistance General Provisions	1840-AB46
761	Secretary's Procedures and Criteria of Accrediting Agencies	1840-AA57
762	Drug Prevention Programs in Higher Education	1840-AB11
763	Student Assistance General Provisions—Subparts A, B, C, E, and G	1840-AB19
764	Student Assistance General Provisions—Ability to Benefit	1840-AB45
765	Student Assistance General Provisions—Subparts G and H	1840-AB47

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
766	Student Assistance General Provisions—Emergency Action	1840-AB38
767	National Science Scholars Program	1840-AB49
768	Student Assistance General Provisions—Verification	1840-AB07
769	Student Assistance General Provisions—Immigration Status Confirmation	1840-AB30
770	Student Assistance General Provisions—Clock Hour/ Credit Hour Amendments	1840-AB39
771	Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs—(Miscellaneous Changes)	1840-AB22
772	Perkins Loan, College Work Study and Supplemental Educational Opportunity Grant Program—Amendments	1840-AB31
773	Guaranteed Student Loan (GSL) Program, Including the Stafford Loan, PLUS, Supplemental Loans for Students and Consolidation Loan Programs	1840-AA96
774	Guaranteed Student Loan (GSL) Programs, Including the Stafford Loan, PLUS, Supplemental Loans for Students, and Consolidation Loan Programs—Default Reduction Initiative	1840-AB41
775	Pell Grant Program—Cash Flow Provisions	1840-AB34

ED

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
776	Student Assistance General Provisions and Institutional Eligibility—Secretary's Accountability Initiative	1840-AB18
777	Student Assistance General Provisions and Guaranteed Student Loan Program	1840-AB42
778	Guaranteed Student Loan (GSL) Programs, Including the Stafford Loan, PLUS, Supplemental Loans for Students, and Consolidation Loan Programs—Default Reduction Initiative	1840-AB32

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
779	Assistance to States for Education of Children with Disabilities and Early Intervention Program for Infants and Toddlers with Disabilities	1820-AA71
780	Rehabilitation Services Administration General Deregulation	1820-AA45
781	The State Supported Employment Services Program	1820-AA86
782	The State Independent Living Rehabilitation Services Program - Deregulation	1820-AA37
783	Centers for Independent Living—Standards and Evaluation Indicators	1820-AA81

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
784	Assistance to States for Education of Children with Disabilities	1820-AA89
785	Technical Amendments for Special Education Programs	1820-AA94
786	Services for Children with Deaf-Blindness Program	1820-AA96
787	Training Personnel for the Education of Individuals with Disabilities - Grants for Personnel Training	1820-AA95
788	State Systems for Transition Services for Youth with Disabilities	1820-AA90
789	Program for Children and Youth with Serious Emotional Disturbance	1820-AA91
790	The State Vocational Rehabilitation Services Program - Deregulation	1820-AA47

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
791	Training and Public Awareness Projects of National Significance in Technology-Related Assistance for Individuals with Disabilities	1820-AA93
792	The State Vocational Rehabilitation Services Program - Maintenance of Effort	1820-AA88

Office of Vocational and Adult Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
793	Carl D. Perkins Vocational and Applied Technology Education Act	1830-AA08
794	Adult Education and Literacy Programs	1830-AA10

ED

Office of Vocational and Adult Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
795	Technology Education Demonstration Program	1830-AA07

Office of the General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
796	Equal Access to Justice	1801-AA01

DEPARTMENT OF EDUCATION (ED)

Departmental Management (EDMAN)

Proposed Rule Stage

738. ● DIRECT GRANT PROGRAM

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 075

Legal Deadline: None

Abstract: These proposed regulations would revise part 75 to clarify various issues related to indirect cost rates, including the appropriate application of restricted indirect cost rates.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, 400 Maryland Avenue, SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880–AA50

739. STATE-ADMINISTERED PROGRAMS (LIQUIDATION OF OBLIGATIONS FOR RSA PROGRAMS)

Legal Authority: 20 USC 1221e-3(a)(1); 20 USC 3474

CFR Citation: 34 CFR 076

Legal Deadline: None

Abstract: These proposed regulations would provide flexibility to States in administering Federal grants by extending the time period for liquidation of certain kinds of obligations under State-administered programs of the Department's Rehabilitative Services Administration.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, 400 Maryland Avenue, SW., Room 3636, ROB-3, Washington, DC 20202, 202 708-5580

RIN: 1880–AA41

740. ● GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS) AND STUDENT ASSISTANCE GENERAL PROVISIONS

Legal Authority: 20 USC 1082(a)(1) to 1082 (h)(1); 20 USC 1094(c)(1)(D); 20 USC 1221e-3(a)(1); 20 USC 3474; EO 12689

CFR Citation: 34 CFR 085; 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would implement Executive Order 12689 which requires agency debarment and suspension actions under procurement or nonprocurement activities to have reciprocal governmentwide effect. The regulations would also clarify the policy and procedures which affect both governmentwide debarment and suspension and termination of participation of institutions of higher education in student financial assistance programs under Title IV of the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Jane Kane, Grants and Contracts Service, Office of Management, Department of Education, 400 Maryland Avenue, SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880–AA51

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

741. DEMANDS FOR TESTIMONY OR DOCUMENTS IN LEGAL PROCEEDINGS

Legal Authority: 5 USC 301; 5 USC 552; 20 USC 3474

CFR Citation: 34 CFR 008

Legal Deadline: None

Abstract: These regulations establish procedures for departmental response to subpoenas or other demands for departmental employees to testify in private litigations or other proceedings.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Wexler, Office of the General Counsel, Department of Education, 400 Maryland Avenue, SW., Room 4122, FOB-6, Washington, DC 20202-2243, **202 401-3690**

RIN: 1880–AA45

742. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES

Legal Authority: 40 USC 484

CFR Citation: 34 CFR 012

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	10/31/90	55 FR 45972
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David B. Hakola, Office of the Administrator for Management Services, Department of Education, 400 Maryland Avenue, SW., Room 1175, FOB-6, Washington, DC 20202-4532, **202 401-0500**

RIN: 1880–AA42

743. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 074; 34 CFR 080

Legal Deadline: None

Abstract: These regulations propose to remove Part 80 and revise Part 74 to establish certain governmentwide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and nonprofit and commercial organizations. These regulations were based on an OMB proposal to combine OMB Circulars A-102 (Grants and Cooperative Agreements with State and Local Governments) and A-110 (Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations) into a single, unified grants management circular. On October 29, 1990, the Office of Management and Budget (OMB) published a notice in the Federal Register (55 FR 45289) that cancelled plans to merge OMB Circulars A-102 and A-110. Therefore, the Department does not intend to combine administrative requirements for grants and cooperative agreements for all types of recipients into 34 CFR Part 74. The Department is currently participating in a governmentwide work group that will decide, at a later date, what revisions, if any, are needed to be made to OMB circular A-110.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, 400 Maryland Avenue, SW., Room 3636, ROB-3, Washington, DC 20202-4700, **202 708-5580**

RIN: 1880–AA34

744. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS—AMENDMENTS II

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 74; 34 CFR 75; 34 CFR 76; 34 CFR 77; 34 CFR 237; 34 CFR 263; 34 CFR 356; 34 CFR 562; 34 CFR 630; 34 CFR 653; 34 CFR 654; 34 CFR 762

Legal Deadline: None

Abstract: The Department is issuing miscellaneous amendments to update and improve the regulations in 34 CFR Parts 74, 75, 76, and 77 of the Education Department General Administrative Regulations and various program regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	54 FR 31580
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, 400 Maryland Ave., SW., Room 3636, ROB-3, Washington, DC 20202-4700, **202 708-5580**

RIN: 1880–AA24

745. TECHNICAL AMENDMENTS TO PROGRAM REGULATIONS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 074; 34 CFR 080

Legal Deadline: None

Abstract: On November 4, 1988, the Department published an NPRM proposing to establish certain government-wide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and non-profit and commercial organizations. The regulations would appear in a revised 34 CFR Part 74. On October 29, 1990, the Office of Management and Budget (OMB) published a notice in the Federal Register (55 FR 45289) that cancelled plans to merge OMB Circulars A-102 and A-110. Therefore, the Department does not intend to combine administrative requirements for grants and cooperative agreements for all types of recipients into 34 CFR Part 74. However, the Department intends to revise program regulations to cite the applicable administrative requirements found in either 34 CFR Part 74 or 34 CFR Part 80. A notice amending certain program regulations will be published in the Federal Register after final action is taken in the current efforts to amend the common regulations in 34 CFR Part 80.

ED—EDMAN **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, 400 Maryland Avenue, SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880–AA33

746. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; 20 USC 347-4

CFR Citation: 34 CFR 082

Legal Deadline: None

Abstract: These regulations implement provisions to prohibit recipients of Federal grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific grant or loan, and imposes certain certification and disclosure requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mary Hughes, Grants and Contracts Service, Department of Education, 400 Maryland Avenue, SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880–AA48

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Proposed Rule Stage

747. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681

CFR Citation: 34 CFR 106

Legal Deadline: None

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael L. Williams, Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave., SW., Rm 5000, Switzer Bldg., Washington, DC 20202-1100, 202 732-1213

RIN: 1870–AA06

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Final Rule Stage

748. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None

Abstract: These agency-specific final regulations provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael L. Williams, Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW., Room 5000, Switzer Bldg., Washington, DC 20202-1100, 202 732-1213

RIN: 1870–AA05

DEPARTMENT OF EDUCATION (ED)
Office of Educational Research and Improvement (OERI)

Proposed Rule Stage

749. EDUCATIONAL PARTNERSHIPS PROGRAM

Legal Authority: 20 USC 5031 to 5039

CFR Citation: 34 CFR 722

Legal Deadline: None

Abstract: These regulations would implement the Educational Partnerships Program as authorized in the Educational Partnerships Act of 1988.

ED—OERI

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lois N. Weinberg, Programs for the Improvement of Practice, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue, NW., Room 510, Washington, DC 20208-5645, 202 219-2116

RIN: 1850–AA40

750. JAVITS GIFTED AND TALENTED STUDENTS EDUCATION PROGRAM

Legal Authority: 20 USC 3061 to 3068

CFR Citation: 34 CFR 791

Legal Deadline: None

Abstract: These regulations would implement the Jacob K. Javits Gifted and Talented Students Education Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/09/91	56 FR 51122
Final Action	01/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Patricia O'Connell Ross, Programs for the Improvement of Practice, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue, NW., Room 504, Washington, DC 20208-5643, 202 219-2127

RIN: 1850–AA38

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Final Rule Stage

751. LIBRARY SERVICES AND CONSTRUCTION ACT - STATE-ADMINISTERED PROGRAM

Legal Authority: 20 USC 351 et seq

CFR Citation: 34 CFR 770

Legal Deadline: None

Abstract: These regulations implement the Library Services and Construction Act Amendments of 1990.

Timetable:

Action	Date	FR Cite
NPRM	10/17/90	55 FR 42152
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Klassen, Director, Public Library Support Staff, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue, NW., Room 402L, Washington, DC 20208-5571, 202 219-1303

RIN: 1850–AA39

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Proposed Rule Stage

752. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION—STATE GRANT PROGRAM

Legal Authority: 20 USC 2981 to 2993

CFR Citation: 34 CFR 208

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Excellence in Mathematics, Science, and Engineering Education Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lee Wickline, Director, School Effectiveness Division, School Improvement Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 2040, FOB-6, Washington, DC 20202-6245, 202 401-1062

RIN: 1810–AA40

753. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

Legal Authority: 20 USC 237

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These proposed regulations would amend the current regulations to provide for the calculations of eligibility and entitlements for certain California LEAs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Hansen, Director, Impact Aid Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 2077, FOB-6, Washington, DC 20202-6244, 202 401-3637

RIN: 1810–AA58

ED—OESE **Proposed Rule Stage**

754. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

Legal Authority: 20 USC 237 to 238

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These proposed regulations would amend the current regulations to provide for the necessary changes needed for more efficient program administration.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Hansen, Director, Impact Aid Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 2077, FOB-6, Washington, DC 20202-6244, 202 401-3637

RIN: 1810–AA59

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Final Rule Stage

755. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

Legal Authority: 20 USC 236 to 241-1; 20 USC 242 to 244

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Excellence in Mathematics, Science, and Engineering Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	09/03/91	56 FR 46670
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Hansen, Director, Impact Aid Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 2077, FOB-6, Washington, DC 20202-6244, 202 401-3637

RIN: 1810–AA20

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Completed Actions

756. FOLLOW THROUGH PROGRAM

CFR Citation: 34 CFR 215

Completed:

Reason	Date	FR Cite
Final Action	04/12/91	56 FR 14980
Final Action Effective	06/12/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Ogura, 202 401-0701

RIN: 1810–AA25

757. ASSISTANCE FOR SCHOOL EXPENDITURES AND CONSTRUCTION IN CASES OF CERTAIN DISASTERS

CFR Citation: 34 CFR 219

Completed:

Reason	Date	FR Cite
Withdrawn	07/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Hansen, 202 401-3637

RIN: 1810–AA57

DEPARTMENT OF EDUCATION (ED)

Office of Planning and Budget and Evaluation (OPBE)

Completed Actions

758. PROTECTION OF HUMAN SUBJECTS IN RESEARCH

CFR Citation: 34 CFR 097

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28002
Final Action Effective	08/19/91	56 FR 28002

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Ed Glassman, 202 401-3132

RIN: 1875–AA07

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Proposed Rule Stage

759. STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT

Legal Authority: PL 101-542

CFR Citation: 34 CFR 000

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Student Right-to-Know and Campus Security Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paula Husselmann, Pell Grant Branch, Office of Student Financial Assistance, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4310, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840–AB44

760. INSTITUTIONAL ELIGIBILITY—ADDITIONAL LOCATIONS AND STUDENT ASSISTANCE GENERAL PROVISIONS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600; 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would implement statutory requirements that postsecondary educational institutions must meet in order to be eligible to apply for participation in Title V, Higher Education Act Programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol F. Sperry, Director, Division of Eligibility and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 3030, ROB-3, Washington, DC 20202-5242, 202 708-4906

RIN: 1840–AB46

761. SECRETARY'S PROCEDURES AND CRITERIA OF ACCREDITING AGENCIES

Legal Authority: 20 USC 1058; 20 USC 1061; 20 USC 1085; 20 USC 1087-1(b); 20 USC 1088; 20 USC 1141; 20 USC 1401; 20 USC 2471; 20 USC 3381

CFR Citation: 34 CFR 602

Legal Deadline: None

Abstract: These proposed regulations would revise the criteria by which the Secretary determines whether an accrediting agency is a reliable authority concerning the quality of education or training offered by the postsecondary educational institutions or programs within the agency's scope of operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Griffith, Director, Division of Agency Evaluation and Support, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 3036, ROB-3, Washington, DC 20202-5244, 202 708-7417

RIN: 1840–AA57

762. DRUG PREVENTION PROGRAMS IN HIGHER EDUCATION

Legal Authority: 20 USC 3211

CFR Citation: 34 CFR 612

Legal Deadline: None

Abstract: These regulations would implement various policy changes through amendments to current regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald Fischer, Program Analyst, Fund for the Improvement of Postsecondary Education, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 3000, ROB-3, Washington, DC 20202-5171, 202 708-5771

RIN: 1840–AB11

763. STUDENT ASSISTANCE GENERAL PROVISIONS—SUBPARTS A, B, C, E, AND G

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would amend the provisions related to selective service requirements, implement a provision of the Omnibus Budget Reconciliation Act of 1989, PL 101-239, and make other miscellaneous changes in the student assistance general provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This document includes 1840-AB36.

Agency Contact: Carney M. McCullough, Chief, Policy Section, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840–AB19

764. STUDENT ASSISTANCE GENERAL PROVISIONS—ABILITY TO BENEFIT

Legal Authority: PL 102-26

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would implement ability-to-benefit provisions of the Higher Education Technical Amendments of 1991 (PL 102-26).

ED—OPE **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cheryl Leibovitz, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4318, ROB-3, Washington, DC 20202, **202 708-7888**

RIN: 1840–AB45

765. ● STUDENT ASSISTANCE GENERAL PROVISIONS—SUBPARTS G AND H

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would amend subparts G and H of the Student Assistance General Provisions regulations to clarify the procedures to be followed in administrative hearings regarding fines, and limitation, suspension, or termination of institutional participation in the Student Financial Assistance Programs under the Higher Education Act, and Appeals by institutions Audit and Program Review determinations under these programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Kolotos, Program Specialist, Policy Section, PGB, Division of Policy and Program Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., ROB-3, Room 4318, Washington, DC 20202-5343, **202 708-7888**

RIN: 1840–AB47

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE) **Final Rule Stage**

766. STUDENT ASSISTANCE GENERAL PROVISIONS—EMERGENCY ACTION

Legal Authority: 20 USC 1141; 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094

CFR Citation: 34 CFR 600; 34 CFR 668

Legal Deadline: None

Abstract: These regulations will govern emergency actions against educational institutions and provide for hearings before institutions' definitional eligibility is removed.

Timetable:

Action	Date	FR Cite
NPRM	08/07/90	55 FR 32186
NPRM; Cross Reference	08/07/90	55 FR 32186
Final Action	08/07/90	55 FR 32180
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Frohlicher, Division of Eligibility and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW., Washington, DC 20202-5323, **202 401-3294**

RIN: 1840–AB38

767. ● NATIONAL SCIENCE SCHOLARS PROGRAM

Legal Authority: 20 USC 5381 to 5386

CFR Citation: 34 CFR 652

Legal Deadline: None

Abstract: These proposed regulations would provide guidance to Chief State School Officers, State Nominating Committees, and institutions of higher education in their administration of the National Science Scholars Program.

Timetable:

Action	Date	FR Cite
NPRM	09/24/91	56 FR 48400
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen Wingard, Program Specialist, Office of Student Financial Assistance, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4018, ROB-3, Washington, DC 20202, **202 708-4607**

RIN: 1840–AB49

768. STUDENT ASSISTANCE GENERAL PROVISIONS—VERIFICATION

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498), the Tax Reform Act of 1986, the Compact of Free Association, and the Higher Education Technical Amendments of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	54 FR 45994
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lorraine Kennedy, Student Verification Branch, Division of Policy and Program Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW., Room 4613, ROB-3, Washington, DC 20202, **202 708-4601**

RIN: 1840–AB07

ED—OPE

Final Rule Stage

769. STUDENT ASSISTANCE GENERAL PROVISIONS—IMMIGRATION STATUS CONFIRMATION

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would establish rules by which an educational institution must confirm the immigration status of certain non-citizen applicants for student financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	04/29/91	56 FR 19782
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Claude E. Denton, Student Verification Branch, Division, Policy and Program Development, Department of Education, Office of Postsecondary Education, Room 4613, ROB-3, 400 Maryland Avenue, SW., Washington, DC 20202, **202 708-4601**

RIN: 1840–AB30

770. STUDENT ASSISTANCE GENERAL PROVISIONS—CLOCK HOUR/ CREDIT HOUR AMENDMENTS

Legal Authority: 20 USC 1082; 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would eliminate a serious abuse of the student financial aid programs by establishing a formula for converting actual clock hours of attendance into credit hours in undergraduate vocational programs that desire to use credit hour measurement of educational programs for purposes of the student financial assistance programs.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	55 FR 40148
NPRM Comment Period End	01/02/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney McCullough, Pell Grant Branch, Office of Student Financial Assistance, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Washington, DC 20202, **202 708-7888**

RIN: 1840–AB39

771. PERKINS LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS—(MISCELLANEOUS CHANGES)

Legal Authority: 20 USC 1070b to 1070b-3; 20 USC 1087aa to 1087hh; 42 USC 2751 to 2756a

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Amendments of 1986. The regulations would also establish procedures that would make the Supplemental Educational Opportunity Grant Program consistent with the Pell Grant Program with respect to collection of outstanding overpayments.

Timetable:

Action	Date	FR Cite
NPRM	11/13/90	55 FR 47438
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold F. McCullough, Chief, Policy Section, Campus & State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4018, ROB-3, Washington, DC 20202, **202 708-4690**

RIN: 1840–AB22

772. PERKINS LOAN, COLLEGE WORK STUDY AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM—AMENDMENTS

Legal Authority: 20 USC 1070b to 1070b-3; 20 USC 1087aa to 1087hh; 42 USC 2751 to 2756a

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These regulations are needed to make technical corrections to the campus based student financial assistance program regulations published on December 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/13/91	56 FR 10742
NPRM Comment Period End	04/29/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold F. McCullough, Chief, Policy Section, Campus and State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4018, ROB-3, Washington, DC 20202, **202 708-4690**

RIN: 1840–AB31

773. GUARANTEED STUDENT LOAN (GSL) PROGRAM, INCLUDING THE STAFFORD LOAN, PLUS, SUPPLEMENTAL LOANS FOR STUDENTS AND CONSOLIDATION LOAN PROGRAMS

Significance: Regulatory Program

Legal Authority: 20 USC 1071 et seq

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498), subsequent statutory amendments, and policy changes.

Timetable:

Action	Date	FR Cite
NPRM	11/20/90	55 FR 48324
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW., Room 4310, ROB-3, Washington, DC 20202, **202 708-8242**

RIN: 1840–AA96

ED—OPE

Final Rule Stage

774. GUARANTEED STUDENT LOAN (GSL) PROGRAMS, INCLUDING THE STAFFORD LOAN, PLUS, SUPPLEMENTAL LOANS FOR STUDENTS, AND CONSOLIDATION LOAN PROGRAMS—DEFAULT REDUCTION INITIATIVE

Significance: Regulatory Program

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations propose alternative procedures for protecting borrowers in the event of a school closure.

Timetable:

Action	Date	FR Cite
NPRM	09/05/91	56 FR 43978
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4310, ROB-3, Washington, DC 20202, 202 708-8242

RIN: 1840–AB41

775. PELL GRANT PROGRAM—CASH FLOW PROVISIONS

Legal Authority: 20 USC 1070a to 1070a-6

CFR Citation: 34 CFR 690

Legal Deadline: None

Abstract: These regulations would revise several terms in the current regulations and implement a statutory change resulting from the Consolidated Omnibus Budget Reconciliation Act of 1985 (PL 99-272).

Timetable:

Action	Date	FR Cite
NPRM	09/12/90	55 FR 37610
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney M. McCullough, Chief, Policy Section, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840–AB34

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Postsecondary Education (OPE)

776. STUDENT ASSISTANCE GENERAL PROVISIONS AND INSTITUTIONAL ELIGIBILITY—SECRETARY'S ACCOUNTABILITY INITIATIVE

CFR Citation: 34 CFR 600; 34 CFR 668

Completed:

Reason	Date	FR Cite
Final Action	07/31/91	56 FR 36682
Final Action Effective	09/14/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John DeCleene, 202 708-7888

RIN: 1840–AB18

777. STUDENT ASSISTANCE GENERAL PROVISIONS AND GUARANTEED STUDENT LOAN PROGRAM

CFR Citation: 34 CFR 668

Completed:

Reason	Date	FR Cite
Final Action	07/19/91	56 FR 33338
Final Action Effective	09/02/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, 202 708-8242

RIN: 1840–AB42

778. GUARANTEED STUDENT LOAN (GSL) PROGRAMS, INCLUDING THE STAFFORD LOAN, PLUS, SUPPLEMENTAL LOANS FOR STUDENTS, AND CONSOLIDATION LOAN PROGRAMS—DEFAULT REDUCTION INITIATIVE

Significance: Regulatory Program

CFR Citation: 34 CFR 682

Completed:

Reason	Date	FR Cite
Final Action	09/26/91	56 FR 48990

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, 202 708-8242

RIN: 1840–AB32

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

779. ASSISTANCE TO STATES FOR EDUCATION OF CHILDREN WITH DISABILITIES AND EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES

Legal Authority: 20 USC 1411 to 1420; 20 USC 1471 to 1485

CFR Citation: 34 CFR 300; 34 CFR 303

Legal Deadline: None

Abstract: These regulations would provide more flexibility to States in administering Federal funds.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

ED—OSERS

Proposed Rule Stage

Agency Contact: Rhonda Weiss, Senior Policy Analyst, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3617, Switzer Building, Washington, DC 20202-2640, 202 732-1375

RIN: 1820–AA71

780. REHABILITATION SERVICES ADMINISTRATION GENERAL DEREGULATION

Legal Authority: 20 USC 107 et seq; 29 USC 701 et seq

CFR Citation: 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 371; 34 CFR 372; 34 CFR 374; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 386; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL CFR CITATION: 34 CFR 395.

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028, Switzer Building, Washington, DC 20202-1550, 202 732-1282

RIN: 1820–AA45

781. THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

Legal Authority: 29 USC 795j to 795q

CFR Citation: 34 CFR 363

Legal Deadline: None

Abstract: These regulations are needed to address grantee implementation problems resulting from non-statutory restrictions in current regulations.

Timetable:

Action	Date	FR Cite
ANPRM	02/13/90	55 FR 5132
ANPRM Comment Period End	04/16/90	
NPRM	12/00/91	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028, Switzer Building, Washington, DC 20202-1550, 202 732-1282

RIN: 1820–AA86

782. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM - DEREGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 796 to 796d-1

CFR Citation: 34 CFR 365

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
ANPRM	06/27/88	53 FR 24175
NPRM	12/00/91	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028, Switzer Building, Washington, DC 20202-1550, 202 732-1282

RIN: 1820–AA37

783. CENTERS FOR INDEPENDENT LIVING—STANDARDS AND EVALUATION INDICATORS

Legal Authority: 20 USC 796e

CFR Citation: 34 CFR 366

Legal Deadline: NPRM, Statutory, July 1, 1988.

Abstract: These proposed regulations would implement certain changes to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028, Switzer Bldg., Washington, DC 20202-1550, 202 732-1282

RIN: 1820–AA81

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Final Rule Stage

784. ASSISTANCE TO STATES FOR EDUCATION OF CHILDREN WITH DISABILITIES

Legal Authority: 20 USC 1411 to 1420

CFR Citation: 34 CFR 300

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Education of the Handicapped Act Amendments of 1990, PL 101-476.

Timetable:

Action	Date	FR Cite
NPRM	08/19/91	56 FR 41266
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rhonda Weiss, Senior Policy Analyst, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3617, Switzer Building, Washington, DC 20202-2640, 202 732-1375

RIN: 1820–AA89

785. TECHNICAL AMENDMENTS FOR SPECIAL EDUCATION PROGRAMS

Legal Authority: 20 USC 1406; 20 USC 1411 to 1421; 20 USC 1423 to 1425; 20 USC 1431 to 1435; 20 USC 1441 to 1444; 20 USC 1451 to 1452; 20 USC 1461 to 1462; 20 USC 1471 to 1485

CFR Citation: 34 CFR 300; 34 CFR 301; 34 CFR 303; 34 CFR 304; 34 CFR 305; 34 CFR 309; 34 CFR 315; 34 CFR 316; 34 CFR 319; 34 CFR 320; 34 CFR 324; 34 CFR 326; 34 CFR 327; 34 CFR 330; 34 CFR 331; ...

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Education of the Handicapped Act Amendments of 1990, PL 101-476.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: 34 CFR 333; 34 CFR 338

Agency Contact: Norman Howe, Acting Deputy Director, Division of Program Analysis and Planning, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3080, Switzer Building, Washington, DC 20202-2313, 202 732-1068

RIN: 1820–AA94

786. SERVICES FOR CHILDREN WITH DEAF-BLINDNESS PROGRAM

Legal Authority: 20 USC 1422

CFR Citation: 34 CFR 307

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Education of the Handicapped Act Amendments of 1990, PL 101-476.

Timetable:

Action	Date	FR Cite
NPRM	05/21/91	56 FR 23344
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Freeman, Education Program Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 4617, Switzer Building, Washington, DC 20202-2644, 202 732-1165

RIN: 1820–AA96

787. TRAINING PERSONNEL FOR THE EDUCATION OF INDIVIDUALS WITH DISABILITIES - GRANTS FOR PERSONNEL TRAINING

Legal Authority: 20 USC 1431 to 1432; 20 USC 1434 to 1435

CFR Citation: 34 CFR 318

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Education of the Handicapped Act Amendments of 1990, PL 101-476.

Timetable:

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27474
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Max Mueller, Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3072, Switzer Building, Washington, DC 20202-2643, 202 732-1554

RIN: 1820–AA95

788. STATE SYSTEMS FOR TRANSITION SERVICES FOR YOUTH WITH DISABILITIES

Legal Authority: 20 USC 1425(e)

CFR Citation: 34 CFR 325

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Education of the Handicapped Act Amendments of 1990, PL 101-476.

Timetable:

Action	Date	FR Cite
NPRM	06/11/91	56 FR 26856
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Halloran, Education Program Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 4625 , Switzer Building, Washington, DC 20202-2644, 202 732-1177

RIN: 1820–AA90

789. PROGRAM FOR CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE

Legal Authority: 20 USC 1426

CFR Citation: 34 CFR 328

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Education of the Handicapped Act Amendments of 1990, PL 101-476.

Timetable:

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27481
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Glidewell, Education Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3522, Switzer Building, Washington, DC 20202-2641, 202 732-1099

RIN: 1820–AA91

790. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 701 to 731

ED—OSERS

Final Rule Stage

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
ANPRM	06/27/88	53 FR 24175
NPRM	07/03/91	53 FR 30620
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information: RIN 1820-AA88 was formerly a part of this RIN.

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028, Switzer Building, Washington, DC 20202-1550, 202 732-1282

RIN: 1820–AA47

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Completed Actions

791. TRAINING AND PUBLIC AWARENESS PROJECTS OF NATIONAL SIGNIFICANCE IN TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

CFR Citation: 34 CFR 347

Completed:

Reason	Date	FR Cite
Final Action	08/13/91	56 FR 40194
Final Action Effective	09/27/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty Jo Berland, 202 732-1139

RIN: 1820–AA93

792. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - MAINTENANCE OF EFFORT

CFR Citation: 34 CFR 361

Completed:

Reason	Date	FR Cite
Final Action	07/18/91	56 FR 33148
Final Action Effective	09/01/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Nell C. Carney, 202 732-1282

RIN: 1820–AA88

DEPARTMENT OF EDUCATION (ED)

Office of Vocational and Adult Education (OVAE)

Proposed Rule Stage

793. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

Legal Authority: 20 USC 2301 et seq

CFR Citation: 34 CFR 400 to 428

Legal Deadline: None

Abstract: These regulations would implement the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990.

Timetable:

Action	Date	FR Cite
NPRM	10/11/91	56 FR 51448
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharon Jones, Program Analyst, Department of Education, Office of Vocational and Adult Education, 400 Maryland Avenue, SW., Room 4525, Switzer, Washington, DC 20202-7120, 202 732-2470

RIN: 1830–AA08

794. ● ADULT EDUCATION AND LITERACY PROGRAMS

Legal Authority: 20 USC 1201 et seq

CFR Citation: 34 CFR 460; 34 CFR 461; 34 CFR 462; 34 CFR 464; 34 CFR 473; 34 CFR 489; 34 CFR 490

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the National Literacy Act of 1991.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas L. Johns, Director, Policy Analysis Staff, Department of Education, Office of Vocational and Adult Education, 400 Maryland Avenue, SW., Room 4523, Switzer Building, Washington, DC 20202-7120, 202 732-2241

RIN: 1830–AA10

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Vocational and Adult Education (OVAE)

795. TECHNOLOGY EDUCATION DEMONSTRATION PROGRAM

CFR Citation: 34 CFR 445

Completed:

Reason	Date	FR Cite
Final Action	05/02/91	56 FR 20308
Final Action Effective	06/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Jones, 202 732-2470

RIN: 1830–AA07

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of the General Counsel (EDOGC)

796. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None

Abstract: These regulations would amend the procedures for the award of fees and other expenses to applicants who prevail in adversary adjudications before the Department of Education. The current regulations must be amended to reflect amendments to the Equal Access to Justice Act made by PL 99-80.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Berthiame, General Attorney, Department of Education, Office of the General Counsel, 400 Maryland Ave., SW., Room 4087, Washington, DC 20202-2243, 202 401-3690

RIN: 1801–AA01

[FR Doc. 91-21594 Filed 10-18-91; 8:45 am]

BILLING CODE 4000-01-F

Federal Register

Monday
October 21, 1991

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1991 regulatory agenda.

SUMMARY: In order to make Government more responsive to the citizens of the United States and to assist in fulfilling the President's commitment to lessen regulatory burdens, the Department of Energy (DOE) is publishing this regulatory agenda of: (i) Rulemakings currently in progress and rulemakings which currently are expected to begin during the coming year; (ii) any existing rules which are being reviewed within DOE to determine whether modifications should be proposed based upon experience; and (iii) rulemakings and rule reviews which have been completed since publication of the last regulatory agenda in April 1991. This regulatory agenda also contains information on any rulemakings which are likely to have a significant economic impact on a substantial number of small entities, and it contains additional data on procurement-related actions.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the regulatory agenda in general, please contact: Theodore ("Ted") Wilson, DOE, Room 6B-256, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507.

Specific: For further information about any particular item on the regulatory agenda, please contact the individual listed under that item.

SUPPLEMENTARY INFORMATION: Covered agencies publish regulatory agendas under Executive Order 12291 in April and October of each year. Under the Executive order, the Office of Management and Budget (OMB) sets standards and procedures for the preparation of these agendas. Regulatory agendas are important to efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. DOE has made considerable progress in these efforts.

Executive Order 12291 provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.* The regulatory flexibility agenda must cover any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities." Its information requirements are similar to those of the Executive order. The regulatory flexibility agenda required under 5 U.S.C. 602(a) is incorporated in today's notice. The Office of Federal Procurement Policy Act Amendments of 1988, 41 U.S.C. 402, require publication twice a year of a "Procurement Regulatory Activity Report." As determined by OMB, agency information is now in the regulatory agenda for use by the Office of Federal Procurement Policy (OFPP) in producing these reports.

Entries appended to this notice reflect the status of activities as of approximately August 15, 1991. They are divided into categories, first by subagency and then according to their stage of rulemaking action: Prerule, proposed rulemaking, final rulemaking, or completed action.

Appended entries contain the following information: (1) The organizational unit responsible for the regulation; (2) the Regulation Indentifier Number (RIN) assigned by OMB/OIRA; (3) title; (4) significance (that is, whether the regulation appears in the Regulatory Program, prepared annually under Executive Order 12498, and if it does not, whether it is nevertheless a DOE priority); (5) the name, title, address, and telephone number of a person who is knowledgeable about the regulation; (6) effects on small business (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act) and effects on Federal, State, and local governments; (7) CFR citation (that is, the affected portion of the Code of Federal Regulations); (8) legal authority (that is, a citation to the section of the United States Code (USC), Public Law (PL), or Executive order (EO) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the regulatory approach under consideration, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates, and citations if applicable, for all past stages and the date for at least the next stage of the rulemaking). The timetable for completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding regulatory agenda) gives the completion date and any related citation.

For each procurement-related regulatory action, additional information is provided on whether there is a statutory requirement for the action and whether there is a paperwork burden associated with the action.

Consistent with the recent establishment of the Office of Security Affairs, the previous heading "Defense Programs" has been changed to read "Defense and Security Affairs." Entries on rulemakings of both the Assistant Secretary for Defense Programs and the Director of Security Affairs appear under the new heading.

A draft of this regulatory agenda has been transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, pursuant to 5 U.S.C. 602(b).

DOE's next regulatory agenda will be published in April 1992.

Issued in Washington, DC, on September 11, 1991.

John J. Easton, Jr.,

Acting General Counsel.

DOE

Conservation and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
797	Energy Efficiency Standards for Central Air Conditioners and Furnaces	1904-AA47

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
798	Energy Conservation Performance Standards for New Buildings; Subpart B - Voluntary Performance Standards for New Non-Federal Residential Buildings	1904-AA34
799	Energy Efficiency Standards for Water Heaters, Pool Heaters, Direct Heating Equipment, Mobile Home Furnaces, Kitchen Ranges & Ovens, Room Air Conditioners, Fluorescent Lamp Ballasts, (cont)	1904-AA38
800	Equivalent Petroleum-Based Fuel Economy Calculation for Electric Vehicles	1904-AA40
801	Amendments to the State Energy Conservation Program	1904-AA42
802	Amendments to the Low-Income Weatherization Assistance Program	1904-AA43
803	Test Procedures for Furnaces—Amendment	1904-AA45
804	Test Procedures for Central Air Conditioners and Heat Pumps—Amendments	1904-AA46
805	Grant Programs for Schools and Hospitals, Local Government Buildings and Public Care Institutions—Amendments	1904-AA48

Conservation and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
806	Energy Conservation Performance Standards for New Buildings; Subpart A - Commercial and Multi-Family High Rise Residential Buildings	1904-AA08
807	Energy Conservation Performance Standards for New Buildings; Subpart C - Mandatory Performance Standards for New Federal Residential Buildings	1904-AA27

Conservation and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
808	Energy-Efficiency Standards for Dishwashers, Clothes Washers and Clothes Dryers	1904-AA37
809	Test Procedures for Fluorescent Lamp Ballasts, Humidifiers, and Dehumidifiers	1904-AA39

Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
810	Personnel Assurance Program: Substance Abuse Program	1992-AA14
811	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material	1992-AA15

DOE

Defense and Security Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
812	Personnel Security Assurance Program: Substance Abuse Testing Procedures	1992-AA13
813	Security Skills Training and Qualifications Standards for Protective Force Personnel	1992-AA16
814	Accelerated Access Authorization Program; Pilot Project at DOE Rocky Flats Site	1992-AA17

Departmental and Others—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
815	Conservation Cost-Sharing Policy	1901-AA35
816	Preference Policy for Certain Sales of Power under the Northwest Power Act	1901-AA37

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
817	Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions	1901-AA19
818	Procedures for Implementing the Equal Access to Justice Act in Energy Board of Contract Appeals Proceedings	1901-AA22
819	New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas	1901-AA25
820	Procedures and Nuclear Safety Requirements for Assessment of Price-Anderson Penalties	1901-AA26
821	Energy Board of Contract Appeals Rules of Practice	1901-AA30
822	Rules of Practice to Govern Proceedings to Resolve Certain Disputes Arising Between M&O Contractors and Their Subcontractors	1901-AA31
823	Freedom of Information	1901-AA32
824	Procedures for Financial Assistance Appeals Before the Energy Financial Assistance Appeals Board	1901-AA33
825	Nuclear Safety Management	1901-AA34
826	Radiation Protection of the Public and the Environment	1901-AA38
827	Radiation Protection for Occupational Workers	1901-AA39
828	Environmental Restoration Management Contractor	1901-AA40

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
829	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste; Amendments	1901-AA18
830	National Environmental Policy Act Implementing Procedures	1901-AA20
831	Permits for Access to Restricted Data: Atomic Vapor Laser Isotope Separation (U-AVLIS) Uranium Enrichment	1901-AA23
832	Guidelines for the Exercise of Limited Arrest Authority and Use of Force by Protective Force Officers of the Strategic Petroleum Reserve	1901-AA28
833	Renegotiation of Power Sales Contracts	1901-AA36

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
834	Annotation of Land Records; Uranium Mill Tailing Remedial Action Program	1901-AA12
835	Model Federal Policy for Protection of Human Research Subjects	1901-AA13
836	Notice of Interpretation and Procedures Implementing the Payment-Equal-to-Taxes (PETT) Provisions of the Nuclear Waste Policy Act	1901-AA24

DOE

Departmental and Others—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
837	Trespassing on the Strategic Petroleum Reserve	1901-AA27

Office of Procurement, Assistance and Program Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
838	Department of Energy Acquisition Regulation Revisions; Patent Policy	1991-AA23
839	Department of Energy Property Management Regulations: Management of Motor Equipment	1991-AA28
840	Department of Energy Acquisition Regulation: Miscellaneous Changes on Acquisition of Motor Equipment	1991-AA32
841	Resolution of Disputes Between Subcontractors and DOE Management and Operating Contractors	1991-AA44
842	Department of Energy Acquisition Regulation; Miscellaneous Amendments #3	1991-AA60
843	Technology Transfer: DOE Management and Operating Contractors	1991-AA63
844	Fixed Obligation Awards	1991-AA65
845	Department of Energy Acquisition Regulation; Management and Operating Contractors and Facility Management Directives	1991-AA67
846	Debarment and Suspension	1991-AA69
847	DEAR: Major Fraud Act	1991-AA73
848	DEAR: Contractor Employee Protection Program	1991-AA75
849	Metric Transition	1991-AA78
850	Department of Energy Assistance Regulation; Amendment	1991-AA79
851	Personnel Appendices and Employee Relocation under Management and Operating Contracts	1991-AA80
852	Acquisition of Federal Information Resources by Contractors	1991-AA81
853	Research Opportunity Announcements	1991-AA82
854	Protective Services and Continuity of Operation	1991-AA83
855	Use of Commerce Business Daily	1991-AA84
856	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	1991-AA85
857	DEAR: Security Procedures	1991-AA86
858	DEAR: Implementation of the NCTTA	1991-AA87

Office of Procurement, Assistance and Program Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
859	Substance Abuse Program Relating to Contractor Employees	1991-AA39
860	Department of Energy Acquisition Regulation: Management Controls Systems	1991-AA50
861	Department of Energy Acquisition Regulation: Price-Anderson Act	1991-AA52
862	Department of Energy Acquisition Regulation: Environmental, Safety, and Health Requirements	1991-AA53
863	Restrictions on Lobbying (Nonprocurement)	1991-AA64
864	Criteria and Procedures for DOE Contractor Employee Protection Program	1991-AA68

Office of Procurement, Assistance and Program Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
865	Uniform Administrative Requirements for Grants and Cooperative Agreements	1991-AA55
866	Department of Energy Acquisition Regulation; Offeror Representations and Certifications Procedures	1991-AA58
867	Department of Energy Acquisition Regulation; Miscellaneous Amendments - Updates	1991-AA59
868	DEAR: FFRDC Implementation	1991-AA76

DOE

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
869	Patent Waiver Regulation	1990-AA02
870	Foreign Gifts and Decorations	1990-AA04
871	Payment of Travel Expenses of Persons Who Are Not Government Employees	1990-AA15
872	DOE Patent Licensing Regulations—Amendment	1990-AA18

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
873	Production or Disclosure of Material or Information and Provision of Agency Witnesses in Federal and State Proceedings	1990-AA12
874	Clean Air Act Amendments of 1990: Definition of "Nonrecourse Project-Financed"	1990-AA17

Office of General Counsel—Completed Actions

Sequence Number	Title	Regulation Identifier Number
875	Class Patent Waivers	1990-AA07
876	Indemnification of Department of Energy Officials and Employees	1990-AA11

DEPARTMENT OF ENERGY (DOE) — Prerule Stage

Conservation and Renewable Energy (CE)

797. ENERGY EFFICIENCY STANDARDS FOR CENTRAL AIR CONDITIONERS AND FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1994.
EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 07/01/89 to 01/01/94. The statute requires completion of a second reanalysis of all(cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standards levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking will review the statutory standards for central air conditioners and furnaces to determine whether those levels need to be amended.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/92	
ANPRM Comment Period End	03/00/92	
NPRM	01/00/93	
Final Action	01/01/94	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: then-extant standards in a period from 07/01/94 to 12/31/2006. The EPCA requires a final determination on these two products by 01/01/94.

Agency Contact: Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA47

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Proposed Rule Stage

798. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART B - VOLUNTARY PERFORMANCE STANDARDS FOR NEW NON-FEDERAL RESIDENTIAL BUILDINGS

Significance: Regulatory Program

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing Subpart B, interim voluntary standards for new non-Federal residential buildings. DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Jean J. Boulin, Project Manager, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA34

799. ENERGY EFFICIENCY STANDARDS FOR WATER HEATERS, POOL HEATERS, DIRECT HEATING EQUIPMENT, MOBILE HOME FURNACES, KITCHEN RANGES & OVENS, ROOM AIR CONDITIONERS, FLUORESCENT LAMP BALLASTS, (CONT)

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1992.
EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking will review the statutory standards for water heaters; pool heaters; kitchen ranges and ovens; room air conditioners; direct heating equipment; mobile home furnaces; and fluorescent lamp ballasts to determine whether those levels need to be amended. In addition, television sets will be examined to determine whether conservation standards are justified.

Timetable:

Action	Date	FR Cite
ANPRM	09/28/90	55 FR 39624
ANPRM Comment Period End	04/12/91	55 FR 36924
NPRM	06/00/92	
Final Action	09/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: TITLE CONT: and Clothes Washers

LEGAL DEADLINE CONT: then-extant standards in a period from 7/1/94 to 12/31/2006. EPCA requires a Final Rule for these products, except television sets, by 01/01/92.

Agency Contact: Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA38

800. EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION FOR ELECTRIC VEHICLES

Legal Authority: PL 96-185, Sec 18; PL 94-413, Sec 13(c); PL 94-163, Sec 503(a)(3)

CFR Citation: 10 CFR 474

Legal Deadline: None

Abstract: The final rule on the inclusion of electric vehicles in the Corporate Average Fuel Economy (CAFE) program was issued by DOE on April 15, 1981. It established a methodology for determining the equivalent petroleum-based fuel economy of electric vehicles so that they could be included in a manufacturer's overall CAFE program. This methodology was based on several factors including the energy efficiency of the vehicle, the efficiency of electricity generation and transmission, the fuels used to generate electricity, and the driving patterns of electric vehicles. At this time, DOE is proposing updating the factors in this methodology that are necessary for calculating the CAFE credits for electric vehicles.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	04/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Siegel, Program Manager, Electric and Hybrid Propulsion Division, Department of Energy, Conservation and Renewable Energy, CE-152, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-2198

RIN: 1904–AA40

801. AMENDMENTS TO THE STATE ENERGY CONSERVATION PROGRAM

Legal Authority: 42 USC 6201; PL 101-440

CFR Citation: 10 CFR 420

Legal Deadline: None

Abstract: This rulemaking amends the regulations for the State Energy Conservation Program to incorporate changes mandated by the State Energy

Efficiency Programs Improvement Act of 1990 (SEEPIA), (Public Law 101-440). Changes required by SEEPIA include: Updating State energy efficiency goals; providing for an energy emergency planning program; broadening the range of permissible elements of State energy conservation plans; consolidating the supplemental State energy conservation plan; and establishing an energy technology commercialization services program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sandra S. Monje, State Energy Programs Division, Office of Technical & Financial Assistance, Department of Energy, Conservation and Renewable Energy, 5E-066, 1000 Independence Ave., SW., 202 586-8295

RIN: 1904–AA42

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802. AMENDMENTS TO THE LOW-INCOME WEATHERIZATION ASSISTANCE PROGRAM

Legal Authority: 42 USC 6861 et seq; PL 101-440

CFR Citation: 10 CFR 440.1 to 440.30

Legal Deadline: None

Abstract: The regulation incorporates changes to the Weatherization Program as set forth in the State Energy Efficiency Programs Improvement Act of 1990. These changes include: Adding cooling measures and renter protection requirements to the program, updating allocation formula data annually, allowing landlord contributions, increasing subgrantee administrative cost allowances, providing a waiver to the 40 percent materials requirement, indexing the average $1600 per-unit cost limitation, and revising production incentives. The regulation also makes administrative changes which are dictated by program experience over the last five years.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Gregory Reamy, Energy Conservation Specialist, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-2207

RIN: 1904–AA43

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803. TEST PROCEDURES FOR FURNACES—AMENDMENT

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: These revisions to the test procedures for furnaces in accordance with the Energy Policy and Conservation Act, as amended, will replace the Decision and Orders granting waivers to Carrier, Trane, DMO Industries, Inter-City, Amana, Evcon, Lennox and Heil-Quaker concerning blower time delay and off-cycle draft factor.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA45

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804. TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS—AMENDMENTS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: These revisions to the test procedures for central air conditioners and heat pumps in accordance with the Energy Policy and Conservation Act, as amended, will include appliances that perform water heating in addition to air conditioning or heating. This is prompted by the issuance of a Decision and Order granting a waiver to the Carrier Corporation for its Hydrotech 2000 integrated heat pump/water heater (Waiver CAC-005, 55 FR 13607, April 11, 1990).

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence, Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA46

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805. GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS, LOCAL GOVERNMENT BUILDINGS AND PUBLIC CARE INSTITUTIONS—AMENDMENTS

Legal Authority: 42 USC 6371 et seq; PL 101-440, Sec 6

CFR Citation: 10 CFR 455

Legal Deadline: None

Abstract: This regulation is being revised to incorporate changes made by the State Energy Efficiency Programs Improvement Act of 1990, and to provide clearer and/or more flexible requirements for various aspects of program operation. Among the changes are several to add new types of State grants for additional State activities to support the program; more flexible requirements for energy audits and related activities; broadened eligibility for buildings and improvements; more specific requirements for describing and/or supporting recommendations for improvements; and an increased minimum State administrative grant amount.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert K. Volk, Jr., Director, Institutional Conservation Program Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8034

RIN: 1904–AA48

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Final Rule Stage

806. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A - COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Significance: Regulatory Program

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE has promulgated Subpart A interim standards for commercial buildings and multi-family high rise buildings. The standards are mandatory for the Federal sector and voluntary for all others. DOE is conducting demonstrations of interim standards and is required to report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 17051
NPRM Comment Period End	08/04/87	
Interim Final Rule	01/30/89	54 FR 4538
Interim Final Rule Effective	07/31/89	54 FR 4538
Final Action	06/00/94	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1989

Analysis: Economic Analysis 05/06/87 (52 FR 17051); Environmental Analysis 05/06/87 (52 FR 17051)

Agency Contact: Jean J. Boulin, Project Manager, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA08

807. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C - MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS

Significance: Regulatory Program

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE has promulgated Subpart C, interim mandatory standards for new Federal residential buildings. DOE is conducting demonstrations of interim standards and is required to report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
Interim Final Rule	08/25/88	53 FR 32536
Proposed Modification of Interim Final Rule	08/25/88	53 FR 32547
Final Modification of Interim Final Rule	01/31/91	56 FR 3764
Final Action	12/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1989

Analysis: Economic Analysis 08/20/86 (51 FR 29773); Environmental FONSI 08/20/86 (51 FR 29773)

Additional Information: On 01/31/91, the Department modified the interim final rule in three respects (56 FR 3764). To the computerized building design program (COSTSAFR) is added: (1) credit for three mass-wall configurations; (2) new energy data on window glazings; and (3) a mathematical process for integrating innovative design options into the analysis.

Agency Contact: Jean J. Boulin, Project Manager, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA27

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Completed Actions

808. ENERGY-EFFICIENCY STANDARDS FOR DISHWASHERS, CLOTHES WASHERS AND CLOTHES DRYERS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1990.
EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. EPCA establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department

essentially as provided for in prior law. This rulemaking will review the statutory standards for dishwashers, clothes washers and clothes dryers to determine whether those levels need to be amended.

Timetable:

Action	Date	FR Cite
ANPRM	05/18/88	53 FR 17712
ANPRM Comment Period End	07/18/88	53 FR 17712
NPRM	08/09/89	54 FR 32744
NPRM Comment Period End	10/10/89	54 FR 32744
Final Action	05/14/91	56 FR 22250
Final Action Effective	05/14/94	56 FR 22250

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: then-extant standards in a period from 7/1/94 to 12/31/2006. The statute requires a final determination on these three products by 01/01/90.

Agency Contact: Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA37

809. TEST PROCEDURES FOR FLUORESCENT LAMP BALLASTS, HUMIDIFIERS, AND DEHUMIDIFIERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Establishment of test procedures for fluorescent lamp ballasts in accordance with National Appliance Energy Conservation Amendments of 1988 (Public Law 100-357) and deletion of test procedures for humidifiers and dehumidifiers.

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7719
NPRM Comment Period End	05/21/90	
Final Action	04/24/91	56 FR 18677
Final Action Effective	10/21/91	56 FR 18677

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA39

DEPARTMENT OF ENERGY (DOE)

Defense and Security Affairs (DSA)

810. PERSONNEL ASSURANCE PROGRAM: SUBSTANCE ABUSE PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 2012 et seq, Atomic Energy Act of 1954

CFR Citation: 10 CFR 711

Legal Deadline: None

Abstract: The Department of Energy (DOE) conducts a Personnel Assurance Program (PAP) under DOE 5610.11 "Program to Prevent Accidental or Unauthorized Nuclear Explosive Detonation." The PAP was created in order to assure the reliability and safety of individuals in certain critical positions and is a part of the DOE nuclear weapons and explosives safety program. To further minimize the potential risks to personnel, public health and safety, and national security, the Department now proposes this rule which describes the PAP and provides for testing for alcohol in cases of occurrence or reasonable suspicion and testing for possible use of illegal drugs by DOE Federal and contractor employees requiring PAP certification or recertification. The DOE employees under the PAP are part of the DOE Drug-Free Workplace Program (DOE 3792.3). The DOE contractors under the PAP are a part of the Workplace Substance Abuse Programs at DOE Facilities (proposed 10 CFR 707).

Timetable:

Action	Date	FR Cite
NPRM	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rulemaking is also pursuant to an HHS regulation at 53 FR 11970 (April 11, 1988).

Agency Contact: James Turner or Douglas Zimmerman, Defense Programs, Department of Energy, DP-20.1, Washington, DC 20545, 301 353-3463

RIN: 1992–AA14

811. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 710, Subpart A

Legal Deadline: None

Abstract: The criteria and procedures will be revised to permit: Managers of Operations Offices to render final determinations in instances wherein an individual being processed under 10 CFR 710 declines the right to a hearing; in cases wherein a hearing is held, an initial determination to be rendered by the Deputy Assistant Secretary for Security Affairs, with appeal and final determination being rendered by the Assistant Secretary for Defense Programs; and termination of processing when an individual refuses to submit or complete required security forms.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Proposed rule prepared for submittal pending management decision to federalize Hearing Office positions. Management decision is delayed pending OPM decision to provide/not provide positions. There is no timetable on the OPM and management decision. Once decision is made a proposed rule will be submitted.

DOE—DSA

Proposed Rule Stage

Agency Contact: A. Barry Dalinsky, Chief, Personnel Security Policy Branch (SA-122), Department of Energy, Office of Safeguards and Security, Office of Security Affairs, Washington, DC 20545, **301 353-5010**

RIN: 1992–AA15

DEPARTMENT OF ENERGY (DOE)
Defense and Security Affairs (DSA)

Final Rule Stage

812. PERSONNEL SECURITY ASSURANCE PROGRAM: SUBSTANCE ABUSE TESTING PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 710, Subpart B

Legal Deadline: None

Abstract: The Department of Energy (DOE) has established the Personnel Security Assurance Program (PSAP) through the publication of the revision to 10 CFR 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material." The PSAP was created in order to assure the reliability of individuals in certain positions, defined in Section 710.50(a), and referred to as PSAP positions for purposes of this proposed rule. The Department now proposes to amend this rule to promulgate guidelines for DOE contractors for testing for possible use of illegal drugs by their PSAP-cleared employees. These guidelines will constitute a baseline PSAP substance abuse testing component.

Timetable:

Action	Date	FR Cite
NPRM	03/08/91	56 FR 10075
NPRM Comment Period End	04/08/91	
Final Action	10/01/91	
Final Action Effective	11/01/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lynn Gebrowsky, Personnel Security Policy Branch, (SA-122), Policy, Standards and Analysis Division, Department of Energy, Office of Safeguards and Security, Office of Security Affairs, Washington, DC 20545, **301 353-3200**

RIN: 1992–AA13

813. SECURITY SKILLS TRAINING AND QUALIFICATIONS STANDARDS FOR PROTECTIVE FORCE PERSONNEL

Significance: Agency Priority

Legal Authority: 42 USC 2201k, Atomic Energy Act of 1954, Sec 161k; 42 USC 2012(a) and (e); 42 USC 7254, DOE Organization Act, Sec 644

CFR Citation: 10 CFR 1046 (Revision)

Legal Deadline: None
This is a court ordered action.

Abstract: On February 9, 1988, DOE Order 5632.7 "Protective Forces" was issued which updated the requirements for firearms qualifications for security inspectors at DOE facilities. In an order and judgment entered March 19, 1990, the U.S. District Court of Nevada granted summary judgment and invalidated DOE's order as it applied to contractor personnel, due to the agency's failure to conduct an Administrative Procedure Act notice and comment rulemaking. The regulations would, inter alia, require that each contractor protective force officer have an appropriate access authorization and successfully complete formal basic and annual training in security skills and knowledge. The regulations also would require security inspectors to pass a firearms qualification test. Each security inspector would be required to demonstrate firearms proficiency at least semiannually, as indicated in the DOE requirements of the Standard DOE Qualification Courses, with all weapons reasonably expected to be used by the employee.

Timetable:

Action	Date	FR Cite
NPRM	05/10/91	56 FR 21631
NPRM Comment Period End	07/09/91	
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Public hearings were held in Las Vegas, NV on June 14, 1991, Argonne, IL on June 21, 1991, and Oak Ridge, TN on June 28, 1991.

Agency Contact: William J. Desmond, Chief, Physical Security Branch (SA-121), Office of Safeguards and Security, Department of Energy, Office of Security Affairs, 19901 Germantown Road, Germantown, MD 20545, **301 353-4244**

RIN: 1992–AA16

814. ACCELERATED ACCESS AUTHORIZATION PROGRAM; PILOT PROJECT AT DOE ROCKY FLATS SITE

Legal Authority: Atomic Energy Act of 1954, Sec 145

CFR Citation: Not applicable

Legal Deadline: None

Abstract: In response to a pressing need for more expeditious processing of access authorization (personnel security clearance) requests, the Department of Energy (DOE) is establishing a pilot project for an Accelerated Access Authorization (AAA) program at its production site at Rocky Flats, Colorado. DOE has determined that the AAA program is necessary because of the need to secure, on a timely basis, staff expertise to be applied to a variety of issues associated with the resumption of operations at Rocky Flats. The AAA program will not take the place of the current access authorization clearance process, but will allow workers to perform their jobs while the full background investigation is being conducted. At present, the AAA program will apply to DOE contractor employees at Rocky Flats, as an option. The procedures may be extended to Federal employees in the future.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

DOE—DSA

Final Rule Stage

Government Levels Affected: None

Additional Information: This action is an interpretation of the statute, and is not subject to notice and comment.

Agency Contact: Lynn Gebrowsky, Personnel Security Policy Branch, (SA-122), Policy, Standards and Analysis Division, Department of Energy, Office of Safeguards and Security, Office of Security Affairs, Washington, DC 20545, **301 353-3200**

RIN: 1992–AA17

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Prerule Stage

815. ● CONSERVATION COST-SHARING POLICY

Legal Authority: 16 USC 839(d)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Bonneville Power Administration implemented a cost-sharing program designed to share the cost of conservation program incentives between BPA and the sponsoring utilities. The program provided for equitable cost recovery over loads served by generating and non-generating utilities. Based on five years of operation, BPA is considering the reevaluation of certain elements of the program. BPA may issue a Notice of Intent in the Federal Register which would announce the proposed changes to the Conservation Cost-Sharing Policy and provide opportunity for comment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Stark, Attorney/OGC, Department of Energy, Bonneville Power Administration, Portland, Oregon 97208-3621, **503 230-4201**

RIN: 1901–AA35

816. ● PREFERENCE POLICY FOR CERTAIN SALES OF POWER UNDER THE NORTHWEST POWER ACT

Legal Authority: 16 USC 839c(f); 16 USC 837(b)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Section 5(f) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), Pub. L. 96-501, provides that BPA may sell or otherwise dispose of power which is surplus to the obligations of the Administrator under sections 5(b), (c), and (d) in accordance with that Act and other applicable provisions of statute. The Act of August 5, 1964, Pub. L. 88-552 (the Pacific Northwest Regional Power Preference Act), provides that the Bonneville Power Administration (BPA) may only sell power outside of the Pacific Northwest that is surplus energy or capacity as defined in that Act. These provisions define surplus power as power for which there is no market or demand in the Pacific Northwest "at any established rate." In February 1990, BPA published for comment a proposal for adoption of policy and procedures for sales of surplus power. To complete its effort to establish a formal policy on the disposal of this power, BPA intends to issue in the Federal Register a Notice of Response to Comments on Issues to be Addressed in Establishing a Preference Policy, as well as a Notice of Draft Policy and a Final Policy.

Timetable:

Action	Date	FR Cite
ANPRM	02/23/90	55 FR 6420
Notice of Response to Comments	10/00/91	
NPRM	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Miller, Attorney/OGC, Department of Energy, Bonneville Power Administration, Portland, Oregon 97208-3621, **503 230-4201**

RIN: 1901–AA37

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

817. ELECTRIC POWER SYSTEM PERMITS AND REPORTS; APPLICATIONS; ADMINISTRATIVE PROCEDURES AND SANCTIONS

Legal Authority: PL 95-91; PL 66-280; EO 12038

CFR Citation: 10 CFR 205

Legal Deadline: None

Abstract: These regulations will establish procedures, clarify and update filing requirements, and confirm evaluation criteria for granting electricity export authorizations and issuing Presidential permits for the construction of international electric transmission lines.

Timetable:

Action	Date	FR Cite
NPRM	11/04/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ellen Russell, Fuels Conversion Analyst, (FE-52), Office of Coal and Electricity, Department of Energy, Room 3F-094, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-9624**

RIN: 1901–AA19

818. PROCEDURES FOR IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT IN ENERGY BOARD OF CONTRACT APPEALS PROCEEDINGS

Legal Authority: 5 USC 504

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Procedures are necessary to implement the Equal Access to Justice Act for proceedings before the Energy Board of Contract Appeals.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Barclay Van Doren, Chairman, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Dr., Rm. 1006, Arlington, VA 22203, 703 235-2700

RIN: 1901–AA22

819. NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None

Abstract: The rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The rule would reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
NPRM	10/04/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This regulatory agenda item was previously under RIN: 1903-AA07 under the same title. This item was deleted from the agenda on August 8, 1989.

Agency Contact: Clifford P. Tomaszewski, Acting Deputy Assistant Secretary for Fuels Programs, Ofc. of Fossil Energy, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9482

RIN: 1901–AA25

820. PROCEDURES AND NUCLEAR SAFETY REQUIREMENTS FOR ASSESSMENT OF PRICE-ANDERSON PENALTIES

Significance: Regulatory Program

Legal Authority: PL 100-408; 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 820

Legal Deadline: None

Abstract: The Price-Anderson Amendments Act (PAAA) of 1988 contains provisions subjecting DOE contractors (and subcontractors and suppliers thereto) who are indemnified under the PAAA, to penalties for violations of nuclear safety rules, regulations, or orders issued by the Department. The Secretary has authority to compromise, modify, or remit penalties and to prescribe regulations as necessary. The Secretary is required to determine by rule whether nonprofit educational institutions should receive automatic remission of civil penalties. The penalty provisions of the PAAA are directed toward assuring compliance with DOE nuclear safety requirements through the use of monetary penalties. These regulations implement the penalty provisions of the Act and will include, as an appendix, a General Statement of Enforcement Policy.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	09/21/89	54 FR 38865
NPRM	10/15/91	
NPRM Comment Period End	12/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Stephen Sohinki, Director (NS-30), Enforcement Division Office of Nuclear Safety, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-7594

RIN: 1901–AA26

821. ● ENERGY BOARD OF CONTRACT APPEALS RULES OF PRACTICE

Legal Authority: 41 USC 601

CFR Citation: 10 CFR 1023

Legal Deadline: None

Abstract: Update the rules of practice of the Energy Board of Contract Appeals to provide for Alternative Dispute Resolution (ADR) and for other purposes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Barclay Van Doren, Chairman, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm 1006, Arlington, VA 22203, 703 235-2700

RIN: 1901–AA30

822. ● RULES OF PRACTICE TO GOVERN PROCEEDINGS TO RESOLVE CERTAIN DISPUTES ARISING BETWEEN M&O CONTRACTORS AND THEIR SUBCONTRACTORS

Legal Authority: 41 USC 7254; 40 USC 486(c); 9 USC 1-14; PL 83-703, Sec 161(c)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Procedures are necessary to resolve certain disputes arising between DOE M&O contractors and their subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Barclay Van Doren, Chairman, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm. 1006, Arlington, VA 22203, 703 235-2700

RIN: 1901–AA31

823. ● FREEDOM OF INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 10 CFR 1004

Legal Deadline: None

Abstract: This rule will revise the DOE regulations on the procedures and

principles to be applied in responding to requests for records under the Freedom of Information Act (FOIA) 5 USC 552. Revisions include updated names and addresses of organizational entities, and updated guidelines for the schedule of fees associated with processing requests. A proposed section on policies would clarify DOE's operation of a first-in, first-out policy in responding to FOIA requests. The issue of when contractor records become agency records also will be resolved in the new rule. The role of the Office of Hearings and Appeals is clarified.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: P.J. Paradis, Chief of FOI/PA, Office of Information and Human Resource Mgt, Department of Energy, 1000 Independence Ave. SW., AD-234-1, Washington, DC 20585, 202 586-6025

RIN: 1901–AA32

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824. ● PROCEDURES FOR FINANCIAL ASSISTANCE APPEALS BEFORE THE ENERGY FINANCIAL ASSISTANCE APPEALS BOARD

Legal Authority: 42 USC 7101 et seq; 41 USC 501 to 509

CFR Citation: 10 CFR 1024

Legal Deadline: None

Abstract: To amend the Procedures for Financial Assistance Appeals to resolve inconsistencies in language between sec. 1024.3(c) and Rule 1(a) for filing a notice of appeal.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Barclay Van Doren, Chairman, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm. 1006, Arlington, VA 22203, 703 235-2700

RIN: 1901–AA33

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825. ● NUCLEAR SAFETY MANAGEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 830

Legal Deadline: None

Abstract: The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring nuclear safety at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the nuclear, radiological, and chemical hazards posed by these DOE facilities. The requirements relate to (1) Safety Analysis Reports, (2) Unreviewed Safety Questions, (3) Quality Assurance, (4) Defect Identification, (5) Conduct of Operations, (6) Technical Safety Requirements, (7) Training, (8) Maintenance Management, and (9) Reporting Operational Occurrences.

Timetable:

Action	Date	FR Cite
NPRM	10/15/91	
NPRM Comment Period End	12/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Stern, Nuclear Safety Policy Division, NE-72, Office of Nuclear Safety Policy & Standards, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, 301 353-2527

RIN: 1901–AA34

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826. ● RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT

Significance: Regulatory Program

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 834

Legal Deadline: None

Abstract: The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring radiation protection of the public and environment at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the nuclear, radiological, and chemical hazards posed by these DOE facilities. The new part provides radiation protection requirements for the public and environment for DOE and DOE contractor operations. Major elements of the regulation include a dose limitation system for protection of the public; requirements for liquid discharges; reporting and monitoring requirements; and residual radioactive material requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Andrew Wallo, III, Director, Air, Water and Radiation Div. (EH-232), Office of Environmental Guidance, Department of Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-4996

RIN: 1901–AA38

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827. ● RADIATION PROTECTION FOR OCCUPATIONAL WORKERS

Significance: Regulatory Program

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 835

Legal Deadline: None

Abstract: The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring radiation protection of the occupational worker at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health and safety from the nuclear and radiological hazards posed by these DOE facilities. The new part provides radiation protection requirements for the occupational workers for DOE and DOE contractor operations. Major elements of the regulation include increased emphasis on ALARA for the protection

of workers and requirements for a written Radiation Protection Program.

Timetable:

Action	Date	FR Cite
NPRM	10/15/91	
NPRM Comment Period End	12/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Diane K. Larsen, Radiation Protection Scientist, Office of Health Physics Programs (EH-411), Department of Energy, U.S. Department of Energy, 19901 Germantown Rd., Germantown, Md. 20874, 301 353-2297

RIN: 1901–AA39

828. ● ENVIRONMENTAL RESTORATION MANAGEMENT CONTRACTOR

Significance: Regulatory Program

Legal Authority: 42 USC 2011 et seq. The Atomic Energy Act of 1954

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action addresses the problem of the Department's management and operating contractors not being uniformly qualified to perform environmental restoration (ER) work. The Department has published a notice of intent to develop an environmental restoration alternate business strategy (55 FR 45843, October 31, 1990). This strategy calls for an Environmental Restoration Management Contractor (ERMC) to assist DOE in managing all the environmental restoration work at each DOE Field Office. A pilot phase program is planned starting with the Fernald Site Office and the Richland Field Office. The ERMC will have total site responsibility for ER work at both locations. The Department has issued a draft request for proposals (RFP) applicable to the ultimate establishment of an ERMC for the Fernald Environmental Management Project. The draft RFP solicited further comment regarding the ERMC concept, as well as comments specific to the Fernald procurement action. The costs to make these changes are very small because this action represents a change in program contract management. The benefits are to acquire contractors (Con't)

Timetable:

Fernald
- Draft RFP 07/25/91 (56 FR 34057)
- Draft RFP Comment Period End 08/30/91 (56 FR 34057)
- Final RFP 10/25/91
- Establish the ERMC 06/01/92

Richland
- Establish the ERMC (See Add'l Info) 10/01/92

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: ABSTRACT CONT: with environmental expertise to perform the cleanup and to reduce the cleanup costs.

TIMETABLE CONT: Regarding Richland, DOE has not yet determined dates for Draft RFP, Draft RFP Comment Period End, and Final RFP.

Agency Contact: Roger P. Whitfield, Associate Director, Office of Environmental Restoration, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-6331

RIN: 1901–AA40

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

829. STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE; AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 10222

CFR Citation: 10 CFR 961 (Revision)

Legal Deadline: None

Abstract: On April 18, 1983, the Department of Energy (DOE) published a rule which established the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (standard disposal contract) to be used by the DOE in furnishing disposal services to the owners or generators of spent nuclear fuel and/or high-level radioactive waste (48 FR 16590). On March 17, 1989, the U.S. Court of Appeals for the District of Columbia (Consolidated Edison Co. et al. v. DOE, No. 88-1194) ruled that the ongoing 1.0 mill per kilowatt hour (1M/KWH) fee in DOE's standard disposal contract should be based on nuclear electricity actually sold rather than net generation of electricity as adopted in the amended final rule of September 17, 1987 (52 FR 35356). This final rule amends Article I.13, Article VIII.A.1 and B.1, and Appendix G of the standard disposal contract to be consistent with the court's ruling. This amendment is expected to reduce revenues from the ongoing fee about seven percent.

Timetable:

Action	Date	FR Cite
NPRM	09/07/90	55 FR 37152
NPRM Comment Period End	10/09/90	55 FR 37152
Final Action	10/10/91	
Final Action Effective	11/10/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Alan Brownstein, Chief, Logistics and Utility Interface Branch, Department of Energy, Office of Civilian Radioactive Waste Mgmt., 1000 Independence Ave., SW., Washington, DC 20585, 202 586-4973

RIN: 1901–AA18

830. NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; EO 11991; EO 11514

CFR Citation: 40 CFR 1500 to 1508; 10 CFR 1021

Legal Deadline: None

Abstract: The regulations will provide procedures for agency compliance with the National Environmental Policy Act

DOE—ENDEP

Final Rule Stage

(NEPA). The regulations supplement the Council on Environmental Quality (CEQ) regulations, 40 CFR Parts 1500-1508, which apply to all Federal agencies. In accordance with 40 CFR 1507.3, DOE will consult with CEQ in developing the regulations. The regulations will be applicable to all organizational units of DOE except the Federal Energy Regulatory Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/02/90	55 FR 46444
NPRM Comment Period End	12/17/90	
Final Action	10/31/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol M. Borgstrom, Director, Office of NEPA Oversight, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-4600

RIN: 1901–AA20

831. PERMITS FOR ACCESS TO RESTRICTED DATA: ATOMIC VAPOR LASER ISOTOPE SEPARATION (U-AVLIS) URANIUM ENRICHMENT

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 725

Legal Deadline: None

Abstract: The rulemaking would update category C-24 access permits to include the U-AVLIS technology and provide for an applicant qualifying for a permit to pay $100,000 for an access permit authorizing access to Restricted Data in subcategory A or $200,000 for an access permit authorizing access to Restricted Data in subcategory B. The rule is related to Government initiation of an industrial participation program to encourage private sector participation in the Government's uranium enrichment enterprise.

Timetable:

Action	Date	FR Cite
NPRM	04/23/90	55 FR 15237
NPRM Comment Period End	06/22/90	55 FR 15238
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action has been postponed until FY 1993.

Agency Contact: Norman Haberman, Director, Advanced Tech. Projects and Tech. Transfer (NE-35), Department of Energy, Room A-257, Washington, DC 20545, 301 353-4781

RIN: 1901–AA23

832. ● GUIDELINES FOR THE EXERCISE OF LIMITED ARREST AUTHORITY AND USE OF FORCE BY PROTECTIVE FORCE OFFICERS OF THE STRATEGIC PETROLEUM RESERVE

Legal Authority: 42 USC 7270a

CFR Citation: 10 CFR 1049

Legal Deadline: None

Abstract: Guidelines required due to lack of Federal authority to adequately protect Strategic Petroleum Reserve storage and other facilities and persons. Guidelines were developed in consultation with the U.S. Department of Justice and, as required by 42 USC 7270a, concurred in by the U.S. Attorney General.

Timetable:

Action	Date	FR Cite
NPRM	08/01/91	56 FR 36743
NPRM Comment Period End	09/03/91	
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harvetta Asamoah, Office of General Counsel, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-2900

RIN: 1901–AA28

833. ● RENEGOTIATION OF POWER SALES CONTRACTS

Legal Authority: 16 USC 839(c)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Bonneville Power Administration will begin a multi-year process of renegotiation of its Power Sales Contracts. In preparation for that, BPA is considering issuing a Notice in the Federal Register within the next twelve months which would explain to BPA's customers the renegotiation process.

Timetable:

Action	Date	FR Cite
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Miller, Attorney/OGC, Department of Energy, Bonneville Power Administration, Portland, Oregon 97208-3621, 503 230-4201

RIN: 1901–AA36

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

834. ANNOTATION OF LAND RECORDS; URANIUM MILL TAILING REMEDIAL ACTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 7901 Uranium Mill Tailings Radiation Control Act of 1978

CFR Citation: 40 CFR 764

Legal Deadline: None

Abstract: Public Law 95-604 assigned the Department of Energy the authority to conduct remedial actions at 24 processing sites and associated vicinity properties. Section 104(d) states that the Department shall issue appropriate rules and regulations concerning annotation of land records where residual radioactive materials were located and when remedial action took place. Affected States are Arizona, Colorado, Idaho, New Mexico, North Dakota, Utah, Wyoming, Oregon, Pennsylvania and Texas.

Timetable:

Action	Date	FR Cite
NPRM	07/14/89	54 FR 29732
NPRM Comment Period End	08/28/89	54 FR 29732
Final Action	12/31/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Ralph G. Lightner, Director (EM-45), Division of Southwestern Area Programs, Department of Energy, Washington, DC 20545, **301 353-8180**

RIN: 1901–AA12

835. MODEL FEDERAL POLICY FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Significance: Agency Priority

Legal Authority: PL 95-622; PL 93-438, Sec 105A

CFR Citation: 10 CFR 745 (Revision)

Legal Deadline: None

Abstract: In response to the First Biennial Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, DOE along with all other affected Federal departments and agencies following the lead of HHS will adopt and implement a uniform code of regulations for the protection of human subjects in Federal research projects. This will replace the prior regulations adopted by DOE in 1976 and make DOE requirements uniform with the HHS policies.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
NPRM Comment Period End	01/09/89	53 FR 45661
Final Action	06/18/91	56 FR 28002
Final Action Effective	08/19/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Susan L. Rose, Health Scientist, Department of Energy, Office of Energy Research, Human Health and Assessments Division(ER-73), Washington, DC 20545, **301 353-4731**

RIN: 1901–AA13

836. NOTICE OF INTERPRETATION AND PROCEDURES IMPLEMENTING THE PAYMENT-EQUAL-TO-TAXES (PETT) PROVISIONS OF THE NUCLEAR WASTE POLICY ACT

Legal Authority: PL 97-425, Sec 116(c)(3) and Sec 118(b)(4)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Department of Energy (DOE) Office of Civilian Radioactive Waste Management published for comment its proposed interpretation and procedures for certain of the payments-equal-to-taxes (PETT) provisions of the Nuclear Waste Policy Act of 1982, as amended (42 USC 10101 et seq.) (the Act). The Act provides that DOE will make these payments to eligible States, units of local government, and Indian tribes for activities related to siting, development, and operation of a high-level radioactive waste and spent-fuel repository, and any monitored retrievable storage facility. The jurisdictions are eligible for payments equivalent to the amount they would receive if authorized to tax the Federal site characterization activities at such site. Following its review of the comments received, DOE will publish a final notice setting forth DOE's interpretation of certain PETT provisions of the Act applicable during the current site characterization phase of the nuclear waste repository program, in addition to a general description of the procedures DOE anticipates utilizing to implement the PETT provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/07/90	55 FR 8180
NPRM Comment Period End	05/07/90	55 FR 8180
Final Action	08/27/91	56 FR 42314

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Allen Benson, Office of External Relations, Civilian Radioactive Waste Management, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-2289**

RIN: 1901–AA24

837. ● TRESPASSING ON THE STRATEGIC PETROLEUM RESERVE

Legal Authority: 42 USC 7270b

CFR Citation: 10 CFR 1048

Legal Deadline: None

Abstract: The regulation addresses the need to implement Federal law making it a crime to violate DOE regulations concerning (1) unauthorized entry into Strategic Petroleum Reserve (SPR) sites, and (2) unauthorized carrying, transporting or otherwise causing to be introduced into SPR sites a dangerous weapon, explosive, or other dangerous material likely to produce substantial injury or damage to persons or property. The regulation conforms to the statutory language; there are no alternatives to consider. The regulation enables the prosecution of trespassers under Federal law which provides for a penalty of not more than one year in prison and a fine of up to $250,000. The regulation will not increase the cost of SPR security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/17/91	56 FR 1908
Interim Final Rule Comment End	03/15/91	
Final Action	09/24/91	56 FR 48096
Final Action Effective	10/24/91	56 FR 48096

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harvetta Asamoah, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-2900**

RIN: 1901–AA27

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Office of Procurement, Assistance and Program Management (PR)

838. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS; PATENT POLICY

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/15/91	
NPRM Comment Period End	12/15/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8264

RIN: 1991–AA23

839. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATIONS: MANAGEMENT OF MOTOR EQUIPMENT

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None

Abstract: Updates the Property Management Regulations regarding management of motor equipment, including motor vehicles, aircraft, and watercraft.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8260

RIN: 1991–AA28

840. DEPARTMENT OF ENERGY ACQUISITION REGULATION: MISCELLANEOUS CHANGES ON ACQUISITION OF MOTOR EQUIPMENT

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 908; 48 CFR 970; 48 CFR 945

Legal Deadline: None

Abstract: To provide additional, and to revise current, policy guidance on the acquisition of personal property in the areas of motor equipment management including motor vehicles and aircraft.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8260

RIN: 1991–AA32

841. RESOLUTION OF DISPUTES BETWEEN SUBCONTRACTORS AND DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Establishes a system, by regulation, to allow subcontractors under DOE Management and Operating contracts access in certain circumstances to the Energy Board of Contract Appeals in resolution of disputes with the contractor. Also clarifies that DOE Contracting Officers lack authority to designate Management and Operating contractors as purchasing agents for DOE absent special authorization.

Timetable:

Action	Date	FR Cite
NPRM	11/30/91	
NPRM Comment Period End	12/30/91	
Final Action	03/30/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8264

RIN: 1991–AA44

842. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS AMENDMENTS #3

Legal Authority: 42 USC 7254; 42 USC 486(c)

CFR Citation: 48 CFR 901; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: Miscellaneous Amendments - It is anticipated that these amendments will update the regulation at Part 901 (Federal Acquisition Regulatory System) to assure its conformity to the Federal Acquisition Regulation and will update Part 952 (Contract Clauses) and Part 970 (Management and Operating Contracts) to further refine the applicability of certain clauses to management and operating subcontracts.

Timetable:

Action	Date	FR Cite
NPRM	12/01/91	
NPRM Comment Period End	01/15/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8189

RIN: 1991–AA60

843. TECHNOLOGY TRANSFER: DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: PL 101-189, Sec 3133; 42 USC 7256(a)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Public Law 101-189 amended the Stevenson-Wydler Technology Innovation Act to include DOE management and operating laboratories. Consistent with DOE's Technology Transfer mission, DOE will also authorize the conduct of certain technology transfer activities at its non-laboratory facilities operated by M&O contractors. DOE will need to amend DEAR 970 to standardize the implementation of its technology transfer program.

Timetable:

Action	Date	FR Cite
NPRM	11/01/91	
NPRM Comment Period End	12/01/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA63

844. FIXED OBLIGATION AWARDS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This regulation would permit simpler administration of uncomplicated or small-dollar financial assistance awards, which now are managed in a manner designed to address much larger awards.

Timetable:

Action	Date	FR Cite
NPRM	11/01/91	
NPRM Comment Period End	12/01/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8173

RIN: 1991–AA65

845. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MANAGEMENT AND OPERATING CONTRACTORS AND FACILITY MANAGEMENT DIRECTIVES

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: The purpose of this action is to specify that DOE management and operating contractors will comply with applicable DOE directives when performing facility management duties.

Timetable:

Action	Date	FR Cite
NPRM	09/03/91	56 FR 43576
NPRM Comment Period End	10/03/91	56 FR 43576

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8247

RIN: 1991–AA67

846. DEBARMENT AND SUSPENSION

Legal Authority: EO 12689

CFR Citation: 10 CFR 1035; 10 CFR 1036

Legal Deadline: None

Abstract: This conforms procurement debarment procedures and nonprocurement debarment procedures to have reciprocal governmentwide effect.

Timetable:

Action	Date	FR Cite
NPRM	12/24/91	
NPRM Comment Period End	01/30/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Janet Smith, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-9074

RIN: 1991–AA69

847. DEAR: MAJOR FRAUD ACT

Legal Authority: 41 USC 2201; 42 USC 7254; PL 100-700 Major Fraud Act of 1988

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: To implement the Major Fraud Act of 1988 with regard to the allowability of a Management and Operating contractor's costs incurred in connection with a criminal, civil or administrative proceeding and to otherwise limit DOE reimbursements of

such costs to 80% of the contractor's incurred costs.

Timetable:

Action	Date	FR Cite
NPRM	12/29/91	
NPRM Comment Period End	01/29/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8173

RIN: 1991–AA73

848. DEAR: CONTRACTOR EMPLOYEE PROTECTION PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 2012 et seq, Atomic Energy Act of 1954; 42 USC 5801 et seq, Energy Reorganization Act of 1974; 42 USC 7101 et seq, DOE Organization Act

CFR Citation: 48 CFR 922; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: Employees of contractors at DOE nuclear energy facilities should be able to provide information to DOE, the Congress, and certain contractors concerning violations of law, health, and safety, or matters involving gross mismanagement, waste, fraud or abuse without fear of reprisal. The regulation will establish a procedure for investigation, hearing, and review of allegations of reprisal for such disclosures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: This proposal will be based upon the final rule in RIN 1991-AA68, Criteria and Procedures for DOE Contractor Employee Protection Program.

Agency Contact: P. Devers Weaver, Procurement Analyst, PR-12, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Indepdence Ave., SW., Washington, DC 20585, 202 586-8250

RIN: 1991–AA75

849. METRIC TRANSITION

Legal Authority: PL 100-418, Sec 5164; 42 USC 2201

CFR Citation: 48 CFR 910; 48 CFR 952; 48 CFR 970; 10 CFR 600

Legal Deadline: None

Abstract: Metric Transition - Public Law 100-418 requires the Department to convert to the metric system in its contracts, grants and other business instruments.

Timetable:

Action	Date	FR Cite
NPRM	12/15/91	
NPRM Comment Period End	01/15/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, PR-121, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8247

RIN: 1991–AA78

850. DEPARTMENT OF ENERGY ASSISTANCE REGULATION; AMENDMENT

Legal Authority: 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: Update the Department's Assistance Regulations to reflect recent changes in statutes and regulations and to correct errors therein. Specific changes include adding a statutory mandate as a basis for utilizing a non-competitive award, adding provisions to comply with EO 12699 on seismic safety, changing the criteria for selection of unsolicited applications, elaborating on what is needed to explain why an unsolicited proposal is being awarded, and updating provisions regarding patents and data rights.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Cavanagh, PR-122, Director, Business and Financial Policy, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8173

RIN: 1991–AA79

851. ● PERSONNEL APPENDICES AND EMPLOYEE RELOCATION UNDER MANAGEMENT AND OPERATING CONTRACTS

Significance: Agency Priority

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 970 to 3101; 48 CFR 970 to 3102

Legal Deadline: None

Abstract: The rulemaking will (1) establish one basic method -- the personnel appendix -- for recording advance understandings on personnel costs, (2) clarify that only those personnel policies and associated costs which are set forth in the personnel appendix are reimbursable under the contract, (3) make allowable contractors dependent care programs which meet DOE criteria and the contractor's workforce needs, (4) allow reimbursement to contractor employees for tax liabilities incurred as a result of relocating at DOE direction, and (5) clarify provisions on allowable contractor pension costs and describe the Department's contractor pension funding policy. The rule will enhance

control over contractor personnel relocation costs.

Timetable:

Action	Date	FR Cite
NPRM	01/15/92	
NPRM Comment Period End	02/15/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Eric Tolmach, Director, Program Analysis & Evaluation Division, Office of Contractor Human Resource Mgmt., Department of Energy, Office of Procurement, Assistance and Program Management, Room 4H-023, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9032

RIN: 1991–AA80

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852. ● ACQUISITION OF FEDERAL INFORMATION RESOURCES BY CONTRACTORS

Legal Authority: 40 USC 486(c); 42 USC 7101

CFR Citation: 48 CFR 939; 48 CFR 970.39

Legal Deadline: None

Abstract: Provides procedures governing acquisition of Federal information by contractors.

Timetable:

Action	Date	FR Cite
NPRM	01/02/92	
NPRM Comment Period End	02/15/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: E. Simpson, Policy Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., PR-121, Washington, DC 20585, 202 586-8247

RIN: 1991–AA81

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853. ● RESEARCH OPPORTUNITY ANNOUNCEMENTS

Legal Authority: 42 USC 7101

CFR Citation: 48 CFR 935

Legal Deadline: None

Abstract: To refine the research opportunity announcement process of soliciting and awarding research projects based upon lessons learned during the first annual review and award cycle.

Timetable:

Action	Date	FR Cite
NPRM	11/01/91	
NPRM Comment Period End	12/15/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: E. Simpson, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, PR-121, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8247

RIN: 1991–AA82

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854. ● PROTECTIVE SERVICES AND CONTINUITY OF OPERATION

Legal Authority: 41 USC 401; 42 USC 7101

CFR Citation: 48 CFR 937.70

Legal Deadline: None

Abstract: Require labor and management to seek means other than strike or lockout to assure continuity of facility operation under contracts for protective services.

Timetable:

Action	Date	FR Cite
NPRM	11/08/91	
NPRM Comment Period End	12/08/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., PR-121, Washington, DC 20585, 202 586-8247

RIN: 1991–AA83

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855. ● USE OF COMMERCE BUSINESS DAILY

Legal Authority: 42 USC 7101

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Require management and operating contractors to use Commerce Business Daily to publicize subcontract opportunities exceeding $100,000.

Timetable:

Action	Date	FR Cite
NPRM	11/10/91	
NPRM Comment Period End	12/10/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Indepdence Ave., SW., PR-121, Washington, DC 20585, 202 586-8247

RIN: 1991–AA84

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856. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 7254; 42 USC 7256

CFR Citation: 10 CFR 600, Subpart E

Legal Deadline: None

Abstract: This rulemaking modifies the governmentwide Common rule pertaining to administrative requirements for grants and cooperative agreements to States, local governments and Indian tribes. The rule was first published in 1988 and this revision updates some provisions of the rule and changes others to address issues that have been raised.

DOE—PR

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/01/91	
NPRM Comment Period End	11/30/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8173

RIN: 1991–AA85

857. ● DEAR: SECURITY PROCEDURES

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 904; 48 CFR 952

Legal Deadline: None

Abstract: Revise security procedures regarding foreign ownership, control and influence to clarify requirements and simplify approval process.

Timetable:

Action	Date	FR Cite
NPRM	11/01/91	
NPRM Comment Period End	12/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst - PR-121, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8247

RIN: 1991–AA86

858. ● DEAR: IMPLEMENTATION OF THE NCTTA

Legal Authority: PL 101-189; 42 USC 7254

CFR Citation: 48 CFR 915; 48 CFR 917; 48 CFR 935; 48 CFR 952

Legal Deadline: None

Abstract: Implementation of the National Competitiveness Technology Transfer Act of 1989 (NCTTA) will require amendment of the DEAR to, among other things, provide procedures, a solicitation provision and a contract clause requiring awardees to propose steps to enhance U.S. competitiveness and the U.S. economy.

Timetable:

Action	Date	FR Cite
NPRM	12/31/91	
NPRM Comment Period End	02/28/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: James Cavanagh, Director, Business and Financial Policy (PR-122), Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8174

RIN: 1991–AA87

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Office of Procurement, Assistance and Program Management (PR)

859. SUBSTANCE ABUSE PROGRAM RELATING TO CONTRACTOR EMPLOYEES

Significance: Regulatory Program

Legal Authority: 42 USC 2012 et seq Atomic Energy Act of 1954

CFR Citation: 10 CFR 707

Legal Deadline: None

Abstract: Will establish comprehensive substance abuse prevention policy and program at DOE-owned or -leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address drug testing requirements, educational and training programs, drug counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities and certain other contractors and subcontractors. Benefits will be in establishing reasonable level of consistency among contractor programs and resultant cost to the Government and in reducing risk of unacceptable damage to security, environment, health and safety of employees and the public.

Timetable:

Action	Date	FR Cite
NPRM	07/03/91	56 FR 30644
NPRM Comment Period End	09/03/91	
Final Action	12/15/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Juanita E. Smith, Director, Employee Relations, Office of Industrial Relations, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9033

RIN: 1991–AA39

860. DEPARTMENT OF ENERGY ACQUISITION REGULATION: MANAGEMENT CONTROLS SYSTEMS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would amend the Department of Energy Acquisition Regulation to require Management and

Operating Contractors to develop and maintain systems of management controls to discourage waste, fraud and abuse.

Timetable:

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42588
NPRM Comment Period End	09/27/91	56 FR 42588
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA50

861. DEPARTMENT OF ENERGY ACQUISITION REGULATION: PRICE-ANDERSON ACT

Legal Authority: 42 USC 2014

CFR Citation: 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: The purpose of this action is to amend the regulations which implement the Price-Anderson Act. Amendments are necessary to incorporate the revisions included in the Price-Anderson Amendments Act of 1988. These regulations deal only with those aspects of the Price-Anderson legislation incorporated in the agency's acquisition regulations, e.g., contract clauses providing nuclear hazards indemnity.

Timetable:

Action	Date	FR Cite
NPRM	08/17/90	55 FR 33730
NPRM	08/17/90	55 FR 33730
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8264

RIN: 1991–AA52

862. DEPARTMENT OF ENERGY ACQUISITION REGULATION: ENVIRONMENTAL, SAFETY, AND HEALTH REQUIREMENTS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 916; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy is proposing to amend the Department of Energy Acquisition Regulation to clarify and emphasize environmental protection, safety, and health requirements for contractors.

Timetable:

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42584
NPRM Comment Period End	09/27/91	56 FR 42584
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: P. Devers Weaver, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8250

RIN: 1991–AA53

863. RESTRICTIONS ON LOBBYING (NONPROCUREMENT)

Significance: Agency Priority

Legal Authority: PL 101-121, Sec 319

CFR Citation: 10 CFR 1036

Legal Deadline: None

Abstract: The Department will join other Executive agencies in issuing a final common rule for the purpose of implementing new statutory prohibitions, disclosure requirements, and sanctions with regard to lobbying activities financed with appropriated funds.

Timetable:

Action	Date	FR Cite
OMB Interim Final Guidance	12/20/89	54 FR 52306
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA64

864. CRITERIA AND PROCEDURES FOR DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 2012 et seq, Atomic Energy Act of 1954; 42 USC 5801 et seq, Energy Reorganization Act of 1974; 42 USC 7101 et seq, DOE Organization Act

CFR Citation: 10 CFR 708

Legal Deadline: None

Abstract: Employees of contractors at DOE nuclear energy facilities should be able to provide information to DOE, the Congress and certain contractors concerning violations of law, health and safety, or matters involving gross mismanagement, waste, fraud or abuse without fear of reprisal. The regulation will establish a procedure for investigation, hearing and review of allegations of reprisal for such disclosures. Contractors found to have discriminated against an employee for providing such information must provide relief to the complainant. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing and servicing DOE facilities. Benefits will be in protecting whistleblowers who provide valuable information about unsafe, illegal, or wasteful practices.

DOE—PR

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/13/90	55 FR 9326
NPRM Comment Period End	05/14/90	55 FR 9326
Final Action	12/01/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Juanita E. Smith, Director, Employee Relations, Office of Industrial Relations, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9033

RIN: 1991–AA68

DEPARTMENT OF ENERGY (DOE)

Office of Procurement, Assistance and Program Management (PR)

Completed Actions

865. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: Regulation is part of governmentwide common rule making changes to A-110 and merging into the common rule growing out of A-102. A-110 is a Federal directive. Another alternative may be to separate A-110 from A-102 or to update and maintain Circular A-110. Under auspices of OMB, all agencies published NPRMs on 11/04/88.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44724
NPRM Comment Period End	01/03/89	53 FR 44716
Withdrawn	10/29/90	55 FR 45289

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8173

RIN: 1991–AA55

866. DEPARTMENT OF ENERGY ACQUISITION REGULATION; OFFEROR REPRESENTATIONS AND CERTIFICATIONS PROCEDURES

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 914; 48 CFR 915; 48 CFR 952

Legal Deadline: None

Abstract: The purpose of this action is to amend the Department of Energy Acquisition Regulation (DEAR) by revising current policies on the collection of offeror-representations and certifications.

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30569
NPRM Comment Period End	08/21/89	54 FR 30569
Final Action	02/27/91	56 FR 8145
Final Action Effective	03/29/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Edward Simpson, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8246

RIN: 1991–AA58

867. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS AMENDMENTS - UPDATES

Legal Authority: 42 USC 7254; 42 USC 486(e)

CFR Citation: 48 CFR 901; 48 CFR 904; 48 CFR 909; 48 CFR 915; 48 CFR 917; 48 CFR 922; 48 CFR 933; 48 CFR 942; 48 CFR 943; 48 CFR 952; 48 CFR 970; 48 CFR 971

Legal Deadline: None

Abstract: Miscellaneous Amendments - It is anticipated that these amendments will update references, remove outdated materials, correct editorial errors, add additional interagency agreement coverage, increase the level for approval of M&O contractor personnel compensation, increase the threshold for use of formal source evaluation board procedures and exempt acquisitions under section 8(a) of the Small Business Act from such procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/14/91	56 FR 6826
NPRM Comment Period End	03/14/91	
Final Action	08/26/91	56 FR 41962
Final Action Effective.	09/25/91	56 FR 41962

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8247

RIN: 1991–AA59

868. DEAR: FFRDC IMPLEMENTATION

Legal Authority: 42 USC 2201

CFR Citation: 48 CFR 917; 48 CFR 935

Legal Deadline: None

Abstract: Implement Federal Acquisition Regulation policy regarding Federally Funded Research and Development Centers (FFRDCs)

Timetable:

Action	Date	FR Cite
Withdrawn - Action Determined Unnecessary.	07/18/91	

DOE—PR

Completed Actions

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, PR-121, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave., SW., Washington, DC, 20585, 202 586-8247

RIN: 1991–AA76

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

869. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784

Legal Deadline: None

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-2802

RIN: 1990–AA02

870. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342; 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None

Abstract: The DOE regulations need to be amended to reflect the increase in the dollar amount of "minimal value," as determined by General Services Administration (GSA) regulation. Accordingly, the DOE regulations will reference the GSA regulation. Whether a gift is of "minimal value" is a factor in whether the regulations apply.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-1522

RIN: 1990–AA04

871. PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

Legal Authority: 42 USC 7254

CFR Citation: 10 CFR 1060

Legal Deadline: None

Abstract: The regulation needs to be revised to reflect the delegation of authority from the Office of Personnel Management to pay travel expenses of certain job applicants in traveling to preemployment interviews required by the Department.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-1522

RIN: 1990–AA15

872. ● DOE PATENT LICENSING REGULATIONS—AMENDMENT

Legal Authority: 35 USC 207

CFR Citation: 37 CFR 404; 10 CFR 781

Legal Deadline: None

Abstract: The proposed regulation is based on 37 CFR 404, Commerce Department's regulation on Licensing of Government-Owned Patents. The proposed regulation would amend 10 CFR 781 to reflect current DOE patent licensing policies and procedures, terms, and conditions, while removing any inconsistencies with statutory changes since 1980.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The date for the notice of proposed rulemaking is undetermined because it is dependent on the issuance of licensing regulations being presently drafted by the Commerce Department.

Agency Contact: Robert J. Marchick, Patent Counsel (GC-42), Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-4792

RIN: 1990–AA18

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Final Rule Stage

873. PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION AND PROVISION OF AGENCY WITNESSES IN FEDERAL AND STATE PROCEEDINGS

Legal Authority: 42 USC 7254; 5 USC 301; 28 CFR 1621

CFR Citation: 10 CFR 202

Legal Deadline: None

Abstract: The intent of this regulation is to establish an agencywide procedure for processing and responding to subpoenas or requests for Department of Energy records or testimony by Department of Energy officers and employees. A regulation intended to fulfill this purpose currently exists. However, relocating its position in the Code of Federal Regulations and some minor language changes would clarify its applicability. In addition, efficient application of the regulation will be promoted by more closely modeling it on the comparable Department of Justice regulation, since the Department of Justice is usually responsible for representing the Department of Energy in such matters. The cost of this action is expected to be de minimis and could effect a savings, since clarification and recodification of the existing regulation may avoid needless litigation.

Timetable:

Action	Date	FR Cite
Final Action	04/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action is exempt from notice and comment.

Agency Contact: Frederick C. Williams, Trial Attorney (GC-22), Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-8709**

RIN: 1990–AA12

874. CLEAN AIR ACT AMENDMENTS OF 1990: DEFINITION OF "NONRECOURSE PROJECT-FINANCED"

Legal Authority: 42 USC 76510(a)(2)(B); 42 USC 7254

CFR Citation: 10 CFR 715

Legal Deadline: NPRM, Statutory, February 15, 1991.

Abstract: The rule will define the term "nonrecourse project-financed" for purposes of Title IV of the Clean Air Act Amendments of 1990. Under Title IV, Congress granted certain benefits to independent power producers. To ensure that only genuine independent power producers benefit from the program, the Act includes a requirement that the relevant facility be "nonrecourse project-financed," a kind of financing characteristic of independent power producers.

Timetable:

Action	Date	FR Cite
NPRM	02/15/91	56 FR 6319
NPRM Comment Period End	04/01/91	56 FR 6319
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee A. Casey, Attorney-Advisor (GC-15), Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-3419**

RIN: 1990–AA17

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Completed Actions

875. CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44602
NPRM Comment Period End	01/09/89	53 FR 44602
Withdrawn - Action Discontinued	08/07/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-2802**

RIN: 1990–AA07

876. INDEMNIFICATION OF DEPARTMENT OF ENERGY OFFICIALS AND EMPLOYEES

Legal Authority: 42 USC 7131; 42 USC 7231; 42 USC 7254; 28 CFR 50.15(a)(7)(iii)

CFR Citation: 10 CFR 1012

Legal Deadline: None

Abstract: The Department of Energy does not have a policy for indemnifying its employees who are sued personally and suffer an adverse judgment as a result of conduct taken within the scope of employment. Lawsuits against Federal employees in their personal capacity can constitute a major impediment to the effective conduct of the public's business, since employees faced with the potential of being held personally liable may be inhibited in discharging their duties. To deal with this problem, the Department proposes to establish a policy permitting, but not requiring, the indemnification of an employee who suffers an adverse verdict, judgment, or other monetary award when the actions giving rise to liability were within the scope of his employment and indemnification is in the interest of the Government. This

policy would be modeled on a similar policy already adopted by the Department of Justice for its employees.

Timetable:

Action	Date	FR Cite
Withdrawn - Action Determined Unnecessary	08/21/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action is exempt from notice and comment.

Agency Contact: Frederick C. Williams, Trial Attorney (GC-22), Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8709

RIN: 1990–AA11

[FR Doc. 91-22946 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Office of the Secretary, HHS.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on April 22, 1991.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Gloria P. Ellis, Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; telephone: (202) 245-6824.

Robin H. Carle,

Executive Secretary to the Department.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
877	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
878	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
879	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
880	Prohibition on Use of Physician Incentive Plans	0991-AA45
881	PRO Rural Practitioners Amendments	0991-AA51
882	Civil Money Penalties for Violations Relating to Medical Supplemental Policies	0991-AA53
883	Block Grant Programs	0991-AA55
884	Standardization and Uniform Application of CMP Procedures	0991-AA57
885	Revisions to the PRO Sanctions Notification Process	0991-AA60
886	Administrative Improvements, Reporting Requirements and Other Technical Changes for State Medicaid Fraud Control Units	0991-AA62
887	Civil Money Penalties For Failure To Identify Medicare Secondary Payer Situations	0991-AA64
888	Civil Money Penalties For Physician Ownership of, and Referral To Certain Health Care Entities	0991-AA65
889	Additional Safe Harbor Provisions Under the OIG Anti-Kickback Statute	0991-AA66
890	Title VI of the CRA of 1964, Subpart B-National Origin Discrimination in Programs Receiving Fed. Financial Assistance from the DHHS Against Persons of Limited English Proficiency	0991-AA72

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
891	Audits of Nongovernmental Grantees	0991-AA29
892	Civil Money Penalties and Exclusions for Assistants at Cataract Surgery	0991-AA37
893	Civil Money Penalties and Intermediate Sanctions for HMOs and Competitive Medical Plans	0991-AA44
894	Amendments to OIG Exclusion and CMP Authorities Resulting from PL 100-93	0991-AA47
895	Uniform Administrative Requirements for Grants and Cooperative Agreements	0991-AA56
896	Safe Harbors for Protecting Health Plans	0991-AA69
897	Governmentwide Guidance for New Restrictions on Lobbying; Interim Final Guidance	0991-AA70

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
898	Civil Money Penalties for Failure to Report Medical Malpractice Payments and for Breaching the Confidentiality of Information	0991-AA40

HHS

Office of the Secretary—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
899	OIG Anti-Kickback Provisions	0991-AA49
900	Civil Money Penalties for Misuse of Departmental Symbols or Emblems	0991-AA54
901	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	0991-AA68
902	Federal Policy for the Protection of Human Subjects	0991-AA71

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
903	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02

Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
904	Foster Care, Adoption Assistance, and Child Welfare Services	0980-AA08
905	Head Start Criteria for Selection of New Grantees	0980-AA17
906	Head Start Staff and Program Options Requirements	0980-AA18
907	Head Start Appeals Process	0980-AA20
908	Head Start Performance Standards for Services to Children with Disabilities	0980-AA21
909	Head Start Recruitment, Selection, and Enrollment of Children	0980-AA27
910	Head Start Grants Administration	0980-AA32
911	Head Start Performance Standards for Infants, Toddlers, and Pregnant Women	0980-AA33
912	Adoption and Foster Care Information	0980-AA35
913	Social Services Block Grant Information Collection	0980-AA42
914	Requirements Applicable to Title IV-E Foster Care and Title IV-B Child Welfare Services	0980-AA44
915	Runaway and Homeless Youth Program	0980-AA45
916	Nonrecurring Expenses of Adoption-Technical Amendment	0980-AA46
917	Title IV-E Administrative Costs	0980-AA47
918	Amendments to Developmental Disabilities Rules	0980-AA48
919	Consolidated Grants to Insular Areas	0980-AA49

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
920	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
921	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
922	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
923	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA)	0960-AB73
924	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgment Funds and Per Capita Distributions	0960-AB86
925	Revision of the Listing of Impairments; Part A and Part B of the Endocrine and Multiple Body Systems; Immune System	0960-AC06
926	Old-Age, Survivors, and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
927	Supplemental Security Income Program; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work	0960-AC22

HHS

Social Security Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
928	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Fee Limitation Policy for Purchase of Laboratory Tests	0960-AC41
929	Supplemental Security Income Program; Continuation of Full Benefit Standard for Certain Persons Institutionalized	0960-AC55
930	Old-Age, Survivors, and Disability Insurance Program; Revision of Contributions for Support Rules	0960-AC57
931	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Vocational Factors Regulations Restructuring and Clarification	0960-AC61
932	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Interim Disability Benefits	0960-AC76
933	Supplemental Security Income Program; Redeterminations of Supplemental Security Income Eligibility	0960-AC77
934	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Medical Improvement Review Standard (MIRS)—Miscellaneous Changes	0960-AC81
935	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Representation of Claimants for Benefits Under Title II or Title XVI	0960-AC87
936	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Standards Applicable in Determinations of Good Cause, Fault, and Good Faith	0960-AC88
937	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Appeals Council Notice Requirements	0960-AC93
938	Supplemental Security Income Program; Eligibility for SSI Benefits of Children of Armed Forces Personnel Residing Overseas	0960-AC95
939	Supplemental Security Income Program; Waiver of SSI Rule for Deeming to Children the Income and Resources of Their Parents for Certain Disabled Children	0960-AC96
940	Supplemental Security Income Program; Exclusion from Income of Domestic Commercial Transportation Tickets Received as Gifts in Determining SSI Income	0960-AC97
941	Supplemental Security Income Program; Reduction in Time When Income and Resources of Separated Couples Must Be Treated as Jointly Available for Purposes of SSI Eligibility & Benefits	0960-AC98
942	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Take Into Account Misinformation Provided to Applicants in Determining Date of Application	0960-AD05
943	Old-Age, Survivors, and Disability Insurance Programs; Earnings and Benefit Statements	0960-AD06
944	Supplemental Security Income Program; Augmented Benefits	0960-AD07
945	Supplemental Security Income Program; Financial Institution Accounts in the SSI Program	0960-AD10
946	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Reopening Determinations and Decisions (279P)	0960-AD12
947	Old-Age, Survivors, and Disability Insurance; Use of State Laws to Determine Child Relationship (286P)	0960-AD16
948	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Representative Payee Reforms (295P)	0960-AD22
949	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Fees for Representation of Claimants (296P)	0960-AD23
950	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Applicability of Administrative Res Judicata (297P)	0960-AD24
951	Old-Age, Survivors, & Disability Insurance & Supplemental Security Income for the Aged, Blind & Disabled; Continuation of Benefits on Account of Participation in a Non-State VR Program	0960-AD26
952	Old-Age, Survivors, and Disability Insurance; Elimination of Eligibility for Retroactive Benefits for Certain Individuals Eligible for Reduced Benefits (301F)	0960-AD28
953	Old-Age, Survivors, and Disability Insurance; Continued Entitlement to Benefits of Deemed Spouse Despite Entitlement of Legal Spouse (304P)	0960-AD31
954	Old-Age, Survivors, and Disability Insurance; Waiver of 2-Year Waiting Period for Independent Entitlement to Divorced Spouses' Benefits (307P)	0960-AD33
955	Supplemental Security Income for the Aged, Blind, and Disabled; Treatment of Certain Royalties and Honoraria (310F)	0960-AD35
956	Supplemental Security Income for the Aged, Blind, and Disabled; Exclusion from Income and Resources of Victims' Compensation Payments and State Relocation Assistance (311P)	0960-AD36
957	Supplemental Security Income for the Aged, Blind, & Disabled; Reimbursement for VR Services Furnished During Certain Months of Non-Payment	0960-AD39
958	Supplemental Security Income for the Aged, Blind, and Disabled; Exclusion from Income and Resources of Earned Income Tax Credits (319P)	0960-AD41
959	Supplemental Security Income for the Aged, Blind, and Disabled; Exclusion of One Automobile from Resources (321P)	0960-AD42
960	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Fees for Representative Payee Services (322P)	0960-AD43
961	Organization and Procedures; Review by Appeals Council	0960-AD45
962	Old-Age, Survivors and Disability Insurance and Supplemental Security Income; Limitation of Travel Expenses for Representation of Claimants at Administrative Proceedings	0960-AD46
963	Supplemental Security Income for the Aged; Blind, and Disabled; Time Limits for Disposition of Resources	0960-AD48
964	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Reimbursement of Reasonable and Necessary Costs for Vocational Rehabilitation	0960-AD50

HHS

Social Security Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
965	Supplemental Security Income for the Aged, Blind, and Disabled; Presumptive Disability and Presumptive Blindness	0960-AD51

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
966	Supplemental Security Income Program; Suspensions, Terminations, and Advance Notice of Adverse Determinations	0960-AA22
967	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
968	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AB05
969	Supplemental Security Income Program and Medicaid Assistance; What Is Not Income	0960-AB09
970	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
971	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
972	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28
973	Supplemental Security Income Program; Parent-to-Child Deeming	0960-AC38
974	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Cancelled Consultative Examinations	0960-AC40
975	Supplemental Security Income Program; Proceeds of a Loan, Payment of Pro Rata Share of Household Operating Expenses	0960-AC42
976	Old-Age, Survivors, and Disability Insurance Program; Extension of Social Security Coverage to Certain Workers; Medicare Only Coverage of Certain State and Local Government Employees	0960-AC45
977	Old-Age, Survivors, and Disability Insurance Program; Applicability of Government Pension to Certain Federal Employees	0960-AC46
978	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Determination of Disability - Determining State Agency Substantial Failure	0960-AC60
979	Supplemental Security Income Program; Resources and Exclusions; Definition of Resources	0960-AC66
980	Old-Age, Survivors, and Disability Insurance Program; Suspension of Benefits of Deported Nazis; Exemption from Social Security Taxation Because of Religious Beliefs	0960-AC68
981	Old-Age, Survivors, and Disability Insurance Program; Medical Criteria for Evaluating Mental Disorders for Adults	0960-AC74
982	Disclosure of Official Records and Information; Blood Donor Locator Service	0960-AC79
983	Supplemental Security Income Program; Augmented Benefits	0960-AC82
984	Old-Age, Survivors, and Disability Insurance Program; Authority to Amend Wage Records After Expiration of Time Limitation	0960-AC91
985	Supplemental Security Income Program; Technical Changes to Subparts K and L	0960-AC94
986	Supplemental Security Income Program; Exclusion of Accrued Income with Respect to Purchase of Certain Burial Spaces for Purposes of SSI Eligibility	0960-AC99
987	Old-Age, Survivors, and Disability Insurance Programs; Inclusion of Certain Deferred Compensation in Determination of Wage-Based Adjustments	0960-AD04
988	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Updating Nomenclature (264P)	0960-AD11
989	Old-Age, Survivors, and Disability Insurance Benefits; Coverage of Employees of State and Local Governments (280F)	0960-AD13
990	Supplemental Security Income for the Aged, Blind and Disabled; Presumptive Disability and Presumptive Blindness	0960-AD14
991	Old-Age, Survivors, and Disability Insurance; Cost of Living and Other Determinations (285F)	0960-AD15
992	Extending Old-Age, Survivors, and Disability Insurance Coverage to Certain State and Local Government Employees (291F)	0960-AD18
993	Old-Age, Survivors, and Disability Insurance; Continuation of Benefits During Appeal After Disability has Ceased (292I)	0960-AD19
994	Old-Age, Survivors, and Disability Insurance; Repeal of the Special Disability Standard for Widows and Widowers (293P)	0960-AD20
995	Old-Age, Survivors, and Disability Insurance; Payment of Benefits to a Child Adopted By a Surviving Spouse (294F)	0960-AD21
996	Old-Age, Survivors, and Disability Insurance; Limitation on New Entitlement to Special-72 Payments (300F)	0960-AD27
997	Old-Age, Survivors, and Disability Insurance; Consolidation of Old Methods of Computing Primary Insurance Amounts (302F)	0960-AD29
998	Old-Age, Survivors, and Disability Insurance; Suspension of Auxiliary Benefits When A Disabled Worker is in an Extended Period of Eligibility (303F)	0960-AD30

HHS

Social Security Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
999	Old-Age, Survivors, and Disability Insurance; Reduction in Earnings Needed for a Year of Coverage Toward the Special Minimum Benefit (306F)	0960-AD32
1000	Old-Age, Survivors, and Disability Insurance; Recovery of Overpayments by Means of Reductions in Tax Refunds (308F)	0960-AD34
1001	Supplemental Security Income for the Aged, Blind, and Disabled; Extension of the Period of Presumptive Eligibility for Benefits	0960-AD40
1002	Old-Age Survivors and Disability Insurance; Extension of Expiration Date for Respiratory System Listing	0960-AD44
1003	Supplemental Security Income for Aged; Blind and Disabled; Technical Changes	0960-AD47
1004	Supplemental Security Income for the Aged, Blind, and Disabled; Suspension and Termination of Benefits and Increase in Benefit Rate for Individuals in Medical Care Facilities	0960-AD49

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1005	Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Existing Medical Evidence	0960-AB22
1006	Supplemental Security Income Program; Federal Administration of Optional State Supplementation	0960-AC13
1007	Old-Age, Survivors, and Disability Insurance Programs and Organization and Procedures; Evidence Required for Duplicate Social Security Number Card	0960-AC32
1008	Supplemental Security Income Program; Modification of Interim Assistance Reimbursement Program	0960-AC51
1009	Supplemental Security Income Program; Exclusion from Income of Payments Received For and Used to Pay Last Illness and Death	0960-AC52
1010	Old-Age, Survivors, and Disability Insurance Program; Supplemental Earnings Reports	0960-AC58
1011	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Representation of Parties - Suspension and Disqualification of Representatives	0960-AC59
1012	Old-Age, Survivors, and Disability Insurance Program, and Organization and Procedures; Requirement of Social Security Number as a Condition for Receipt of Benefits	0960-AC67
1013	Old-Age, Survivors, and Disability Insurance Program; Full-Time Attendance by Elementary or Secondary School Student	0960-AC83
1014	Old-Age, Survivors, and Disability Insurance Program; Elimination of Dependency Test Applicable to Certain Adopted Children	0960-AC90
1015	Supplemental Security Income; Determining Disability for a Child Under 18	0960-AD09
1016	SSI Presumptive Disability and Presumptive Blindness; Categories of Impairments: HIV Infection; Hodgkin's Disease and Non-Hodgkin's Lymphomas	0960-AD17
1017	Old-Age, Survivors & Disability Insurance & Supplemental Security Income for the Aged, Blind, & Disabled; Trial Work Period During Rolling 5-year Period for All Disabled Beneficiaries (298P)	0960-AD25
1018	Supplemental Security Income for the Aged, Blind, and Disabled; Exclusion from Income and Resources of State Relocation Assistance (313P)	0960-AD37

Public Health Service—Office of Assistant Secretary for Health (OASH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1019	Exempt Privacy Act System of Records Related to Inquiries and Investigations of Scientific Misconduct	0905-AD31

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1020	Waivers to Requirement That States Spend at Least a Certain Portion of State Block Grant Funds for New Mental Health Services and Programs	0905-AC99

HHS

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1021	Conditions for Waiver of Denial of Federal Benefits	0905-AD32

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1022	NIOSH Revision of Tests and Requirements for Certification of Respiratory Protective Devices	0905-AB58

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1023	Subchapter J - National Vaccine Program, Part 110 Information and Education, Subpart A - Vaccine Information Materials	0905-AC83
1024	Interstate Shipment of Biological Material That Contains or May Contain Etiologic Agents	0905-AC89
1025	Medical Examination of Aliens	0905-AD29

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1026	Computer Products; Policy Guidance	0905-AC72

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1027	New Animal Drug Approval Process	0905-AA96
1028	Food Labeling; Health Messages and Label Statements	0905-AB67
1029	Food Labeling: Definitions of Nutrient Content Claims for the Fat, Fatty Acid, and Cholesterol Content of Food	0905-AB68
1030	Drug Exports	0905-AC44
1031	Look-Back Requirements for Blood Recipients Who Are at Increased Risk of HIV Infection	0905-AC90
1032	Food Labeling Review	0905-AD08
1033	Implementation of Title I of the Generic Animal Drug and Patent Term Restoration Act	0905-AD15
1034	Voluntary, Fee-of-Service Seafood Inspection Program	0905-AD23
1035	Revocation of the Permanent Listings for Use of FD&C Red No. 3 in Food and Ingested Drugs	0905-AD36
1036	Salmonella Enteritidis in Shell Eggs	0905-AD37
1037	Medical Device Reporting	0905-AD38
1038	Prescription Drug Marketing Act of 1987; Policy Information, Guidance, and Clarifications	0905-AD44
1039	Use of Aseptic Processing and Terminal Sterilization in the Preparation of Sterile Pharmaceuticals for Human and Veterinary Use	0905-AD45
1040	Implementation of the Safe Medical Devices Act of 1990	0905-AD59
1041	Mandatory HACCP Seafood Inspection Program	0905-AD60

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Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1042	Over-the-Counter (OTC) Drug Review	0905-AA06
1043	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
1044	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
1045	Policies Concerning Uses of Sulfiting Agents	0905-AB52
1046	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
1047	Proposed Rule To Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
1048	Abbreviated New Drug Application Regulations (Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB63
1049	Infant Formula Act	0905-AC46
1050	Fruit and Vegetable Juice Percentage Labeling	0905-AC48
1051	Lead in Ceramic Food Ware	0905-AC91
1052	Proficiency Testing Requirements for Laboratories Testing Blood and Blood Components by the FDA-Required Tests for HBsAg and Anti-HIV	0905-AC92
1053	Methadone in Maintenance Treatment of Narcotic Addicts; Joint FDA and NIDA Proposed Revision of Conditions of Use	0905-AC93
1054	Expediting Approval for Drugs Intended to Treat Life-Threatening and Severely-Debilitating Illnesses	0905-AC94
1055	Patent Term Restoration for Animal Drugs	0905-AD16
1056	Retention of Bioavailability and Bioequivalence Testing Samples	0905-AD17
1057	Investigational New Drug, Antibiotic and Biological Drug Product Applications; Proposed Amendment to Sections on Clinical Hold and Termination	0905-AD19
1058	Fees for Certification Services; Insulin and Color Additive Certification Programs	0905-AD34

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1059	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investigations	0905-AC52
1060	Requirement for Summaries of Safety and Effectiveness in Submissions for Premarket Notification	0905-AD39
1061	Medical Device Tracking	0905-AD40
1062	Exemption of Humanitarian Devices	0905-AD41
1063	Classification of Transitional Devices	0905-AD42
1064	Good Manufacturing Practice (GMP) for Medical Devices	0905-AD43

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1065	National Health Service Corps Loan Repayment Program; Grants for State Loan Repayment Programs	0905-AC65
1066	Grants for Community Health Centers	0905-AC85
1067	Grants for Migrant Health Services	0905-AC86
1068	Organ Procurement and Transplantation Network Rules	0905-AD26

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1069	Designation of Mental Health Professional Shortage Areas	0905-AC68
1070	Health Education Assistance Loan (HEAL) Program: Performance Standards	0905-AC87
1071	Health Education Assistance Loan (HEAL) Program: Implementation of Public Law 100-607	0905-AD05
1072	Health Education Assistance Loan (HEAL) Program: Postjudgment Collections	0905-AD11
1073	Vaccine Injury Compensation: Calculation of Cost of Health Insurance	0905-AD25
1074	Grants for Hospital Construction and Modernization; Federal Right of Recovery and Waiver of Recovery	0905-AD27

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Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1075	National Health Service Corps Loan Repayment Program	0905-AD57
1076	National Health Service Corps Special Repayment Program—Subpart D	0905-AD58

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1077	Health Education Assistance Loan (HEAL) Program: Bankruptcy Revisions	0905-AC75
1078	Nursing Student Loan (NSL) Program: Cash Management	0905-AC76
1079	Health Professions Student Loan (HPSL) Program: Cash Management	0905-AC78
1080	Grants for Educational Assistance to Individuals From Disadvantaged Backgrounds	0905-AD01
1081	Nursing Student Loan (NSL) Program: Implementation of Public Law 100-607	0905-AD06
1082	Health Professions Student Loan (HPSL) Program: Implementation of Public Law 100-607	0905-AD07
1083	Grants for Faculty Training Projects in Geriatric Medicine and Dentistry	0905-AD35

Public Health Service—Indian Health Service (IHS)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1084	Indian Health Service Loan Repayment Program Regulations	0905-AC96
1085	Indian Health Catastrophic Health Emergency Fund Program	0905-AC97
1086	Revision of Indian Self-Determination Regulations	0905-AC98
1087	Revision of Urban Indian Health Regulations	0905-AD20
1088	Review of the Determination of an Indian Tribe's Resource Deficiency Level	0905-AD21
1089	CHSDA Expansion for Grand Traverse Band of Ottawa and Chippewa Indians of Michigan	0905-AD61

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1090	Grants for Research Projects	0905-AC02
1091	Special Volunteer Services at the National Institutes of Health	0905-AC95
1092	National Institutes of Health AIDS Research Loan Repayment Program	0905-AD18
1093	Research Traineeships	0905-AD28
1094	Hazardous Substances Basic Research and Training Program	0905-AD46
1095	Minority Biomedical Research Support Program	0905-AD47
1096	National Heart, Lung, and Blood Institute Prevention and Control Projects	0905-AD48
1097	National Institutes of Health Construction Grants	0905-AD49
1098	Conduct of Persons and Traffic on the National Institutes of Health Federal Enclave	0905-AD55
1099	National Institutes of Health and National Library of Medicine Training Grants	0905-AD56

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1100	National Institutes of Health Center Grants	0905-AC27
1101	Criteria, Standards, and Procedures for the National Bone Marrow Donor Registry, Individual Donor Centers, Donor Registries, Marrow Collection Centers, and Transplant Centers	0905-AD51

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Public Health Service—National Institutes of Health (NIH)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1102	National Library of Medicine Programs; Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66

Public Health Service—Agency for Health Care Policy and Research (AHCPR)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1103	Grants for Health Services Research, Evaluation, Demonstration, and Dissemination Projects	0905-AD30

Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1104	Administrative Appeals Process for Provider Payment Disputes Including Amending Cost Reports & Reopening Intermediary Payment Determinations & Administrative Review Decisions (BPD-221-P)	0938-AA33
1105	Payment for Clinical Diagnostic Laboratory Services (BPD-309-P)	0938-AB50
1106	Hospice Services (MB-7-P)	0938-AC52
1107	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation (HSQ-139-P)	0938-AC88
1108	PRO Review of Surgical Procedures and Requirements for Second Opinions (HSQ-147-P)	0938-AC90
1109	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System (BPD-437-P)	0938-AC97
1110	Changes Concerning the Definition of Accrual Basis of Accounting (BPD-366-P)	0938-AD01
1111	Optional Payment System for Low Medicare Volume Skilled Nursing Facilities (BPD-409-P)	0938-AD02
1112	Medicaid Eligibility of Poverty Level Groups and Extended Coverage of Services (MB-13-P)	0938-AD17
1113	Transfer of Resources for Less Than Fair Market Value (MB-10-P)	0938-AD18
1114	Medicare Coverage of Outpatient Occupational Therapy Services (BPD-425-P)	0938-AD32
1115	Revisions to the Freedom of Information Regulations (OPA-1-P)	0938-AD60
1116	Changes Concerning the Investment Income Offset Policy (BPD-481-P)	0938-AD72
1117	Clarification of Durable Medical Equipment Coverage Under Medicare (BPD-468-P)	0938-AD77
1118	Medicare Coverage of Home Health Services, Medicare Conditions of Participation and Home Health Aide Supervision (BPD-469-P)	0938-AD78
1119	Appeals for Enrollees of Prepaid Health Care Plans (OCC-020-P)	0938-AD79
1120	Omnibus Nursing Home Reform Requirements (BPD-488-P)	0938-AD81
1121	New Minimum Standards for Medicare Supplemental (Medigap) Policies (BPD-491-P)	0938-AD82
1122	Fee Schedule for Certified Nurse-Midwife Services (BPD-496-P)	0938-AD85
1123	Survey and Certification of Skilled Nursing Facilities and Nursing Facilities and Enforcement Procedures (HSQ-156-P)	0938-AD94
1124	Clarification of "Without Fault" As It Applies to Physician Provider and Supplier Liability (BPD-719-P)	0938-AD95
1125	Requirements for Coverage of Seat Lifts (BPD-607-P)	0938-AE05
1126	Protection of Income and Resources for Community Spouse (MB-23-P)	0938-AE12
1127	Physician Certification and Plan of Care Requirements and Inspection of Care Reviews (HSQ-178-P)	0938-AE17
1128	HMO Organizational Structure and Services (OCC-019-P)	0938-AE25
1129	"Confined to the Home" Requirements for Home Health Services (BPD-626-P)	0938-AE34
1130	Medicaid Payment of Medicare Cost Sharing for Qualified Medicare Beneficiaries and Qualified Disabled Workers (MB-031-P)	0938-AE38
1131	Hospital Standard for HIV Infectious Blood (BPD-633-P)	0938-AE40
1132	Extended Medicaid Eligibility for Certain Individuals (MB-026-P)	0938-AE51
1133	Revisions of the Medicare Economic Index (BPD-655-P)	0938-AE54
1134	Resident Assessment in Long Term Care Facilities (HSQ-180-P)	0938-AE61
1135	HMO/CMP Adjusted Community Rate Proposals and Other Provisions (OCC-011-P)	0938-AE63
1136	Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Services (MB-28-P)	0938-AE72
1137	Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After 7/1/91 (BPD-679-NC)	0938-AE78
1138	Payment for Nursing and Allied Health Science Education (BPD-685-P)	0938-AE79
1139	Uniform Electronic Cost Reporting System for Hospitals (BPD-689-F)	0938-AE80
1140	Cost Report Settlement Adjustment Factor for Skilled Nursing Facilities and Home Health Agencies (BPD-702-P)	0938-AE87
1141	Coverage of Screening Pap Smears (BPD-705-P)	0938-AE98

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Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1142	Clinical Psychologist Services and Clinical Social Worker Services - Medicare (BPD-706-P)	0938-AE99
1143	Coverage of Physician Assistant, Nurse Practitioner, and Clinical Nurse Specialist (BPD-708-P)	0938-AF00
1144	Utilization and Quality Control Peer Review Organizations (PROs): Confidential Information (HSQ-190-P)	0938-AF03
1145	Case Management (MB-27-P)	0938-AF07
1146	Day Habilitation and Related Services (MB-37-P)	0938-AF10
1147	Medicaid Third Party Liability: Cost Effectiveness Waivers (MB-39-P)	0938-AF11
1148	Required Coverage of Nurse Practitioner Services - Medicaid (MB-41-P)	0938-AF12
1149	Medicaid for Two-Parent Families (MB-42-P)	0938-AF13
1150	OBRA '90 and Miscellaneous Managed Care Technical Amendments (MB-044-P)	0938-AF15
1151	Restoring Criteria for the Determination of Cost Reimbursement to Medicare - Contracting Prepaid Health Plans (OCC-018-P)	0938-AF16
1152	Essential Access Community Hospitals (EACHs) and Rural Primary Care Hospitals (RPCHs) (BPD-713-P)	0938-AF21
1153	Direct Payment of Organ Procurement Organizations (BPD-715-P)	0938-AF25
1154	Provider Reimbursement Determinations and Appeals Revisions (BPD-727-P)	0938-AF28
1155	Written Documentation That Deficiencies Do Not Jeopardize Resident Health and Safety (HSQ-183-P)	0938-AF31
1156	Alternative Sanctions for Psychiatric Hospitals (HSQ-191-P)	0938-AF32
1157	Medicare, Medicaid and CLIA Programs: Inspection and Certification Procedures for Laboratories (HSQ-193-P)	0938-AF33
1158	Continuation of FFP Following Look Behind Terminations (HSQ-194-P)	0938-AF34
1159	Pre-admission Review and Authorization, Outpatient Surgery, Pre-admission Diagnostic Testing and Same Day Surgery Under Medicaid (MB-021P)	0938-AF35
1160	Physician Ownership of, and Referrals to Health Care Facilities that Furnish Clinical Laboratory Services (BPD-674-P)	0938-AF40
1161	Rural Health Clinic (RHC) Standards and Community Mental Health Center Services (BPD-736-F)	0938-AF53
1162	Recognition of the Community Health Accreditation Program Standards for Home Care Organizations (BPD-739-FN)	0938-AF55
1163	Recognition of the Joint Commission on the Accreditation of Healthcare Organizations Standards for Home Health Care Organizations (BPD-740-PN)	0938-AF56
1164	Designation of Regional Carriers to Process Claims for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (BPO-102-P)	0938-AF59
1165	Uniform Payment Mechanism for Paying Hospitals Under Part A of Medicare (BPO-104-PN)	0938-AF60
1166	Medicaid Qualifying Trusts (MB-011-P)	0938-AF61
1167	Medicaid Payment for Obstetrical and Pediatric Services (MB-036-P)	0938-AF62
1168	Requirements for Enrollment in or Payment for Certain Employer Group Health Plans (MB-047-P)	0938-AF64
1169	Referral to Child Support Enforcement Agencies of Medicaid Families With an Absent Parent (MB-051-P)	0938-AF68
1170	Optional Spenddown (MB-055-P)	0938-AF72
1171	Clarification of Coverage of Inpatient Psychiatric Services (MB-060-P)	0938-AF73
1172	Medicare and Medicaid Programs: Requirements for Physician Incentive Plans in Prepaid Health Care Organizations (OCC-024-P)	0938-AF74
1173	Standards for Defining Disproportionate Share Hospitals (MB-58-P)	0938-AF75

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1174	Medicaid Eligibility and Coverage Requirements (MB-001-FC)	0938-AA58
1175	Deduction of Incurred Medical Expenses (Spenddown) (MB-020-FC)	0938-AB07
1176	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers (BPD-142-F)	0938-AB61
1177	Medicare/Medicaid Revaluation of Assets (BPD-311-F)	0938-AB64
1178	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals (MB-8-F)	0938-AC55
1179	Participation in CHAMPUS and CHAMPVA, Hospital Admissions for Veterans, Discharge Rights Notice, and Hospital Responsibility for Emergency Care (BPD-393-FC)	0938-AC58
1180	Denial of Payment for Substandard Quality Care, Review of Beneficiary Complaints (HSQ-132-F)	0938-AC84
1181	Changes Concerning Suspension of Medicare Payments and Determinations of Allowable Interest Expense (BPD-429-FC)	0938-AC99
1182	Criteria and Procedures for Making Medical Services Coverage Decisions That Relate to Health Care Technology (BPD-432-F)	0938-AD07
1183	Revisions to Conditions of Participation for Hospitals and Conditions for Coverage of Services of Independent Laboratories and Suppliers of ESRD Services (BPD-421-F)	0938-AD11
1184	Payment for Services of Certified Registered Nurse Anesthetists (BPD-423-F)	0938-AD25
1185	Prohibition on Unbundling of Hospital Outpatient Services (BPD-426-F)	0938-AD33
1186	State Share of Financial Participation (MB-22-IFC)	0938-AD36

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Health Care Financing Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1187	Changes to Peer Review Organization Regulations (HSQ-135-F)	0938-AD38
1188	Home and Community-Based Services for the Elderly (MB-019-IFC)	0938-AD55
1189	Payment for Durable Medical Equipment and Orthotic and Prosthetic Devices (BPD-494-IFC)	0938-AD65
1190	Charges to Residents' Funds in Nursing Homes (BPD-477-F)	0938-AD66
1191	Prohibition of FFP for Educational and Vocational Training for Institutionalized Individuals (BPD-485-F)	0938-AD69
1192	Medicare Secondary Payer for Disabled Active Individuals (BPD-482-F)	0938-AD73
1193	Payment for Clinical Psychologists' Services in Clinics (BPD-495-IFC)	0938-AD84
1194	Diagnosis Codes on Physician Bills (BPD-610-F)	0938-AE06
1195	HMOs: Group Specific Ratings (OCC-009-F)	0938-AE24
1196	Clinical Laboratory Improvement Amendments of 1988; Fee Collection (HSQ-177-F)	0938-AE28
1197	Payment Adjustments for Hospitals That Serve a Disproportionate Number of Low-Income Patients (MB-017-IFC)	0938-AE35
1198	Medicaid Management Information System (MMIS) Performance Review, Notification Procedures for Changes (MB-35-F)	0938-AE36
1199	Survey Requirements and Alternative Sanctions for Home Health Agencies (HSQ-169-F)	0938-AE39
1200	Offset of Medicare Payments to Individuals to Collect Past Due Obligations Arising from Breach of Scholarship and Loan Contracts (BPO-88-F)	0938-AE45
1201	Medicare, Medicaid and CLIA Programs: Regulations Implementing the Clinical Laboratory Improvement Amendments of 1988 (CLIA' 88) (HSQ-176-F)	0938-AE47
1202	Conditions of Coverage for Organ Procurement Organizations (BPD-646-F)	0938-AE48
1203	Preadmission Screening and Annual Resident Review (BPD-661-F)	0938-AE49
1204	Enforcement of Laboratory Requirements (HSQ-179-F)	0938-AE60
1205	Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and State Licensure Agencies for Laboratories (HSQ-181-F)	0938-AE62
1206	Conforming Provisions for 1988 HMO Amendments (OCC-012-P)	0938-AE64
1207	Limit on Payment for Cost of an Intraocular Lens Furnished by a Hospital on an Outpatient Basis (BPD-649-F)	0938-AE76
1208	Geographic Designation for Home Health Agency Branch Offices (BPD-651-FN)	0938-AE77
1209	Payment Change for Home Dialysis (BPD-690-F)	0938-AE81
1210	Medicare Payment for Hospice Care (BPD-691-FC)	0938-AE82
1211	Fee Schedule for Physicians' Services (BPD-712-F)	0938-AE91
1212	Eligibility for Premium Hospital Insurance; State Buy-In Agreements (BPD-668-F)	0938-AE92
1213	Aggregation of Medicare Claims for Administrative Law Judge (ALJ) Hearings and Judicial Review (BPD-694-F)	0938-AE93
1214	Medicare Coverage of Prescription Drugs Used in Immunosuppressive Therapy (BPD-424-F)	0938-AE94
1215	Fire Safety Standards for Hospitals, Long Term Care Facilities, and Intermediate Care Facilities for the Mentally Retarded (BPD-650-F)	0938-AE97
1216	Allowing Certifications and Recertifications by Nurse Practitioners and Clinical Nurse Specialists for Certain Services (BPD-709-F)	0938-AF01
1217	Changes to the Long-Term Care Facility Survey Process (HSQ-175-FC)	0938-AF02
1218	Revised Procedures for Paying Claims from Providers of Medicare Services (BPO-93-N)	0938-AF04
1219	General Notice on Medicare Secondary Payment (BPO-94-GN)	0938-AF05
1220	Coordination of Medicaid with Special Supplemental Food Program for Women, Infants and Children (MB-30-F)	0938-AF09
1221	Payment for Federally Qualified Health Center (FQHC) Services (BPD-728-FC)	0938-AF14
1222	Granting and Withdrawal of Deeming Authority to National Accreditation Organizations (HSQ-159-F)	0938-AF17
1223	Withdrawal of Coverage of Thermography(BPD-645-FN)	0938-AF18
1224	Medicare Economic Index Update Effective January 1, 1992 (BPD-714-N)	0938-AF22
1225	Physician Performance Standard Rate of Increase for Fiscal Year 1992 (BPD-703-N)	0938-AF24
1226	Medicare Coverage of Screening Mammography (BPD-724-F)	0938-AF26
1227	Self-Implementing Coverage and Payment Provisions of Omnibus Budget Reconciliation Act of 1990 (BPD-725-FC)	0938-AF27
1228	Medicaid Eligibility Quality Control (MB-032-N)	0938-AF36
1229	Part A Premium for the Uninsured Aged for 1992 (OACT-037-N)	0938-AF37
1230	Monthly Actuarial Rates and Monthly Supplemental Insurance Premium Rate for 1992 (OACT-038-N)	0938-AF38
1231	Inpatient Hospital Deductible and Hospital and Skilled Nursing Facility Coinsurance Amounts for 1992 (OACT-039-N)	0938-AF39
1232	Medicaid Drug Rebate Program (MB-046-IFC)	0938-AF42
1233	Update of Ambulatory Surgical Center Payment Rates Effective October 1, 1991 and Additions to and Deletions from the Current List of Covered Surgical Procedures (BPD-710-NC)	0938-AF48
1234	Payment for Customized Wheelchairs (BPD-730-IFC)	0938-AF49
1235	Medicare and Medicaid Programs; Advance Directives (BPD-718-IFC)	0938-AF50
1236	Durable Medical Equipment (DME) Medical Necessity Forms (BPD-734-FC)	0938-AF51
1237	Injectables for Osteoporosis (BPD-735-FC)	0938-AF52
1238	Medicare Coverage of EPO for Home Use by Home Dialysis Patients (BPD-737-F)	0938-AF54
1239	Continuous Use of Durable Medical Equipment (BPD-742-IFC)	0938-AF57
1240	Reporting Requirements for Financial Relationships Between Physicians and Health Care Entities that Furnish Selected Items and Services (BPO-100-FC)	0938-AF58
1241	Exemption of Low Income Pregnant Women from Eligibility Condition of Establishing Paternity and Seeking Support (MB-048-FC)	0938-AF65

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Sequence Number	Title	Regulation Identifier Number
1242	Community Supported Living Arrangements Services (MB-049-IFC)	0938-AF66
1243	Medicaid Drug Use Review Program and Electronic Claims Management System for Outpatient Drug Claims (MB-050-IFC)	0938-AF67
1244	Medicaid: Outstation Intake Locations for Certain Low-Income Pregnant Women, Infants and Children (MB-052-IFC)	0938-AF69
1245	Home and Community-Based Care as an Optional Service (MB-053-IFC)	0938-AF70

Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1246	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate (BPD-368-F)	0938-AC40
1247	Requirements for Long Term Care Facilities (BPD-396-F)	0938-AD12
1248	Recognition of Accrediting Organizations for Home Health Agency Participation (BPD-413-PN)	0938-AD13
1249	Explanation of Rights and Other HMO/CMP Provisions (BPD-422-F)	0938-AD14
1250	Home Health Agencies: Conditions of Participation and Reduction in Recordkeeping Requirements (BPD-476-F)	0938-AD45
1251	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning On or After October 1, 1989 (BPD-464-FNC)	0938-AD48
1252	Fee Schedules for Radiologist Services (BPD-478-F)	0938-AD62
1253	Conforming Amendments Resulting from the Omnibus Budget Reconciliation Act of 1987 (BPD-484-FC)	0938-AD92
1254	Grace Period and Termination for Non-Payment of Supplementary Medical Insurance (Part B) Premiums for Insured Persons (BPO-78-F)	0938-AD97
1255	Withdrawal of Coverage of Extracranial-Intracranial Arterial Bypass Surgery for the Treatment or Prevention of Stroke (BPD-622-FN)	0938-AE11
1256	Nurse Aide Training and Competency Evaluation Programs (BPD-662-F)	0938-AE50
1257	Payment for Epoetin (EPO) Furnished to ESRD Patients (BPD-652-IFC)	0938-AE52
1258	Capital Payments Under the Inpatient Hospital Prospective Payment System (BPD-681-F)	0938-AE59
1259	Monthly Actuarial Rates and Supplementary Medical Insurance Premium Rate Beginning January 1, 1991 (OACT-35-N)	0938-AE67
1260	National Standardization of "Global Surgery" Policy (BPD-698-FN)	0938-AE85
1261	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1992 Rates (BPD-711-P)	0938-AE90
1262	Proposed Additions to and Deletions from the Current List of Covered Surgical Procedures for Ambulatory Surgical Centers (BPD-623-FN)	0938-AE95
1263	Criteria for Medicare Coverage of Adult Liver Transplants (BPD-648-FN)	0938-AE96
1264	Medicare Geographical Classification Review Board: Procedures and Guidelines (BPD-684-FC)	0938-AF19
1265	Changes to the End-Stage Renal Disease (ESRD) Payment Methodology and Proposed Composite Payment Rates for Outpatient Maintenance Dialysis Services (BPD-624-P)	0938-AF20
1266	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning On or After October 1, 1991 (BPD-716-N)	0938-AF23
1267	Changes Concerning Interest Rates Charged on Overpayments and Underpayments (BPO-096-F)	0938-AF29
1268	Data Match Reporting Requirements (BPO-098-GN)	0938-AF30

Administration for Children and Families—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1269	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0970-AA07
1270	Revisions to Audit Regulations as a Result of the Child Support Provisions of the Family Support Act of 1988	0970-AA74
1271	Emergency Assistance	0970-AA84
1272	Safeguarding Information; Federal Income Tax Refund Offset	0970-AA88
1273	Require Recoupment of Overpayments from Current Recipients	0970-AA94
1274	Child Support Related Changes to the AFDC Program	0970-AA96
1275	Foster Care, Adoption Assistance, and Child Welfare Services	0970-AA97
1276	Head Start Appeals Process	0970-AB00
1277	Requirements Applicable to Title IV-E Foster Care and Title IV-B Child Welfare Services	0970-AB07
1278	Runaway and Homeless Youth Program	0970-AB08
1279	Nonrecurring Expenses of Adoption-Technical Amendment	0970-AB09

HHS

Administration for Children and Families—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1280	Title IV-E Administrative Costs	0970-AB10
1281	Amendments to Developmental Disabilities Rules	0970-AB11

Administration for Children and Families—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1282	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0970-AA06
1283	Immediate Wage Withholding, Review and Adjustment of Child Support Orders, and Monthly Notice of Support Collections	0970-AA63
1284	Related AFDC Amendments under the Family Support Act of 1988	0970-AA69
1285	Disregards of Income and Resources	0970-AA70
1286	Omnibus Budget Reconciliation Act of 1987	0970-AA75
1287	Fees for Use of the Federal Parent Locator Service in Non-AFDC Cases	0970-AA78
1288	Mandatory Automated Child Support Enforcement Systems	0970-AA80
1289	Computer Matching And Privacy Protection Act Provisions	0970-AA81
1290	Implementation of Quality Control Provisions of the Omnibus Budget Reconciliation Act of 1989	0970-AA82
1291	Prohibition of Federal Funding of Guardian ad Litem Fees	0970-AA86
1292	Timeframes for Paying Support Collections to AFDC Families	0970-AA87
1293	At-Risk Child Care	0970-AA90
1294	Review and Adjustment of Child Support Orders	0970-AA91
1295	Child Care and Development Block Grant	0970-AA92
1296	Essential Persons	0970-AA93
1297	Emergency Community Services Homeless Grant Program	0970-AA95
1298	Head Start Criteria for Selection of New Grantees	0970-AA98
1299	Head Start Staff and Program Options Requirements	0970-AA99
1300	Head Start Performance Standards for Services to Children with Disabilities	0970-AB01
1301	Head Start Recruitment, Selection, and Enrollment of Children	0970-AB02
1302	Head Start Grants Administration	0970-AB03
1303	Head Start Performance Standards for Infants, Toddlers, and Pregnant Women	0970-AB04
1304	Adoption and Foster Care Information	0970-AB05
1305	Social Services Block Grant Information Collection	0970-AB06

Administration for Children and Families—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1306	Alien Verification Procedures for AFDC, State Administered Adult Assistance and Medicaid Programs; Notice of Proposed Rulemaking	0970-AA41
1307	Exclusion of Indian Trust Funds and Alaska Native Claims Settlement Act Distributions	0970-AA47
1308	$50 Disregard, Paternity Establishment and Mandatory Guidelines	0970-AA64
1309	Amendments to the State Legalization Impact Assistance Grant (SLIAG) Regulation	0970-AA73
1310	Amendments to the State Legalization Impact Assistance Grant (SLIAG) Regulation	0970-AA79
1311	Limitations on Federal Funding and Sources of State's Share Under the IV-A, IV-D and IV-F Programs	0970-AA89
1312	Consolidated Grants to Insular Areas	0970-AB12

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of the Secretary (OS)

877. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 708; 42 USC 8625; 42 USC 9821; 42 USC 9849; 42 USC 1397; 42 USC 300w-7

CFR Citation: 45 CFR 92

Legal Deadline: None

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	09/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy & Special Projects Staff, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Rm. 5034, Washington, DC 20201, 202 619-0671

RIN: 0991–AA02

878. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them compatible with cost principles issued by OMB for State and local units of government, educational institutions and nonprofit organizations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information: The current OMB project to completely rewrite its Circular A-87, "Cost Principles for State and Local Governments" includes proposed revisions of the interest allowability provision. OMB is considering the possibility of adopting uniform provisions on interest in each of its Circulars on Cost Principles, A-87, A-21 for Educational Institutions and A-122 for Nonprofit Organizations. If this occurs, HHS will consider adopting the same provisions for interest costs incurred by hospitals under Federal research and training awards.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Office of Grant & Contract Financial Mgmt., Rm 513D, HHH Bldg, 200 Independence Ave. SW., Washington, DC 20201, 202 245-0481

RIN: 0991–AA12

879. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 398

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-567, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	44 FR 14582
NPRM	12/21/79	44 FR 75676
NPRM Comment Period End	01/20/80	
Second NPRM	12/00/91	
Second NPRM Comment Period End	02/00/92	
Final Action	09/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Public Compliance Cost: Yearly Recurring Cost: $6,000

Additional Information: Because of concerns expressed by interested parties and time elapsed since issuance of the ANPRM, HHS/OS/OCR will be announcing a new NPRM.

Agency Contact: Marcella Haynes, Director, Policy & Special Projects Staff, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Room 5034, Washington, DC 20201, 202 619-0671

RIN: 0991–AA22

880. PROHIBITION ON USE OF PHYSICIAN INCENTIVE PLANS

Legal Authority: PL 99-509, Sec 9313

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would prohibit a hospital from knowingly making incentive payments to a physician as an inducement to that physician to reduce or limit services provided to program beneficiaries who are under the direct care of that physician.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Regulations addressing physician incentive plans by risk-sharing HMOs and competitive medical plans, and incorporating PL 101-508, sections 4204(g) and 4731, are being addressed in separate OIG rulemaking.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA45

881. PRO RURAL PRACTITIONERS AMENDMENTS

Legal Authority: PL 100-203, Sec 4095

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This proposed rule would permit a hearing before an Administrative Law Judge of a provider in a rural health manpower shortage area, or in a county with a population of less than 70,000 before a program exclusion of that provider took place.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA51

882. CIVIL MONEY PENALTIES FOR VIOLATIONS RELATING TO MEDICAL SUPPLEMENTAL POLICIES

Legal Authority: PL 100-360, Sec 428(b); PL 101-508, Sec 4351; PL 101-508, Sec 4353(a); PL 101-508, Sec 4354; PL 101-508, Sec 4355(a); PL 101-508, Sec 4357

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish CMPs against individuals or entities who knowingly and willfully use misleading and fraudulent practices in the advertisement, solicitation, offering for sale, or delivery of Medicare supplemental health insurance (Medigap) policies. Penalties would also be established for failure to meet Medigap policy loss-ratio requirements, failure to comply with policy simplification standards, and failure to obtain Secretarial certification of Medigap policies in States with non-approved regulatory programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA53

883. BLOCK GRANT PROGRAMS

Legal Authority: PL 100-485; PL 100-607; PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Recent legislation modified technical, administrative and reporting requirements for several of the Department's block grants. This notice would propose regulatory changes to reflect these statutory changes and to clarify certain other block grant regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/15/91	
NPRM Comment Period End	02/15/92	
Final Action	03/15/92	
Final Action Effective	05/15/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Director, Research Evaluation & Special Analyses, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue, SW., Washington, DC 20201, 202 245-7316

RIN: 0991–AA55

884. STANDARDIZATION AND UNIFORM APPLICATION OF CMP PROCEDURES

Legal Authority: PL 99-509, Sec 9320; PL 99-509, Sec 9331; PL 99-509, Sec 9332; PL 99-509, Sec 9338; PL 100-203, Sec 4045; PL 100-203, Sec 4049; PL 100-203, Sec 4051; PL 100-203, Sec 4062; PL 100-203, Sec 4064; PL 100-203, Sec 4085; PL 100-360, Sec 202; PL 101-508, Sec 4109; PL 101-508, Sec 4155; PL 101-508, Sec 4163(b)(2); PL 101-508, Sec 4401(b)

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: None

Abstract: This rulemaking would standardize the procedures for imposing civil money penalties and related sanctions authorized by statutes incorporating provisions of section 1128A of the Social Security Act. In addition to standardizing OIG's existing CMP procedures, this rule would include provision for CMPs and related exclusions for various Medicare Part B violations resulting from OBRA '86, OBRA '87, OBRA '90 and PL 100-360, including (1) those who bill Medicare beneficiaries on a non-assigned basis for services of a certified nurse anesthetist or a physician assistant; (2) non-participating physicians billing for actual charges above permitted charges; (3) certain instances of failure to provide appropriate diagnostic codes with a request for payment for an item or service provided by a physician; and (4) the misrepresentation of claims submitted by covered nurse practitioners in rural areas.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence

Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA57

885. REVISIONS TO THE PRO SANCTIONS NOTIFICATION PROCESS

Legal Authority: 42 USC 1320c-5(b)(2)

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This rule would provide for an alternative to the method of public notice currently used by the OIG in informing the general public of its decision to sanction a practitioner or other person under section 1156 of the Social Security Act as a result of a PRO recommendation. The rule would allow each sanctioned physician or other provider an opportunity to elect to inform each of his or her patients of the sanction action rather than having the OIG provide notice to the general public by publishing a notice in a newspaper.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA60

886. ADMINISTRATIVE IMPROVEMENTS, REPORTING REQUIREMENTS AND OTHER TECHNICAL CHANGES FOR STATE MEDICAID FRAUD CONTROL UNITS

Legal Authority: 42 USC 1396b(a)(6); 42 USC 1396b(b)(3); 42 USC 1396b(q)

CFR Citation: 42 CFR 1002

Legal Deadline: None

Abstract: This proposed rule would amend the current regulations governing the operation and funding of Medicaid Fraud Control Units.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of the Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW., Washington, DC 20202, 202 619-3270

RIN: 0991–AA62

887. CIVIL MONEY PENALTIES FOR FAILURE TO IDENTIFY MEDICARE SECONDARY PAYER SITUATIONS

Legal Authority: PL 101-239, Sec 6202

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This rule would set forth a civil money penalty against any employer who willfully and repeatedly failed to provide a timely and accurate response regarding inquiries on what period an employee, or the employee's spouse, may be covered under a health plan and the nature of that coverage.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA64

888. CIVIL MONEY PENALTIES FOR PHYSICIAN OWNERSHIP OF, AND REFERRAL TO CERTAIN HEALTH CARE ENTITIES

Significance: Agency Priority

Legal Authority: PL 101-239, Sec 6204; PL 101-508, Sec 4207(e); PL 101-508, Sec 4207(m)(2)

CFR Citation: 42 CFR 1003

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This rule will establish new civil money penalty authorities regarding prohibited physician ownership and referral arrangements as set forth in Section 1877 of the Social Security Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA65

889. ADDITIONAL SAFE HARBOR PROVISIONS UNDER THE OIG ANTI-KICKBACK STATUTE

Legal Authority: PL 100-93, Sec 2; PL 100-93, Sec 14

CFR Citation: 42 CFR 1001

Legal Deadline: None

Abstract: This proposed rule is designed to set forth an expanded listing of safe harbor provisions as authorized under Section 14 of PL 100-93. This new listing of proposed safe harbors delineates additional payment and business practices under Medicare and State health care programs that would not be considered kickbacks for purposes of criminal prosecution or civil remedies.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA66

890. ● TITLE VI OF THE CRA OF 1964, SUBPART B-NATIONAL ORIGIN DISCRIMINATION IN PROGRAMS RECEIVING FED. FINANCIAL ASSISTANCE FROM THE DHHS AGAINST PERSONS OF LIMITED ENGLISH PROFICIENCY

Legal Authority: 42 USC 2000d-1

HHS—OS

Proposed Rule Stage

CFR Citation: 45 CFR 80

Legal Deadline: None

Abstract: Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities that receive Federal financial assistance. This addition as Subpart B to the Department's Title VI regulation will address a serious barrier to equal access to health and human services--the denial of services and other unequal or discriminatory treatment to persons of limited English Proficiency (LEP). Persons of LEP tend to be disproportionately represented in certain national origin groups. The inability to communicate with persons of LEP therefore may have the effect of discriminating against certain persons on the basis of national origin. This regulation will establish standards for compliance by recipients and provide guidance to OCR Regional Offices in conducting complaint investigations and compliance reviews. Compliance with these regulations would improve access to services for persons regardless of national origin. The alternative would be to do nothing about the identified problem, which would be detrimental to LEP persons.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	09/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW., Room 5034, Washington, DC 20201, 202 619-0671

RIN: 0991–AA72

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Final Rule Stage

891. AUDITS OF NONGOVERNMENTAL GRANTEES

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62

Legal Deadline: None

Abstract: This action will implement OMB Circular A-133 which was issued on March 8, 1990. The Circular provides governmentwide standards for non-Federal audits of colleges and universities and other nonprofit recipients of Federal grants and contracts and requires such audits for fiscal periods beginning on or after January 1, 1990. The Circular exempts hospitals not affiliated with institutions of higher education. The HHS implementation of the Circular will contain a definition of affiliation on which the public will be afforded an opportunity to provide comments. The Circular and these amendments replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/91	56 FR 8712
Interim Final Rule Effective	03/01/91	
Comment Period End	04/30/91	
Final Action	12/00/91	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Additional Information: Only a small number of public comments on the interim final rule's definition of affiliation were received. However, they contained some misunderstandings about the HHS definition and its effects, as well as a number of suggestions for possible changes thereto. We are carefully considering those comments and expect to issue a final rule responding to misunderstandings and making some minor changes to the definition.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW., Washington, DC 20201, 202 245-0481

RIN: 0991–AA29

892. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY

Legal Authority: PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: These final regulations provide for the imposition of civil money penalties and exclusions against physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/87	52 FR 11649
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-3270

RIN: 0991–AA37

893. CIVIL MONEY PENALTIES AND INTERMEDIATE SANCTIONS FOR HMOS AND COMPETITIVE MEDICAL PLANS

Legal Authority: PL 99-509, Sec 9312; PL 99-509, Sec 9434; PL 100-203, Sec 4014; PL 100-360, Sec 224; PL 100-360, Sec 411; PL 101-239, Sec 6411

CFR Citation: 42 CFR 1003; 42 CFR 417; 42 CFR 431; 42 CFR 434

Legal Deadline: None

Abstract: This final rule will broaden the Secretary's authority to impose intermediate sanctions and civil money penalties against eligible organizations that substantially fail to provide Medicare or Medicaid enrollees with required medically necessary items and services, or that practice certain marketing, enrollment, reporting or claims payment abuses.

Timetable:

Action	Date	FR Cite
NPRM	07/22/91	56 FR 33403
NPRM Comment Period End	09/20/91	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Two HMO provisions resulting from PL 101-508, section 4204(g) (Prohibiting Certain Employer Marketing Activities) and section 4731 (Regulation of Incentive Payments to Physicians) will be addressed through separate OIG rulemaking.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue, SW., Washington, DC 20201, **202 619-3270**

RIN: 0991–AA44

894. AMENDMENTS TO OIG EXCLUSION AND CMP AUTHORITIES RESULTING FROM PL 100-93

Significance: Agency Priority

Legal Authority: PL 100-93; PL 100-360, Sec 411; PL 101-239, Sec 6411(d); PL 101-508, Sec 4164(b); PL 101-508, Sec 4205(a); PL 101-508, Sec 4205(d); PL 101-508, Sec 4752(f)

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003; 42 CFR 1004

Legal Deadline: None

Abstract: This final rule implements new and revised OIG exclusion and civil money penalty authorities and serves to clarify OIG hearing and appeal procedures. Specifically, these regulations are designed to protect program beneficiaries from unfit health care practitioners and otherwise to improve the anti-fraud provisions relating to Titles 5, 18, 19 and 20.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	55 FR 12205
NPRM Comment Period End	06/01/90	55 FR 12205
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue, SW., Washington, DC 20201, **202 619-3270**

RIN: 0991–AA47

895. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74; 45 CFR 92

Legal Deadline: None

Abstract: OMB is in the process of issuing updated fiscal and administrative guidance on requirements governing grants (including cooperative agreements). Separate guidance will be provided for grants awarded to governments and those awarded to colleges and universities and other nonprofit organizations. In separating grant rules for governments from those of other recipients, OMB recognizes the unique competence of States to administer grants and embraces the concept of Federalism. HHS regulations governing grants to these entities will have to be updated to accommodate these changes. HHS regulations governing grants to governments which implement OMB Circular A-102 are codified in 45 CFR Part 92. Those governing grants to colleges and universities and other nonprofit organizations which implement OMB Circular A-110 are codified in 45 CFR Part 74.

Timetable:

45 CFR Part 74

ANPRM 06/24/87 (52 FR 23729)
ANPRM Comment Period End 08/23/87
NPRM 11/04/88 (53 FR 44715)
NPRM Comment Period End 01/03/89
NPRM 03/00/92
NPRM Comment Period End 05/00/92
Final Action 07/00/92

45 CFR Part 92

ANPRM 06/24/87 (52 FR 23729)
ANPRM Comment Period End 08/23/87
NPRM 11/04/88 (53 FR 44715)
NPRM Comment Period End 01/03/89
Interim Final Rule 11/00/91
Comment Period End 01/00/92
Final Action 03/00/92

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Beverly Cordova, Director, Division of Grants Management and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 517D, HHH Bldg., 200 Independence Avenue, SW., Washington, DC 20201, **202 245-0377**

RIN: 0991–AA56

896. SAFE HARBORS FOR PROTECTING HEALTH PLANS

Significance: Agency Priority

Legal Authority: PL 100-93, Sec 2; PL 100-93, Sec 14

CFR Citation: 42 CFR 1001

Legal Deadline: None

Abstract: This rule establishes safe harbor protection for certain health care plans, such as health maintenance organizations and preferred provider organizations, that offer incentives to enrollees or that enter into negotiated price reduction agreements with contract health care providers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of the Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW., Washington, DC 20201, **202 619-3270**

RIN: 0991–AA69

HHS—OS

Final Rule Stage

897. GOVERNMENTWIDE GUIDANCE FOR NEW RESTRICTIONS ON LOBBYING; INTERIM FINAL GUIDANCE

Significance: Regulatory Program

Legal Authority: 31 USC 1352

CFR Citation: 45 CFR 93

Legal Deadline: None

Abstract: This interim final rule is in response to section 319 of P.L. 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Beverly Cordova, Director, Division of Grants Management and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 517D, HHH Bldg., 200 Independence Avenue, SW., Washington, DC 20201, 202 245-0377

RIN: 0991–AA70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Office of the Secretary (OS)

898. CIVIL MONEY PENALTIES FOR FAILURE TO REPORT MEDICAL MALPRACTICE PAYMENTS AND FOR BREACHING THE CONFIDENTIALITY OF INFORMATION

CFR Citation: 42 CFR 1003

Completed:

Reason	Date	FR Cite
Final Action	06/21/91	56 FR 28488

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, 202 619-3270

RIN: 0991–AA40

899. OIG ANTI-KICKBACK PROVISIONS

Significance: Regulatory Program

CFR Citation: 42 CFR 1001

Completed:

Reason	Date	FR Cite
Final Action	07/29/91	56 FR 35952

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, 202 619-3270

RIN: 0991–AA49

900. CIVIL MONEY PENALTIES FOR MISUSE OF DEPARTMENTAL SYMBOLS OR EMBLEMS

Significance: Agency Priority

CFR Citation: 42 CFR 1003

Completed:

Reason	Date	FR Cite
Final Action	08/28/91	56 FR 42532

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, 202 619-3270

RIN: 0991–AA54

901. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

CFR Citation: 45 CFR 84

Completed:

Reason	Date	FR Cite
Withdrawn	08/23/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Marcella Haynes, 202 619-0671

RIN: 0991–AA68

902. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

CFR Citation: 45 CFR 46

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28003
Final Action Effective	06/18/91	56 FR 28003

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Joan P. Porter, 301 496-7005

RIN: 0991–AA71

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Departmental Management (HHSDM)

Final Rule Stage

903. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Legal Deadline: None

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
NPRM	06/19/87	52 FR 23311
NPRM Comment Period End	08/17/87	
Final Action	12/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra H. Shapiro
Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Room 5362, HHS Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201, 202 619-0150

RIN: 0990–AA02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Human Development Services (HDSO)

Completed Actions

904. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AA97	08/29/91	

RIN: 0980–AA08

905. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEES

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AA98	08/29/91	

RIN: 0980–AA17

906. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AA99	08/29/91	

RIN: 0980–AA18

907. HEAD START APPEALS PROCESS

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB00	08/29/91	

RIN: 0980–AA20

908. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO CHILDREN WITH DISABILITIES

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB01	08/29/91	

RIN: 0980–AA21

909. HEAD START RECRUITMENT, SELECTION, AND ENROLLMENT OF CHILDREN

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB02	08/29/91	

RIN: 0980–AA27

910. HEAD START GRANTS ADMINISTRATION

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB03	08/29/91	

RIN: 0980–AA32

911. HEAD START PERFORMANCE STANDARDS FOR INFANTS, TODDLERS, AND PREGNANT WOMEN

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB04	08/29/91	

RIN: 0980–AA33

912. ADOPTION AND FOSTER CARE INFORMATION

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB05	08/29/91	

RIN: 0980–AA35

HHS—HDSO

Completed Actions

913. SOCIAL SERVICES BLOCK GRANT INFORMATION COLLECTION

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB06	08/29/91	

RIN: 0980–AA42

914. REQUIREMENTS APPLICABLE TO TITLE IV-E FOSTER CARE AND TITLE IV-B CHILD WELFARE SERVICES

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB07	08/29/91	

RIN: 0980–AA44

915. RUNAWAY AND HOMELESS YOUTH PROGRAM

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB08	08/29/91	

RIN: 0980–AA45

916. NONRECURRING EXPENSES OF ADOPTION-TECHNICAL AMENDMENT

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB09	08/29/91	

RIN: 0980–AA46

917. TITLE IV-E ADMINISTRATIVE COSTS

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB10	08/29/91	

RIN: 0980–AA47

918. AMENDMENTS TO DEVELOPMENTAL DISABILITIES RULES

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB11	08/29/91	

RIN: 0980–AA48

919. CONSOLIDATED GRANTS TO INSULAR AREAS

Completed:

Reason	Date	FR Cite
Transfer Development to: 0970-AB12	08/29/91	

RIN: 0980–AA49

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Proposed Rule Stage

920. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 3.00 and 103.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity or, in the case of a child under age 18, age-appropriate activities. We are proposing revisions to require consideration of the nature and clinical manifestations of respiratory disorders and the limitations such disorders impose on the individual's ability to function. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1759

RIN: 0960–AB00

921. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 1.00 and 101.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities. We are proposing comprehensive revisions to these sections to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB01

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922. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a; 20 CFR 404.902

Legal Deadline: None

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate windfalls that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-8471**

RIN: 0960–AB38

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923. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA)

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These proposed changes will clarify how the Social Security Administration evaluates a person's work activity.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AB73

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924. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: PL 97-458; PL 98-64; PL 100-241

CFR Citation: 20 CFR 416K Appendix; 20 CFR 416.1234; 20 CFR 416.1236

Legal Deadline: None

Abstract: The proposed regulation reflects the provisions of the following statutes: (1) Pub. L. 97-458, enacted January 12, 1983, which provides that Indian judgment funds held in trust or distributed per capita pursuant to a plan approved by Congress or the Secretary of the Interior are excluded from income and resources under the Supplemental Security Income program (2) Pub. L. 98-64, enacted August 2, 1983, which provides for the exclusion of all funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe and (3) Pub. L. 100-241, enacted February 3, 1988, which provides for the exclusion from income and resources of certain items received by an individual Alaska native or descendent of an Alaska native from a native corporation.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AB86

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925. REVISION OF THE LISTING OF IMPAIRMENTS; PART A AND PART B OF THE ENDOCRINE AND MULTIPLE BODY SYSTEMS; IMMUNE SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: These proposed rules will, for the first time, add HIV infection to the regulatory "Listing of Impairments." This rule, which has separate proposed listings for children and adults, provides mandated criteria in our regulations that expand upon our previous criteria and emphasize the special considerations needed to evaluate HIV infection in women and children.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Sussman, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 695-1758**

RIN: 0960–AC06

926. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION

Significance: Agency Priority

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404D

Legal Deadline: None

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program," "court of law," and "reasonable time," for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC16

927. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF BENEFITS AND SPECIAL ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK

Significance: Agency Priority

Legal Authority: PL 99-643, Sec 2; PL 99-643, Sec 4

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.268; 20 CFR 416.269; 20 CFR 416.1112; 20 CFR 416.1402; 20 CFR 416.263; 20 CFR 416.264; 20 CFR 416.266; 20 CFR 416.207

Legal Deadline: None

Abstract: These proposed regulations will implement statutory changes contained in sections 2 and 4 of PL 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; and (2) simplify the transitions among regular SSI status, special benefit status, and special Supplemental Security Income status for Medicaid purposes. The proposed regulations also will involve the statutory change contained in section 5032 of Pub. L. 101-508 which eliminates the age-65 limit for eligibility for special Supplemental Security Income status for Medicaid purposes.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis Green, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 966-9822**

RIN: 0960–AC22

928. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; FEE LIMITATION POLICY FOR PURCHASE OF LABORATORY TESTS

Legal Authority: 42 USC 1302; 42 USC 1383b

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: These proposed regulations would place a limitation on the rates of payment a State may pay for laboratory tests purchased by State agencies. Under these proposed regulations a State agency would be required to limit the amounts it pays for laboratory tests to the maximum payment level contained in the Health Care Financing Administration's (HCFA) National Limitation Amounts for Laboratory Fee Schedules. Currently the only payment requirement is that the rates of payment not exceed the highest rates paid by Federal or other agencies in the State for the same or similar types of services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC41

929. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF FULL BENEFIT STANDARD FOR CERTAIN PERSONS INSTITUTIONALIZED

Significance: Agency Priority

Legal Authority: PL 100-203, Sec 9115; PL 99-643, Sec 3

CFR Citation: 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.1149; 20 CFR 416.1167; 20 CFR 416.1325; 20 CFR 416.2040; 20 CFR 416.410; 20 CFR 416.412; 20 CFR 416.640; 20 CFR 416.1147

Legal Deadline: None

Abstract: These amendments would require continued payment for up to three months based on the full payment rate to certain persons eligible for SSI payments under Section 1619 or 1611 of the Act who enter certain medical or psychiatric institutions. Without these provisions, SSI benefits would be reduced or suspended.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC55

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930. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISION OF CONTRIBUTIONS FOR SUPPORT RULES

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 404.366(a)

Legal Deadline: None

Abstract: This proposed rule would change one of the requirements for determining whether an insured person is contributing to the support of a child at a specific time. The requirements that contributions be made regularly and be large enough to meet an important part of a child's living expenses would be replaced by a requirement that consideration be given to the economic circumstances of both the insured person and the child and that recognition also be given to the child's needs. Because of the minimal number of persons who would be affected by these proposed changes any additional program costs would be negligible.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 966-0512**

RIN: 0960–AC57

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931. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; VOCATIONAL FACTORS REGULATIONS RESTRUCTURING AND CLARIFICATION

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1550 to 450.1567; 20 CFR 416.920; 20 CFR 416.950 to 416.967

Legal Deadline: None

Abstract: Based upon adjudicative experience, we are proposing clarifications and a restructuring of the disability vocational evaluation regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC61

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932. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; INTERIM DISABILITY BENEFITS

Legal Authority: 42 USC 423(h); 42 USC 1383(a); PL 100-647, Sec 8001

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These regulations implement a section of PL 100-647 that authorizes interim benefit payments whenever an Administrative Law Judge (ALJ) decides that a claimant is entitled to benefits based on disability or blindness and the Secretary has not issued his final decision within 110 days after the date of the ALJ's determination.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC76

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933. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDETERMINATIONS OF SUPPLEMENTAL SECURITY INCOME ELIGIBILITY

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1382; 42 USC 1382(c); 42 USC 1382h(a); 42 USC 1383

CFR Citation: 20 CFR 416.204

Legal Deadline: None

Abstract: We propose to amend our regulations on redeterminations of Supplementary Security Income eligibility. Our current policy does not include in the redetermination period the month of eligibility, the month of application, or the month of the last redetermination or eligibility update. The redeterminations omit these months and, as a result, we do not have an accounting of all living arrangements, income, and resources for the period of eligibility. We propose to change our policy to include in the redetermination period all months from the first day of the month of eligibility, month of application, or month of eligibility update for the first redetermination and all months from the first day of the month of the last at redetermination for subsequent redeterminations. However, for redeterminations which cannot be reopened within the rules of administrative finality, we propose to limit the verification of retroactive information on factors of eligibility to no more than what the rules of administrative finality allow.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC77

934. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; MEDICAL IMPROVEMENT REVIEW STANDARD (MIRS)—MISCELLANEOUS CHANGES

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1579; 20 CFR 404.1594; 20 CFR 404.1598; 20 CFR 416.994

Legal Deadline: None

Abstract: These proposed regulations will make no policy changes but are needed to make a number of technical corrections to our existing regulations pertaining to how we decide whether disability continues or ends.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC81

935. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF CLAIMANTS FOR BENEFITS UNDER TITLE II OR TITLE XVI

Significance: Regulatory Program

Legal Authority: PL 101-239, Sec 10307

CFR Citation: 20 CFR 404.1705; 20 CFR 416.1505

Legal Deadline: None

Abstract: These proposed regulations will provide that information regarding the options for obtaining an attorney and the availability of legal services organizations will be included with the notice sent to claimants who receive an adverse determination.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC87

936. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS APPLICABLE IN DETERMINATIONS OF GOOD CAUSE, FAULT, AND GOOD FAITH

Significance: Regulatory Program

Legal Authority: PL 101-239, Sec 10305

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: This proposed rule will implement a section of P.L. 101-239 that requires that we take into account a claimant's physical, mental, educational or language limitations, including any lack of facility with the English language when we make certain determinations involving the claimant's good cause, fault or good faith in taking or not taking certain actions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC88

937. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPEALS COUNCIL NOTICE REQUIREMENTS

Legal Authority: 42 USC 401(g); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to (h); 42 USC 421(d); 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 404.973; 20 CFR 416.1473

Legal Deadline: None

Abstract: These proposed regulations amend the existing regulations to clarify the requirements that the Appeals Council (AC) notify the parties of its reasons for reviewing a case and the issues to be decided. The proposed regulations clarify the AC's current operating policies with regard to providing the notice required by the regulations and do not represent any change in policy. These regulations are intended to remove any ambiguities in the current regulations concerning the circumstances and the manner in which the AC provides notice to the parties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC93

938. SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIGIBILITY FOR SSI BENEFITS OF CHILDREN OF ARMED FORCES PERSONNEL RESIDING OVERSEAS

Legal Authority: 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 416.202; 20 CFR 416.215 (New)

Legal Deadline: Other, Statutory, April 1, 1990.
Statutory Effective Date

Abstract: These proposed regulations extend eligibility for SSI benefits to blind or disabled children who are United States (U.S.) citizens and who reside with a parent who is a member of the U.S. Armed Forces assigned to permanent duty ashore outside the U.S., the District of Columbia, Puerto Rico, and certain territories and possessions of the U.S., and who, during the month prior to the parent's assignment abroad, were eligible for SSI benefits based on disability or blindness benefits. This provision will apply to benefits after March 1990.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1762

RIN: 0960–AC95

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939. SUPPLEMENTAL SECURITY INCOME PROGRAM; WAIVER OF SSI RULE FOR DEEMING TO CHILDREN THE INCOME AND RESOURCES OF THEIR PARENTS FOR CERTAIN DISABLED CHILDREN

Legal Authority: 42 USC 1382c(f)(2)

CFR Citation: 20 CFR 416.415; 20 CFR 416.1148; 20 CFR 416.1165; 20 CFR 416.1202

Legal Deadline: None

Abstract: These proposed regulations reflect the provisions of section 8010 of Pub. L. 101-239 which waive the SSI income and resource deeming rules (which deem the income and resources of a disabled child's parents to the child if the child is living at home) for severely disabled children who were eligible for SSI benefits while in a medical institution and who qualify for Medicaid under a State home care plan authorized under title XIX when deeming parental income and resources would make the disabled child ineligible for SSI benefits or eligible for a payment of less than the personal needs allowance (plus any applicable optional State supplementation payment). This was effective June 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-0512

RIN: 0960–AC96

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940. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF DOMESTIC COMMERCIAL TRANSPORTATION TICKETS RECEIVED AS GIFTS IN DETERMINING SSI INCOME

Legal Authority: 42 USC 1382a(b)

CFR Citation: 20 CFR 416.1124; 20 CFR 416.1161

Legal Deadline: None

Abstract: Gifts of certain commercial transportation tickets are excluded from income for SSI purposes, if they are used by the individual (or his or her spouse) and not converted to cash. These rules are effective as of March 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 966-0512

RIN: 0960–AC97

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941. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTION IN TIME WHEN INCOME AND RESOURCES OF SEPARATED COUPLES MUST BE TREATED AS JOINTLY AVAILABLE FOR PURPOSES OF SSI ELIGIBILITY & BENEFITS

Legal Authority: 42 USC 1382c(b)

CFR Citation: 20 CFR 416.120(c)(14)

Legal Deadline: None

Abstract: This proposed regulation requires that a married couple be treated as separate individuals for purposes of SSI eligibility and benefit determination beginning with the month after the month they begin living apart. This change is effective October 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 966-0512

RIN: 0960–AC98

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942. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; TAKE INTO ACCOUNT MISINFORMATION PROVIDED TO APPLICANTS IN DETERMINING DATE OF APPLICATION

Legal Authority: 42 USC 402(j); 42 USC 1383(e); PL 101-239, Sec 10302

CFR Citation: 20 CFR 404.610; 20 CFR 404.630; 20 CFR 416.340; 20 CFR 416.345

Legal Deadline: None

Abstract: These proposed regulations require HHS to determine that an applicant for Social Security or SSI has applied for benefits (deemed filing date) when those individuals have been provided misinformation by an employee of SSA on the later of (1) the date the incorrect information was provided, or (2) the date the individual met all the requirements for entitlement. These proposed regulations apply to misinformation provided after 12/82 with respect to Social Security claims. With respect to SSI claims, the proposed regulations apply to misinformation furnished on or after the date of enactment of the Omnibus Budget Reconciliation Act of 1989 (OBRA), i.e., December 19, 1989, and to benefits for months after the date of enactment of OBRA.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1762

RIN: 0960–AD05

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943. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; EARNINGS AND BENEFIT STATEMENTS

Legal Authority: PL 101-239, Sec 10308; PL 101-508, Sec 5111

CFR Citation: 20 CFR 404

Legal Deadline: None

Abstract: This proposed regulation implements the requirement that HHS, beginning not later than 10/1/90, provide individuals aged 25 or older, who have a social security number and have wages or net self-employment income, with a social security account statement upon request of the individual. PL 101-239, Sec 10308 also provides that by September 30, 1995, statements would be automatically provided to all such individuals who attain age 60 (but are not yet receiving benefits) before October 1, of the previous year and for whom HHS can determine a current address. Starting in October 1999, statements would be automatically provided on an annual basis to those under age 60 as well. (Retirement benefit estimates would not be required in the case of persons under age 50 although a general description of benefits available upon retirement would be required.) Regulations implementing these latter two provisions are to be issued at a later date.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AD06

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944. SUPPLEMENTAL SECURITY INCOME PROGRAM; AUGMENTED BENEFITS

Legal Authority: 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 416.1121; 20 CFR 416.1122

Legal Deadline: None

Abstract: These proposed regulations will state the Supplemental Security Income program policy on the treatment of benefits from other programs that have been augmented to provide for dependents. Our current regulations only provide policy regarding the treatment of the primary beneficiary's portion of an augmented VA benefit.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AD07

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945. SUPPLEMENTAL SECURITY INCOME PROGRAM; FINANCIAL INSTITUTION ACCOUNTS IN THE SSI PROGRAM

Legal Authority: 42 USC 1383

CFR Citation: 20 CFR 416.1206 (New)

Legal Deadline: None

Abstract: Title XVI of the Act and SSI regulations are silent on the issue of how funds held in bank accounts are attributed for resource purposes. This policy currently appears in the Program Operations Manual System (POMS); however, recent decisions by Administrative Law Judges, the Appeals Council, and the courts highlight the need for regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1762**

RIN: 0960–AD10

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946. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REOPENING DETERMINATIONS AND DECISIONS (279P)

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.987; 20 CFR 416.1487

Legal Deadline: None

Abstract: These proposed rules revise our current regulations to clarify the longstanding policy of the Social Security Administration that the Agency on its own initiative, as well as at the request of any person claiming a right under the Social Security or supplemental security income programs, may reopen and revise a final administrative determination or decision.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1762**

RIN: 0960–AD12

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947. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; USE OF STATE LAWS TO DETERMINE CHILD RELATIONSHIP (286P)

Legal Authority: 42 USC 416; 42 USC 1302

CFR Citation: 20 CFR 404.354

Legal Deadline: None

Abstract: Current regulations provide that the relationship of a child to a deceased worker is determined by applying the laws on devolution of intestate personal property of the State in which the worker was domiciled at the time of death. The proposed revision will take into account situations where the State law was amended after the worker's death, but is effective retroactively to the worker's death.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AD16

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948. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REPRESENTATIVE PAYEE REFORMS (295P)

Significance: Regulatory Program

Legal Authority: PL 101-508, Sec 5105

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations, which reflect certain provisions of PL 101-508, modify existing representative payee procedures by requiring the Social Security Administration (SSA) to do a more extensive investigation of representative payee applicants; generally limit to 1 month the deferral or suspension of direct payment of benefits pending selection of a payee; provide stricter standards in determining the fitness of representative payee applicants to manage benefit payments on behalf of beneficiaries; require SSA to repay to the beneficiary or an alternate payee, an amount equal to any misused funds resulting from SSA's negligent failure to investigate or monitor a representative payee; and require SSA to compile and maintain a centralized file of certain beneficiary and payee information.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Philip Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AD22

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949. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; FEES FOR REPRESENTATION OF CLAIMANTS (296P)

Legal Authority: PL 101-508, Sec 5106

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will reflect section 5106 of PL 101-508 which modifies the manner in which past-due benefits are calculated and the process by which SSA approves fees charged by persons representing claimants before the Agency

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Philip Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AD23

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950. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; APPLICABILITY OF ADMINISTRATIVE RES JUDICATA (297P)

Legal Authority: PL 101-508, Sec 5107

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This proposed regulation reflects section 5107 of P.L. 101-508 which provides that SSA may not deny a new application on the basis that the claimant did not timely appeal an earlier determination, if the claimant relied upon incorrect, incomplete or misleading information provided by SSA in deciding not to appeal. SSA must describe in adverse determination notices the effect on possible entitlement of choosing to reapply instead of appealing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Philip Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AD24

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951. OLD-AGE, SURVIVORS, & DISABILITY INSURANCE & SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND & DISABLED; CONTINUATION OF BENEFITS ON ACCOUNT OF PARTICIPATION IN A NON-STATE VR PROGRAM

Legal Authority: PL 101-508, Sec 5113

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.9022; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1331; 20 CFR 416.1338; 20 CFR 416.1402

Legal Deadline: None

Abstract: These regulations will reflect section 5113 of PL 101-508, which amends sections 225(b) and 1631(a)(6) of the Act to extend eligibility for continuation of benefits under these sections to persons who are participating in a non-State VR program. Prior to these amendments, the law only provided for continuation of benefits when a person was participating in a State VR program. These regulatory changes will bring our regulations in conformity with the law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William J. Ziegler**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AD26

952. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; ELIMINATION OF ELIGIBILITY FOR RETROACTIVE BENEFITS FOR CERTAIN INDIVIDUALS ELIGIBLE FOR REDUCED BENEFITS (301F)

Legal Authority: 42 USC 402(j)(4)

CFR Citation: 20 CFR 404.621

Legal Deadline: None

Abstract: These regulations reflect Section 5116 of PL 101-508, which repeals the provision in the law which permits a person to elect up to 6 months of retroactive reduced benefits in order to charge off any excess earnings under the retirement earnings test that he or she may have in the year of filing. Section 5116 also repeals a similar provision which allows retroactive reduced benefits in cases where unreduced auxiliary benefits are payable.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1762**

RIN: 0960–AD28

953. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; CONTINUED ENTITLEMENT TO BENEFITS OF DEEMED SPOUSE DESPITE ENTITLEMENT OF LEGAL SPOUSE (304P)

Legal Authority: PL 101-508, Sec 5119

CFR Citation: 20 CFR 404.331; 20 CFR 404.332; 20 CFR 404.336; 20 CFR 404.337; 20 CFR 404.340; 20 CFR 404.341; 20 CFR 404.346

Legal Deadline: None

Abstract: These regulations reflect section 5119 of PL 101-508, which amends section 216 and 203 of the Social Security Act to provide for the payment of benefits to both a legal spouse and a deemed spouse, or to both a legal widow and a deemed widow. That is, the existence of a legal spouse would no longer prevent a deemed spouse from receiving benefits on a worker's record or terminate the benefits of a deemed spouse who was already receiving benefits on the worker's record.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AD31

954. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; WAIVER OF 2-YEAR WAITING PERIOD FOR INDEPENDENT ENTITLEMENT TO DIVORCED SPOUSES' BENEFITS (307P)

Legal Authority: 42 USC 403(b)(2); 42 USC 403(d)(1)(B)

CFR Citation: 20 CFR 404.331; 20 CFR 404.415; 20 CFR 404.416(a); 20 CFR 404.417(b)(4)

Legal Deadline: None

Abstract: These proposed regulations reflect section 5127 of P.L. 101-508 which waives the provision requiring an individual to wait 2 years after divorcing the worker before the individual can receive divorced spouses' benefits that are not subject to deductions because of the worker's earnings.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 966-0512**

RIN: 0960–AD33

955. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; TREATMENT OF CERTAIN ROYALTIES AND HONORARIA (310F)

Legal Authority: PL 101-508, Sec 5034

CFR Citation: 20 CFR 416.1110; 20 CFR 416.1111; 20 CFR 416.1121

Legal Deadline: None

Abstract: These regulations amend the supplemental security income regulations to reflect a statutory change in the treatment of royalties in connection with any publication of the works of an individual and that portion of honoraria received for services rendered, from unearned income to earned income.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AD35

956. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION FROM INCOME AND RESOURCES OF VICTIMS' COMPENSATION PAYMENTS AND STATE RELOCATION ASSISTANCE (311P)

Legal Authority: PL 101-508, Sec 5031

CFR Citation: 20 CFR 416.1124; 20 CFR 416.1210

Legal Deadline: None

Abstract: These regulations will provide for the exclusion from income and from resources (for nine months) in the Supplemental Security Income Program payments received by a person from a State established fund to aid victims of crime and payments received as State or local government relocation assistance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 0960-AD37 has been merged with this action.

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1753**

RIN: 0960–AD36

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957. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, & DISABLED; REIMBURSEMENT FOR VR SERVICES FURNISHED DURING CERTAIN MONTHS OF NON-PAYMENT

Legal Authority: PL 101-508, Sec 5037

CFR Citation: 20 CFR 416.1321; 20 CFR 416.1331; 20 CFR 416.1338; 20 CFR 416.1402

Legal Deadline: None

Abstract: These regulations reflect section 5037 of PL 101-508, which amends section 1615 of the Act, to provide for reimbursement for VR services furnished during certain months of nonpayment of Supplemental Security Income benefits. Prior to these amendments there was no provision in the law for such reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AD39

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958. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION FROM INCOME AND RESOURCES OF EARNED INCOME TAX CREDITS (319P)

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1383

CFR Citation: 20 CFR 416.1110; 20 CFR 416.1111; 20 CFR 416.1112; 20 CFR 416.1210; 20 CFR 416.1235 (New)

Legal Deadline: None

Abstract: Section 11115 of PL 101-508 (the Omnibus Budget Reconciliation Act of 1990) increases earned income tax credit (EITC) rates and excludes payments related to EITCs from income in the month of receipt and from resources in the month of receipt and in the month following the month of receipt, under the Supplemental Security Income, Aid to Families With Dependent Children, Medicaid, and Food Stamp programs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1762**

RIN: 0960–AD41

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959. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION OF ONE AUTOMOBILE FROM RESOURCES (321P)

Legal Authority: 42 USC 1302; 42 USC 1302b; 42 USC 1383

CFR Citation: 20 CFR 416.1218

Legal Deadline: None

Abstract: These proposed regulations will exclude from consideration as a resource one automobile for an individual or couple, if it is used for transportation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1762**

RIN: 0960–AD42

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960. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; FEES FOR REPRESENTATIVE PAYEE SERVICES (322P)

Significance: Regulatory Program

Legal Authority: PL 101-508, Sec 5105

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations, which reflect a provision of PL 101-508, allow certain non-profit social service agencies to charge beneficiaries a fee for providing representative payee services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AD43

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961. ● ORGANIZATION AND PROCEDURES; REVIEW BY APPEALS COUNCIL

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404; 20 CFR 416; 20 CFR 422

Legal Deadline: None

Abstract: We propose to amend our regulations to give Appeals officers authority to deny requests for review of hearings decisions. Presently, this authority rests only with appeals council members.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security

Boulevard, Baltimore, Maryland 21235, 301 965-1709

RIN: 0960–AD45

962. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME; LIMITATION OF TRAVEL EXPENSES FOR REPRESENTATION OF CLAIMANTS AT ADMINISTRATIVE PROCEEDINGS

Legal Authority: PL 101-508, Sec 5106

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: We propose to amend the regulations concerning payment of certain travel expenses to implement the provisions of section 5106(c) of Pub. L. 101-508, the Omnibus Budget Reconciliation Act of 1990 (OBRA), enacted November 5, 1990. Section 5106(c) amended sections 210(j), 1631(h) and 1817(i) of the Social Security Act to provide that the amount available for payment under these sections for travel by a representative to attend a proceeding before an administrative law judge (ALJ) or other adjudicator shall not exceed the maximum amount allowable for travel originating within the geographic area of the office having jurisdiction over the proceeding.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1769

RIN: 0960–AD46

963. ● SUPPLEMENTAL SECURITY INCOME FOR THE AGED; BLIND, AND DISABLED; TIME LIMITS FOR DISPOSITION OF RESOURCES

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 416.1242

Legal Deadline: None

Abstract: We will publish a proposed revision to 20 CFR 416.1242(a) to indicate that the time period for disposal of property begins on the date SSA accepts the individual's signed written agreement, provided that, on or before that date, SSA has determined that the individual meets the eligibility requirements in 20 CFR 416.202, with the exception of the resources requirement. The proposed rules will further state that if SSA receives a signed (continued)

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTINUE: agreement prior to the date it determines that all nonresource requirements are met, SSA's acceptance of the written agreement will not occur (and thus, the time period for disposal of property will not begin) until SSA notifies the individual that all nonresources requirements are met.

Agency Contact: Henry Lerner, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 965-1762

RIN: 0960–AD48

964. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REIMBURSEMENT OF REASONABLE AND NECESSARY COSTS FOR VOCATIONAL REHABILITATION

Significance: Agency Priority

Legal Authority: 42 USC 421; 42 USC 1302

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These proposed rules contain procedures to better define and clarify the position of the Social Security Administration on what constitutes "reasonable and necessary" costs with respect to reimbursement for vocational rehabilitation services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: (Title Continued) Services.

Agency Contact: William J. Ziegler, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960–AD50

965. ● SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 416

Legal Deadline: None

Abstract: This proposed rule will incorporate into the regulations expanded procedures we have been using to make findings of presumptive disability for people who allege infection with the human immunodeficiency virus (HIV). The present regulations permit Social Security field offices to make findings of presumptive disability for HIV infection only upon confirmation by a licensed physician that an individual had a diagnosis of acquired immunodeficiency syndrome (AIDS). These proposed revisions will include (continued)

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: (Abstract continued) individuals with HIV infection whose disease manifestations are of listing-level severity.

Agency Contact: Harry J. Short, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1753

RIN: 0960–AD51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Final Rule Stage

966. SUPPLEMENTAL SECURITY INCOME PROGRAM; SUSPENSIONS, TERMINATIONS, AND ADVANCE NOTICE OF ADVERSE DETERMINATIONS

Legal Authority: 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 100-203, Sec 9103; PL 100-203, Sec 9112; PL 100-203, Sec 9115; PL 101-239, Sec 8009

CFR Citation: 20 CFR 416B; 20 CFR 416G; 20 CFR 416M

Legal Deadline: None

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's SSI benefits. This regulation's purpose is to make these rules easier to read and understand. These rules also reflect the following statutory enactments: (1) section 3 of Pub. L. 99-643, (2) section 4 of Pub. L. 99-643, (3) section 9103 of Pub. L. 100-203, (4) section 9112 of Pub. L. 100-203, (5) section 9115 of Pub. L. 100-203, (6) section 8009 of Pub. L. 101-239, (7) section 5038 of Pub. L. 101-508, and (8) section 5105 of Pub. L. 101-508.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AA22

967. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1

Legal Deadline: None

Abstract: Sections 4.00 and 104.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1599) describe cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities. Because of the advances in medical technologies and practice in this area we are revising the criteria in the Listing of Impairments to bring these sections up to date. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	07/09/91	56 FR 31266
NPRM Comment Period End	09/09/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AA99

968. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Legal Authority: 42 USC 405; 42 USC 425; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402

Legal Deadline: None

Abstract: This change permits the continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB05

969. SUPPLEMENTAL SECURITY INCOME PROGRAM AND MEDICAID ASSISTANCE; WHAT IS NOT INCOME

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(a); 42 CFR 435.725(c); 42 CFR 435.726(c); 42 CFR 435.733(c); 42 CFR 435.735(c); 42 CFR 435.832(c); 42 CFR 436.832(c)

Legal Deadline: None

Abstract: The rule changes SSI policy to consider Department of Veterans Affairs payments resulting from unusual medical expenses not to be income for SSI purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32252
NPRM Comment Period End	10/24/88	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AB09

970. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Significance: Regulatory Program.

HHS—SSA

Final Rule Stage

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404P; 20 CFR 416I

Legal Deadline: None

Abstract: These regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35516
NPRM Comment Period End	11/14/88	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Sussman, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1758**

RIN: 0960–AB41

971. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Significance: Agency Priority

Legal Authority: 42 USC 1382c; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

Legal Deadline: None

Abstract: This regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law or lawfully admitted for permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4296
NPRM Comment Period End	03/31/89	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 966-0512**

RIN: 0960–AC26

972. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS

Legal Authority: 42 USC 1383(b)(1)(A)

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. These proposed regulations would also reflect a policy change that would continue the appeals process (versus automatic dismissal), at the Administrative Law Judge or Appeals Council level, for the survivors' entitlement to an underpayment if they meet certain conditions. The cost estimate for these provisions is estimated to be $2 million per year in program costs and less than $1 million and 30 workyears in administrative expenses.

Timetable:

Action	Date	FR Cite
NPRM	09/10/90	55 FR 37249
NPRM Comment Period End	11/09/90	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC28

973. SUPPLEMENTAL SECURITY INCOME PROGRAM; PARENT-TO-CHILD DEEMING

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1382(a); 42 USC 1382c(f)

CFR Citation: 20 CFR 416.1165

Legal Deadline: None

Abstract: Under the current SSI rules, three different formulas are used to calculate the amount of income deemed to an eligible child from his or her ineligible parent(s) when they are living together. The formulas produce different results depending on the type of income (earned versus unearned) and the number of children in the household. This sometimes creates anomalies. The rule would resolve the anomalies by providing that one formula be used regardless of the type of parental income. The formula to be used is the formula now used when the parent(s) has both earned and unearned income.

Timetable:

Action	Date	FR Cite
NPRM	07/08/91	56 FR 30884
NPRM Comment Period End	09/06/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 966-0512**

RIN: 0960–AC38

974. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CANCELLED CONSULTATIVE EXAMINATIONS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: We are considering the development of a final rule to provide that we will no longer pay for consultative examinations when services are not rendered because the scheduled appointment was broken or otherwise not kept. Presently, the States decide whether to pay for these canceled examinations and such payments have already been abolished in 22 States. The total elimination of these payments will establish a uniform national policy.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39487
NPRM Comment Period End	12/06/88	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC40

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975. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROCEEDS OF A LOAN, PAYMENT OF PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1133

Legal Deadline: None

Abstract: It is our policy that money borrowed (a loan) is not income for SSI purposes and therefore has no effect on a person's SSI benefits. These proposed regulations will state that only cash transactions may be considered loans. These proposed regulations will also provide that the one-third reduction rule which applies when a person who lives in another's household and receives in-kind support and maintenance will not apply if the SSI recipient pays his or her pro rata share in cash and no later than the month under consideration. No additional costs or savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	08/20/90	55 FR 33922
NPRM Comment Period End	10/19/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC42

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976. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EXTENSION OF SOCIAL SECURITY COVERAGE TO CERTAIN WORKERS; MEDICARE ONLY COVERAGE OF CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: PL 100-203, Sec 9001; PL 100-203, Sec 9002; PL 100-203, Sec 9003; PL 100-203, Sec 9004; PL 100-203, Sec 9005; PL 100-203, Sec 9022; PL 99-272, Sec 13205; PL 99-514, Sec 1895; PL 100-647, Sec 8017

CFR Citation: 20 CFR 404.429(c)(3); 20 CFR 404.1015; 20 CFR 404.1018b; 20 CFR 404.1019; 20 CFR 404.1020; 20 CFR 404.1021; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1097

Legal Deadline: None

Abstract: These regulations would reflect statutory changes that extend social security coverage to work situations not previously covered. These newly covered work situations include: (1) Inactive duty training in the uniformed services; (2) Certain agricultural labor situations; and (3) Work for a spouse or parent. Additionally, the year for reporting corporate directors' income has been changed, and Medicare coverage is provided to many previously uncovered State and local government employees. Also, a provision of PL 100-647 further revised our coverage provisions relating to agricultural wages.

Timetable:

Action	Date	FR Cite
NPRM	09/12/90	55 FR 37488
NPRM Comment Period End	11/13/90	
Final Action	11/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC45

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977. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; APPLICABILITY OF GOVERNMENT PENSION TO CERTAIN FEDERAL EMPLOYEES

Legal Authority: 42 USC 402(b); 42 USC 402(c); 42 USC 402(e); 42 USC 402(f); 42 USC 402(g); PL 100-203, Sec 9007; PL 100-647, Sec 8014

CFR Citation: 20 CFR 404.408a

Legal Deadline: None

Abstract: We are proposing to revise our rules on reducing the Social Security spouse's benefits of a person who is also receiving a Government pension based on noncovered employment. The Omnibus Budget Reconciliation Act of 1987 (PL 100-203, sec 9007) requires that a Federal Government employee who elects to be covered under Social Security after December 31, 1987 must work for at least 60 months after that date in order to avoid the reduction after he or she becomes entitled to Social Security spouse's benefits. That requirement is extended to the foreign service pension system by the Technical and Miscellaneous Revenue Act of 1988 (PL 100-647), which also provides that under certain circumstances the reduction does not apply to an individual who retires before his or her coverage election becomes effective.

Timetable:

Action	Date	FR Cite
NPRM	12/12/89	54 FR 51036
NPRM Comment Period End	02/12/90	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC46

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978. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATION OF DISABILITY - DETERMINING STATE AGENCY SUBSTANTIAL FAILURE

Significance: Regulatory Program

Legal Authority: 42 USC 421; 42 USC 1302

CFR Citation: 20 CFR 404.1641; 20 CFR 404.1670; 20 CFR 404.1680; 20 CFR 404.1682; 20 CFR 404.1683; 20 CFR 416.1041; 20 CFR 416.1070; 20 CFR 416.1080; 20 CFR 416.1082; 20 CFR 416.1083

Legal Deadline: None

Abstract: The proposed rules contain procedures for determining when a State agency has substantially failed to make disability determinations in accordance with applicable Federal law. If it is determined that a State agency has substantially failed to make disability determinations in a manner consistent with Federal regulations or other written guidelines, the Social Security Administration, in accordance with section 221 of the Social Security Act (42 USC 421), must assume the responsibility for making the disability determinations. The costs or savings likely to result from implementation of these regulations are not predictable.

Timetable:

Action	Date	FR Cite
NPRM	03/14/91	56 FR 11025
NPRM Comment Period End	05/13/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC60

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979. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES AND EXCLUSIONS; DEFINITION OF RESOURCES

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1201

Legal Deadline: None

Abstract: This proposed change would exclude from the definition of resources, in the Supplemental Security Income program, for one calendar month following the month of receipt, certain cash payments made to an ineligible spouse or parent for providing medical or social services to the eligible individual. Current rules exclude such amounts paid to the eligible individual for one calendar month following the month of receipt. This proposal would broaden the exclusion to include similar payments made to certain other individuals whose income and resources are deemed available to the SSI recipient.

Timetable:

Action	Date	FR Cite
NPRM	02/26/91	56 FR 7821
NPRM Comment Period End	04/29/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC66

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980. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUSPENSION OF BENEFITS OF DEPORTED NAZIS; EXEMPTION FROM SOCIAL SECURITY TAXATION BECAUSE OF RELIGIOUS BELIEFS

Legal Authority: PL 100-647, Sec 8004; PL 100-647, Sec 8007; 42 USC 402(n)(3); 42 USC 402(v); PL 101-239

CFR Citation: 20 CFR 404.464; 20 CFR 404.1012; 20 CFR 404.1039 (New)

Legal Deadline: None

Abstract: This regulation reflects the provisions of two sections in PL 100-647. The first provision requires the Social Security Administration to deny or terminate benefits if the beneficiary is deported (or ordered deported) because of certain actions performed while associated with the Nazi government of Germany or one of its allies. The second provision extends the current law treatment of self-employed workers who may claim an exemption from Social Security coverage if they are members of a religious faith that is opposed to participation in Social Security programs to their employees in cases where both the employee and the employer are members of a qualifying religious faith.

Timetable:

Action	Date	FR Cite
NPRM	05/28/91	56 FR 24043
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC68

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981. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS FOR ADULTS

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1382c

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: These proposed amendments revise the medical evaluation criteria for mental disorders for the Social Security and Supplemental Security Income disability programs. The proposed revisions will reflect advances in medical treatment and in methods of evaluating certain mental impairments and will provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders. (The present medical criteria used to evaluate disability claims based on mental disorders was extended to August 20, 1992, by a final regulation published on August 16, 1991.)

Timetable:

Action	Date	FR Cite
NPRM	07/18/91	56 FR 33130
NPRM Comment Period End	09/18/91	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC74

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982. DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION; BLOOD DONOR LOCATOR SERVICE

Significance: Regulatory Program

Legal Authority: PL 100-647, Sec 8008; 42 USC 405(c)(2)(D); 42 USC 1320b

CFR Citation: 20 CFR 401.205; 20 CFR 401.600

Legal Deadline: None

Abstract: We are issuing these rules to govern the Blood Donor Locator Service, which we will establish and conduct, as required by section 8008 of P.L. 100-647. Under these rules, we will furnish to participating States, at their request, the last known personal mailing address (residence or post office box) of blood donors whose blood donation shows that they are or may be infected with the human immunodeficiency virus which causes acquired immune deficiency syndrome, if the State or an authorized blood donation facility has been unable to locate the donors. If our records or those of the Internal Revenue Service contain an adequate personal mailing address for the donor, we will provide it to the State so that the State or the blood donation facility can inform the donor of the possible need for medical care and treatment. The law provides stringent safeguards to protect the confidentiality of the records that State and blood donation facilities establish when using the locator service.

Timetable:

Action	Date	FR Cite
NPRM	10/10/90	55 FR 41200
NPRM Comment Period End	12/10/90	
Final Action	10/00/91	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC79

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983. SUPPLEMENTAL SECURITY INCOME PROGRAM; AUGMENTED BENEFITS

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1123

Legal Deadline: None

Abstract: These proposed regulations describe the treatment of the dependent's portion of an augmented Department of Veterans Affairs benefit as income to the dependent by the SSI program.

Timetable:

Action	Date	FR Cite
NPRM	05/18/90	55 FR 20612
NPRM Comment Period End	07/17/90	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC82

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984. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; AUTHORITY TO AMEND WAGE RECORDS AFTER EXPIRATION OF TIME LIMITATION

Significance: Regulatory Program

Legal Authority: PL 101-239, Sec 10304; 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404

Legal Deadline: None

Abstract: These proposed regulations reflect the Social Security Act, as amended by the Omnibus Budget Reconciliation Act of 1989, which permits correction of an earnings record after the 3-year, 3-month, 15-day statute of limitations to credit wages if an employer reported an amount of wages for an employee that is less than the correct amount.

Timetable:

Action	Date	FR Cite
NPRM	05/09/91	56 FR 21455
NPRM Comment Period End	07/08/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC91

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985. SUPPLEMENTAL SECURITY INCOME PROGRAM; TECHNICAL CHANGES TO SUBPARTS K AND L

Legal Authority: PL 93-66, Sec 211; PL 98-369, Sec 2639; PL 101-239, Sec 10405

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1124; 20 CFR 416.1142; 20 CFR 416.1150; 20 CFR 416.1170; 20 CFR Subpart K, Appendix; 20 CFR 416.1236; 20 CFR 416.1237

Legal Deadline: None

Abstract: These regulations make technical changes to the Supplemental Security Income regulations that include a statutory change to a title of a public law, adding a statutory change redesignating the Veterans Administration as the Department of Veterans Affairs, adding a reference heading, updating the appendix to Subpart K, and updating lists of statutory exclusions from resources. These technical changes update the regulations and improve referencing.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC94

HHS—SSA

Final Rule Stage

986. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF ACCRUED INCOME WITH RESPECT TO PURCHASE OF CERTAIN BURIAL SPACES FOR PURPOSES OF SSI ELIGIBILITY

Significance: Agency Priority

Legal Authority: PL 101-239, Sec 8013

CFR Citation: 20 CFR 416.1124; 20 CFR 416.1231

Legal Deadline: None

Abstract: These final regulations reflect a statutory provision that provides an SSI program exclusion from countable income of the interest accrued and left to accumulate on the value of an excluded burial space purchase agreement entered into by an individual or the individual's spouse; and excludes from resources the value of a burial space purchase agreement representing the purchase of a burial space and any interest accrued. These changes are effective April 1, 1990.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis Green, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 966-9822**

RIN: 0960–AC99

987. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; INCLUSION OF CERTAIN DEFERRED COMPENSATION IN DETERMINATION OF WAGE-BASED ADJUSTMENTS

Legal Authority: 42 USC 405(a); 42 USC 412; 42 USC 413; 42 USC 414; 42 USC 416; 42 USC 417; 42 USC 423; 42 USC 1302

CFR Citation: 20 CFR 404.143; 20 CFR 404.211; 20 CFR 404.272; 20 CFR 404.1048

Legal Deadline: None

Abstract: This final regulation requires that an estimate of deferred compensation for determining the taxable earnings base be included in average wages for 1988 and 1989, so that the 1990 taxable earnings base would reflect the inclusion of deferred compensation in average total wages. Actual deferred compensation amounts would be used beginning with the year 1990 wages. With respect to benefit computations and other program amounts, actual deferred compensation amounts would be included beginning with 1990 wages, and would be reflected in benefit computations and other program amounts beginning in 1993.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis Green, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 966-9822**

RIN: 0960–AD04

988. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; UPDATING NOMENCLATURE (264P)

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 43 USC 1383

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation amends current regulations to replace outdated nomenclature and terminology, to eliminate little used rules and provisions which are no longer in effect, and to correct technical errors such as misspellings and incorrect cross-references.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AD11

989. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS (280F)

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 404.1200

Legal Deadline: None

Abstract: These regulations will update certain OMB control numbers associated with information collection requirements. These numbers were previously published on August 29, 1988.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Phyllis Green, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-9822**

RIN: 0960–AD13

990. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND AND DISABLED; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 416 Subpart I, Appendix 1; 20 CFR 416.2086

Legal Deadline: None

Abstract: This final regulation removes a regulation provision under which we made a finding of presumptive disability for people who sought supplemental security income benefits based on disability due to acquired immunodeficiency syndrome (AIDS). New procedures under which the Social Security field offices may make a finding of presumptive disability for any individual with the human immunodeficiency virus (HIV) whose disease manifestations are of listing-level severity, not only those who have been diagnosed with AIDS, will be published as proposed rules in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1753**

RIN: 0960–AD14

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991. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; COST OF LIVING AND OTHER DETERMINATIONS (285F)

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations update various appendices, tables and lists that provide quarter of coverage amounts, average of total wages benefits formulas, and other amounts relating to computation of benefits. All of this information has been published at various times in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis Green, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 966-9822**

RIN: 0960–AD15

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992. EXTENDING OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE COVERAGE TO CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES (291F)

Legal Authority: 42 USC 410a; PL 101-508, Sec 11332

CFR Citation: 20 CFR 404.1004; 20 CFR 404.1020; 20 CFR 404.1073; 20 CFR 404.1200; 20 CFR 404.1201; 20 CFR 404.1202

Legal Deadline: None

Abstract: These regulations reflect section 11332 of PL 101-508 which extends mandatory Old-Age, Survivors, and Disability Insurance Coverage to certain State and local government employees who are not participating in a public employee retirement system.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AD18

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993. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; CONTINUATION OF BENEFITS DURING APPEAL AFTER DISABILITY HAS CEASED (292I)

Legal Authority: PL 101-508, Sec 5102

CFR Citation: 20 CFR 404.1597a

Legal Deadline: None

Abstract: Section 5102 of PL 101-508 amends section 223(g) of the Social Security Act to make permanent previous temporary provisions under which an insured worker may elect to have disability insurance benefits and Medicare benefits continued pending a reconsideration determination or an administrative law judge decision after an earlier determination that the individual is not entitled to benefits because the physical or mental impairments(s) on the basis of which such benefits were payable is found to have ceased, not to have existed, or to no longer be disabling.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AD19

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994. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; REPEAL OF THE SPECIAL DISABILITY STANDARD FOR WIDOWS AND WIDOWERS (293P)

Significance: Regulatory Program

Legal Authority: 42 USC 402; 42 USC 405; 42 USC 416; 42 USC 423; 42 USC 428; 42 USC 1032; 5 USC Appendix; 42 USC 421; 42 USC 422; PL 96-265, Sec 404(a); PL 98-460, Sec 2; PL 98-460, Sec 5; PL 98-460, Sec 6; PL 98-460, Sec 15; PL 101-508, Sec 5103

CFR Citation: 20 CFR 404.335; 20 CFR 404.336; 20 CFR 404.1501(i); 20 CFR 404.1505; 20 CFR 404.1511; 20 CFR 404.1560(a); 20 CFR 404.1577; 20 CFR 404.1578; 20 CFR 404.1579; 20 CFR 404.1594

Legal Deadline: None

Abstract: These regulations reflect Sec. 5103 of PL 101-508, which repealed the special disability standard for widow(er)s, and replaced it with the standard used for disabled workers.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-5178**

RIN: 0960–AD20

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995. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; PAYMENT OF BENEFITS TO A CHILD ADOPTED BY A SURVIVING SPOUSE (294F)

Legal Authority: PL 101-508, Sec 5104

CFR Citation: 20 CFR 404.362(c)

Legal Deadline: None

Abstract: This final regulation will permit a child adopted by a worker's surviving spouse to be entitled to benefits if the child was living with, or receiving one-half support from, the worker at the time of death. No alternatives considered. Cost estimates-

increase in benefit payments less than $500,000 a year for 1992.

Timetable:

Action	Date	FR Cite
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AD21

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996. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; LIMITATION ON NEW ENTITLEMENT TO SPECIAL-72 PAYMENTS (300F)

Legal Authority: PL 101-508, Sec 5114

CFR Citation: 20 CFR 404.381(a)

Legal Deadline: None

Abstract: This final regulation will preclude new entitlement to "Prouty benefits" for persons who reached age 72 after 1971 who otherwise would have been entitled to these benefits. No alternatives considered. Cost estimate-decrease in benefits payments of less than $500,000 a year for 1991 and 1992.

Timetable:

Action	Date	FR Cite
Final Action	02/11/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AD27

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997. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; CONSOLIDATION OF OLD METHODS OF COMPUTING PRIMARY INSURANCE AMOUNTS (302F)

Legal Authority: PL 101-508, Sec 5117

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will eliminate and consolidate old computation methods. They will show how to compute benefits of all newly entitled beneficiaries who, under present law, would have their benefits computed under one of the old computations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AD29

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998. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; SUSPENSION OF AUXILIARY BENEFITS WHEN A DISABLED WORKER IS IN AN EXTENDED PERIOD OF ELIGIBILITY (303F)

Legal Authority: PL 101-508, Sec 5118

CFR Citation: 20 CFR 404.332; 20 CFR 404.337; 20 CFR 404.346; 20 CFR 404.352; 20 CFR 404.467; 20 CFR 404.1592a

Legal Deadline: None

Abstract: These regulations reflect section 5118 of PL 101-508, which amends section 223 of the Social Security Act to provide that the benefits of dependents of a disability insurance beneficiary who has completed a 9 month trial work period and is in an extended period of eligibility, will not be paid during this period, if the disabled worker's benefits are not payable.

Timetable:

Action	Date	FR Cite
Final Action	01/09/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AD30

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999. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; REDUCTION IN EARNINGS NEEDED FOR A YEAR OF COVERAGE TOWARD THE SPECIAL MINIMUM BENEFIT (306F)

Legal Authority: 42 USC 415(a)(1)(C)(ii)

CFR Citation: 20 CFR 404 Subpart C, Appendix IV

Legal Deadline: None

Abstract: Section 5122 of P.L. 101-508 reduces the amount of earnings needed to earn a year of coverage toward the special minimum benefit from 25 percent of the old-law contribution and benefit base to 15 percent of the base.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1762**

RIN: 0960–AD32

1000. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; RECOVERY OF OVERPAYMENTS BY MEANS OF REDUCTIONS IN TAX REFUNDS (308F)

Significance: Regulatory Program

Legal Authority: PL 101-508, Sec 5129

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will reflect section 5129 of PL 101-508, which amends the statutes governing Federal income tax refunds to provide for recovery of Social Security overpayments to former beneficiaries by withholding amounts due these individuals from Federal income tax refunds.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Dudar, Legal Assistant, Department of Health and Human Services, Social Security

Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AD34

1001. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXTENSION OF THE PERIOD OF PRESUMPTIVE ELIGIBILITY FOR BENEFITS

Legal Authority: PL 101-508, Sec 5038

CFR Citation: 20 CFR 416.931; 20 CFR 416.932

Legal Deadline: None

Abstract: These regulations will extend from 3 to 6 months the period for which benefits may be paid on the basis of presumptive disability or blindness pending a formal determination.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1754**

RIN: 0960–AD40

1002. ● OLD-AGE SURVIVORS AND DISABILITY INSURANCE; EXTENSION OF EXPIRATION DATE FOR RESPIRATORY SYSTEM LISTING

Legal Authority: 42 USC 1302; 42 USC 1303; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: The respiratory system listing in 3.00 of Part A of the Listing of Impairments in Appendix 1 of Subpart P of Part 404 will expire on December 6, 1991. These amendments extend the expiration date of the respiratory listing to December 6, 1992. They make no revisions in the medical criteria in the respiratory listing. The criteria remain the same as they now appear in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-1759**

RIN: 0960–AD44

1003. ● SUPPLEMENTAL SECURITY INCOME FOR AGED; BLIND AND DISABLED; TECHNICAL CHANGES

Legal Authority: PL 101-625, Sec 802; PL 101-503, Sec 8(b); PL 101-426, Sec 6(h)

CFR Citation: 20 CFR 416 Subpart K, Appendix; 20 CFR 416.1201; 20 CFR 416.1236

Legal Deadline: None

Abstract: We are amending the supplemental security income regulations to make technical changes to update the regulations and restore text omitted from the CFR. The changes update the exclusions from income in statutes other than the Social Security Act, update our lists of such statutory exclusions from resources contained in Subpart L, and restore text inadvertently omitted from the CFR.

Timetable:

Action	Date	FR Cite
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-8470**

RIN: 0960–AD47

1004. ● SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; SUSPENSION AND TERMINATION OF BENEFITS AND INCREASE IN BENEFIT RATE FOR INDIVIDUALS IN MEDICAL CARE FACILITIES

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 416

Legal Deadline: None

Abstract: This final rule makes several technical corrections. It corrects two incorrect cross-references contained in Subpart M of Part 416 and returns to the Code of Federal Regulations language relating to the basic pass-along rules in the Supplemental Security Income program that was inadvertently deleted because of an error in amendatory language.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1753**

RIN: 0960–AD49

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Completed Actions

1005. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; EXISTING MEDICAL EVIDENCE

Significance: Agency Priority

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Completed:

Reason	Date	FR Cite
Final Action	08/01/91	56 FR 36932
Final Action Effective	08/01/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William J. Ziegler, 301 965-1759

RIN: 0960–AB22

1006. SUPPLEMENTAL SECURITY INCOME PROGRAM; FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Completed:

Reason	Date	FR Cite
Final Action	08/21/91	56 FR 41454

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Phyllis Green, 301 966-9822

RIN: 0960–AC13

1007. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS AND ORGANIZATION AND PROCEDURES; EVIDENCE REQUIRED FOR DUPLICATE SOCIAL SECURITY NUMBER CARD

CFR Citation: 20 CFR 422B

Completed:

Reason	Date	FR Cite
Withdrawn	04/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, 301 965-8471

RIN: 0960–AC32

1008. SUPPLEMENTAL SECURITY INCOME PROGRAM; MODIFICATION OF INTERIM ASSISTANCE REIMBURSEMENT PROGRAM

CFR Citation: 20 CFR 416.1901; 20 CFR 416.1902; 20 CFR 416.1906

Completed:

Reason	Date	FR Cite
Final Action	04/26/91	56 FR 19260

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Duane Heaton, 301 965-8470

RIN: 0960–AC51

1009. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF PAYMENTS RECEIVED FOR AND USED TO PAY LAST ILLNESS AND DEATH

CFR Citation: 20 CFR 416.1121; 20 CFR 416.1201

Completed:

Reason	Date	FR Cite
Final Action	07/30/91	56 FR 35999
Final Action Effective	07/30/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, 301 965-8470

RIN: 0960–AC52

1010. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUPPLEMENTAL EARNINGS REPORTS

CFR Citation: 20 CFR 404.455

Completed:

Reason	Date	FR Cite
Final Action	03/18/91	56 FR 11371

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, 301 965-8471

RIN: 0960–AC58

1011. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF PARTIES - SUSPENSION AND DISQUALIFICATION OF REPRESENTATIVES

CFR Citation: 20 CFR 404.1745; 20 CFR 404.1750; 20 CFR 404.1760; 20 CFR 404.1765; 20 CFR 404.1770; 20 CFR 404.1790; 20 CFR 404.1799; 20 CFR 416.1545; 20 CFR 416.1550; 20 CFR 416.1560; 20 CFR 416.1565; 20 CFR 416.1570; 20 CFR 416.1590; 20 CFR 416.1599

Completed:

Reason	Date	FR Cite
Final Action	05/29/91	56 FR 24129

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, 301 965-1796

RIN: 0960–AC59

1012. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM, AND ORGANIZATION AND PROCEDURES; REQUIREMENT OF SOCIAL SECURITY NUMBER AS A CONDITION FOR RECEIPT OF BENEFITS

CFR Citation: 20 CFR 404.469

Completed:

Reason	Date	FR Cite
Final Action	08/23/91	56 FR 41788

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, 301 965-8471

RIN: 0960–AC67

1013. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; FULL-TIME ATTENDANCE BY ELEMENTARY OR SECONDARY SCHOOL STUDENT

CFR Citation: 20 CFR 404.367

Completed:

Reason	Date	FR Cite
Final Action	07/30/91	56 FR 35998
Final Action Effective	07/30/91	

Small Entities Affected: None

Government Levels Affected: None

HHS—SSA

Completed Actions

Agency Contact: Jack Schanberger, 301 965-8471

RIN: 0960–AC83

1014. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ELIMINATION OF DEPENDENCY TEST APPLICABLE TO CERTAIN ADOPTED CHILDREN

Significance: Regulatory Program

CFR Citation: 20 CFR 404.362

Completed:

Reason	Date	FR Cite
Final Action	05/28/91	56 FR 23999

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandy Bond, 301 965-1794

RIN: 0960–AC90

1015. SUPPLEMENTAL SECURITY INCOME; DETERMINING DISABILITY FOR A CHILD UNDER 18

Significance: Regulatory Program

CFR Citation: 20 CFR 416.901; 20 CFR 416.902; 20 CFR 416.905; 20 CFR 416.906; 20 CFR 416.913; 20 CFR 416.916; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.923; 20 CFR 416.924; 20 CFR 416.924a-e; 20 CFR 416.926; 20 CFR 416.926a; 20 CFR 416.994; 20 CFR 416.994a

Completed:

Reason	Date	FR Cite
Final Action With Request for Comments	02/11/91	56 FR 5534

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler; Martin Sussman, 301 965-1759

RIN: 0960–AD09

1016. SSI PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS: HIV INFECTION; HODGKIN'S DISEASE AND NON-HODGKIN'S LYMPHOMAS

CFR Citation: 20 CFR 416 Appendix

Completed:

Reason	Date	FR Cite
Final Action	08/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Sussman, 301 965-1758

RIN: 0960–AD17

1017. OLD-AGE, SURVIVORS & DISABILITY INSURANCE & SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, & DISABLED; TRIAL WORK PERIOD DURING ROLLING 5-YEAR PERIOD FOR ALL DISABLED BENEFICIARIES (298P)

CFR Citation: 20 CFR 404.1592; 20 CFR 404.1502A; 20 CFR 416.992; 20 CFR 416.992A

Completed:

Reason	Date	FR Cite
Merged With RIN 0960-AB73	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, 301 965-0512

RIN: 0960–AD25

1018. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION FROM INCOME AND RESOURCES OF STATE RELOCATION ASSISTANCE (313P)

CFR Citation: 20 CFR 416.1124; 20 CFR 416.1210; 20 CFR 416 Subpart K, Appendix

Completed:

Reason	Date	FR Cite
Merged with RIN 0960-AD36	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, 301 965-1754

RIN: 0960–AD37

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)

1019. EXEMPT PRIVACY ACT SYSTEM OF RECORDS RELATED TO INQUIRIES AND INVESTIGATIONS OF SCIENTIFIC MISCONDUCT

Legal Authority: 5 USC 552a; 5 USC 301

CFR Citation: 45 CFR 5b

Legal Deadline: None

Abstract: The Department of Health and Human Services proposes to exempt a new system of records, 09-37-0021, "Public Health Services Records Related to Inquiries and Investigations" from certain requirements of the Privacy Act. The purpose of this exemption is to protect records compiled in the course of an inquiry and/or investigation and to protect the identity of the confidential source of information. There are no known costs associated with the NPRM. The benefits will be that the investigative files will not be disclosed inappropriately and promises to withhold identities of individuals will be honored.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Lyle W. Bivens, Dir., Office of Scientific Integrity Review, Department of Health and Human Services, Public Health Service, 5515 Security Lane, Suite 640, Rockville, MD 20852, 301 443-5300

RIN: 0905–AD31

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

1020. WAIVERS TO REQUIREMENT THAT STATES SPEND AT LEAST A CERTAIN PORTION OF STATE BLOCK GRANT FUNDS FOR NEW MENTAL HEALTH SERVICES AND PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Section 2027 of Public Law 100-690 amends Section 1916 of the PHS Act to require States to spend at least 55 percent of their mental health allotment under the Alcohol, Drug Abuse, and Mental Health Block Grant for FY 1991 for new mental health programs and services. The Secretary may grant a waiver to any State, under certain circumstances, including a State being in financial crises, and providing certain criteria are met by States prior to their requesting a waiver. Such a waiver would reduce the requirement to 35 percent in 1991 (increasing to 55 percent by 1994). This rule implements the statutory requirement that the Secretary promulgate standards for determinations of "financial crisis" and resolves such issues as: a) how to determine when a State is in a financial crisis; b) what information States must provide to assure that a waiver is needed to avoid disruption to existing and planned high priority services; c) how to determine the extent of relief to be granted for approved waivers; and d) imposing requirements that are cost effective.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Dale C. Hitchcock, Policy Coordinator, Division of Policy, Planning, and Evaluation, Department of Health and Human Services, Public Health Service, Rm. 12C-05, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, **301 443-1910**

RIN: 0905–AC99

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

1021. CONDITIONS FOR WAIVER OF DENIAL OF FEDERAL BENEFITS

Significance: Agency Priority

CFR Citation: 45 CFR 78

Completed:

Reason	Date	FR Cite
Final Action	06/28/91	56 FR 29591
Final Action Effective	07/29/91	56 FR 29591

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Frank Sullivan, **301 443-4111**

RIN: 0905–AD32

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

1022. NIOSH REVISION OF TESTS AND REQUIREMENTS FOR CERTIFICATION OF RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 842(h); 30 USC 844; 30 USC 957

CFR Citation: 30 CFR 11; 42 CFR 84

Legal Deadline: None

Abstract: The proposed rule addresses three major problems of the current regulation by (1) substantially upgrading laboratory performance tests for certifying respirators; (2) adding quantitative face seal performance tests; and (3) replacing current certification tests that are design- or application-specific with tests that are performance-based. The first NPRM for revising 42 CFR Part 84 was published in the Federal Register on August 27, 1987 (52 FR 32402). In response to the many comments on the first proposal, NIOSH is in the process of developing a second NPRM.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32402
First Public Hearing	01/20/88	52 FR 37639
Second Public Hearing	01/27/88	52 FR 37639
NPRM Public Comment Period End	03/28/88	53 FR 5595
Second NPRM Published	02/00/92	
Second NPRM Comment Period End	05/00/92	
Final Action	10/00/92	
Final Action Effective	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $14,000,000; Yearly Recurring Cost: $14,000,000; Base Year for Dollar Estimates: 1992

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: Yearly recurring cost to public will drop from $14,000,000 to $6,400,000 in year six and all following years.

Agency Contact: Dr. Nelson A. Leidel, Senior Science Advisor, Office of the Director, NIOSH, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, MS D37, Atlanta, GA 30333, **404 639-2277**

RIN: 0905–AB58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

1023. SUBCHAPTER J - NATIONAL VACCINE PROGRAM, PART 110 INFORMATION AND EDUCATION, SUBPART A - VACCINE INFORMATION MATERIALS

Significance: Agency Priority

Legal Authority: 42 USC 300aa-26; PL 99-660, Sec 311(a)

CFR Citation: 42 CFR 110

Legal Deadline: Final, Statutory, December 22, 1988.

Abstract: This new regulation is required to implement the statutory requirements of Section 2126, Title XXI, Public Health Service Act as amended. The statute requires the Secretary to develop and disseminate vaccine information materials for distribution by health care providers. These materials will be published as an appendix of this regulation. The regulation describes the vaccine information materials and the health care providers' duties to disseminate a copy of the materials to any adult to whom the provider intends to administer vaccine and to the legal representative of any child to whom the provider intends to administer vaccine. The 90-day comment period was extended to 180 days.

Timetable:

Action	Date	FR Cite
NPRM	03/03/89	54 FR 9181
Public Hearing	04/17/89	54 FR 11547
NPRM Comment Period End	08/29/89	
Final Action	10/00/91	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Walter A. Orenstein, M.D., Director, Division of Immunization, Center for Prevention Services, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333, 404 639-1880

RIN: 0905–AC83

1024. INTERSTATE SHIPMENT OF BIOLOGICAL MATERIAL THAT CONTAINS OR MAY CONTAIN ETIOLOGIC AGENTS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 264; 42 USC 271

CFR Citation: 42 CFR 72

Legal Deadline: None

Abstract: The revised regulation will clarify and expand the requirements for proper packaging and handling of etiologic agents during interstate shipment. The revised regulation will ensure that all biological material that could contain etiologic agents is packaged in a manner for interstate shipment that minimizes the potential for leakage and possible contamination of the environment and minimizes direct physical contact with the contents by package handlers. The revised regulation is not expected to have a major impact on the cost of shipping these materials.

Timetable:

Action	Date	FR Cite
NPRM	03/02/90	55 FR 7678
NPRM Comment Period End	05/09/90	55 FR 7678
Final Action	12/00/91	
Final Action Effective	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jonathan Y. Richmond, Ph.D., Director, Office of Health and Safety, Centers for Disease Control, Department of Health and Human Services, Public Health Service, 1600 Clifton Road, NE., Atlanta, GA 30333, 404 639-3883

RIN: 0905–AC89

1025. MEDICAL EXAMINATION OF ALIENS

Significance: Agency Priority

Legal Authority: 8 USC 1182; 8 USC 1220; 8 USC 1224; 8 USC 1225; 42 USC 249; 42 USC 252; PL 100-71; PL 101-649

CFR Citation: 42 CFR 43

Legal Deadline: Final, Statutory, May 31, 1991.

Abstract: This is a proposed revision in the regulations for the medical examination of aliens. The regulations were developed to provide for the physical and mental examination of aliens within the United States or in other countries as required by the Immigration and Nationality Act. This revision would update the regulations in accordance with current epidemiologic concepts and medical diagnostic standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/31/91	56 FR 25000
Interim Final Comment Period End	08/02/91	56 FR 25000
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Charles R. McCance, Director, Division of Quarantine, Department of Health and Human Services, Public Health Service, Centers for Disease Control, Mailstop E-03, Atlanta, GS 30333, 404 639-1455

RIN: 0905–AD29

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

1026. COMPUTER PRODUCTS; POLICY GUIDANCE

Significance: Regulatory Program

Legal Authority: 21 USC 321(h)

CFR Citation: 21 CFR 800

Legal Deadline: None

Abstract: As a prerulemaking activity, FDA is developing guidance for manufacturers respecting how FDA would apply existing statutory requirements to the regulation of computer products (i.e., both hardware and software) when such products meet

HHS—PHS—FDA — Prerule Stage

the definition of a medical device under the act.

On September 25, 1987, FDA made available a draft policy guidance intended to clarify how FDA would apply existing statutory requirements to the regulation of such products to provide opportunity for public participation in this activity.

Upon analysis of the public comments on the complex issues pertaining to the regulation of computer products, the agency will decide whether any additional steps are necessary to clarify which computer products meet the definition of a medical device and what level of regulation, if any, is appropriate under the act.

Timetable:

Action	Date	FR Cite
Proposed Draft Guideline	09/25/87	52 FR 36104
Final Policy Guidance	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles S. Furfine, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874

RIN: 0905–AC72

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Proposed Rule Stage

1027. NEW ANIMAL DRUG APPROVAL PROCESS

Legal Authority: 21 USC 360b Federal, Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None

Abstract: Based upon an evaluation of an action issues report, the agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. A separate proposed rule would provide for reporting requirements for marketed animal drugs.

Timetable:

New Animal Drug Approval Process
NPRM 10/00/91
Reporting Requirements for Marketed Animal Drugs
NPRM 10/00/91

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Contact Dr. Bob G. Griffith for information concerning new animal drug approval process.

For information concerning reporting requirements for marketed animal drugs, contact Andrew J. Beaulieu, Director, Division of Surveillance, Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-3044.

Agency Contact: Bob G. Griffith, DVM, Director, Division of Therapeutic Drugs for Non-Food Animals, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-110), 7500 Standish Place, Rockville, MD 20855, 301 295-8612

RIN: 0905–AA96

1028. FOOD LABELING; HEALTH MESSAGES AND LABEL STATEMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1454 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 331 Federal Food, Drug, and Cosmetic Act; 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; PL 101-535 Nutrition Labeling and Education Act of 1990

CFR Citation: 21 CFR 101

Legal Deadline: NPRM, Statutory, November 8, 1991. Final, Statutory, November 8, 1992.
If final regulations are not issued by 11/08/92, the proposed regulations shall be considered the final regulations.

Abstract: FDA is preparing proposed regulations to implement the provisions of the Nutrition Labeling and Education Act (Pub. L. 101-535) enacted on November 8, 1990, with respect to health messages on food labeling. This will be the third such proposal on this subject. In the Federal Register of February 13, 1990, the Food and Drug Administration (FDA) issued a proposal to amend the food labeling regulations to provide for the use of health messages on food labeling. The purpose of this reproposal was to establish procedures for permitting valid and reliable consumer information on food labels about the value that ingestion (or reduced ingestion) of a dietary component, as part of a total dietary pattern, may have in either lowering the risk, or forestalling the premature onset, of a particular chronic disease condition. In light of this reproposal, FDA withdrew the August 4, 1987 (52 FR 28843) proposal on health messages on food labels. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28843
NPRM - Comment Period End	11/02/87	52 FR 28843
NPRM - Extension of Comment Period	11/02/87	52 FR 42003

Action	Date	FR Cite
NPRM - Correction of Extension of Comment Period	11/16/87	52 FR 43772
NPRM - Extension of Comment Period End	01/04/88	52 FR 43772
NPRM - Reproposed Rule	02/13/90	55 FR 5176
NPRM - Comment Period End	04/16/90	55 FR 5176
NPRM - Reproposed Rule	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: FDA also outlined how it is likely to enforce its regulations that bear on health messages during the period that it is receiving and considering comments on the reproposal. The agency also provided information on the proposed functions and responsibilities of the Public Health Service Committee on Health Messages; on the agency's proposed plan to utilize health messages as a consumer education tool; and on the agency's proposed plan to prepare a consumer guide to food labeling.

FDA recognizes that some of the provisions of the reproposed rule on health messages in the Federal Register of February 13, 1990 (55 FR 5176), may have to be amended to be consistent with the Nutrition Labeling and Education Act of 1990. This new legislation prohibits manufacturers from making explicit health-related claims on food labels unless the claim meets the requirements of regulations promulgated by the agency.

Agency Contact: V. P. Frattali, Deputy Director, Division of Nutrition, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-260), 200 C Street, SW., Washington, DC 20204, 202 245-1064

RIN: 0905–AB67

1029. FOOD LABELING: DEFINITIONS OF NUTRIENT CONTENT CLAIMS FOR THE FAT, FATTY ACID, AND CHOLESTEROL CONTENT OF FOOD

Significance: Regulatory Program

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 331 Federal Food, Drug, and Cosmetic Act; 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; PL 101-535 Nutrition Labeling and Education Act of 1990

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: NPRM, Statutory, November 8, 1991. Final, Statutory, November 8, 1992.

Abstract: FDA is preparing proposed regulations to implement the provisions of the Nutrition Labeling and Education Act (Pub. L. 101-535) enacted on November 8, 1990, with respect to the use of descriptors concerning the fat, fatty acid, and cholesterol content of food. This will be the third such proposal on this subject. In the Federal Register of November 25, 1986, the agency published a proposed rule that would provide a mechanism to allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid content on food product labeling for consumers. A tentative final rule was published in the Federal Register on July 19, 1990. The agency intends to repropose the tentative final rule to ensure that it is consistent with the Nutrition Labeling and Education Act of 1990. The reproposal would permit the use of meaningful descriptors of cholesterol and fat content of foods (e.g., "cholesterol-free," "low cholesterol," "reduced cholesterol," "nonfat," "lowfat," and "reduced fat").

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/23/87	52 FR 2558
NPRM Comment Period End	03/27/87	52 FR 2558
Tentative Final Action	07/19/90	55 FR 29456
NPRM Reproposed Rule	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia L. Wilkening, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW., Washington, DC 20204, 202 245-1561

RIN: 0905–AB68

1030. DRUG EXPORTS

Legal Authority: PL 99-660 Drug Export Amendments Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Drug Export Amendments Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA developed guidance materials for manufacturers instructing them as to what information must be submitted to the agency to obtain approval for the export of unapproved products. The guidance materials also identify FDA sources of information on agency practices and policies concerning the implementation of the Drug Export Amendments Act of 1986. The agency now is developing regulations that are necessary for the efficient implementation of the amendments.

Timetable:

Action	Date	FR Cite
Guidance Materials	12/07/90	55 FR 50589
NPRM	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Gail P. Middlekauff, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362),

5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC44

1031. LOOK-BACK REQUIREMENTS FOR BLOOD RECIPIENTS WHO ARE AT INCREASED RISK OF HIV INFECTION

Significance: Regulatory Program

Legal Authority: 21 USC 351 to 360k; 21 USC 374; 42 USC 262 to 264

CFR Citation: 21 CFR 606; 21 CFR 610

Legal Deadline: None

Abstract: The agency currently requires that all blood and blood components intended for the manufacture of any product be tested for antibody to human immunodeficiency virus (HIV). In instances when the blood of a donor is found to contain antibodies to HIV, some blood centers have initiated a program of voluntary "look-back" to notify consignees of blood and blood components obtained from the donor's prior donations. Consignees may withdraw or destroy such blood and blood products, and may trace and notify recipients. A well-conducted look-back program can provide an effective mechanism for identifying, testing, and counseling transfusion recipients who are at increased risk of HIV infection--those who receive blood from a donor later found to be infected with HIV. The agency is considering a proposal to establish a mandatory look-back program. The proposal would require blood collection facilities to develop a procedure to notify consignees promptly whenever a blood donor who has previously donated blood or source plasma is found to be positive for the antibody to HIV or exhibits the signs or symptoms of AIDS; and to keep appropriate records (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: when such notification has been made. The purpose of the rulemaking is to ensure that the consignees are notified and take appropriate action.

Agency Contact: Andrea Chamblee, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-132), 8800 Rockville Pike, Bethesda, MD 20892, **301 295-8188**

RIN: 0905–AC90

1032. FOOD LABELING REVIEW

Significance: Regulatory Program

Legal Authority: 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1454 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 331 Federal Food, Drug, and Cosmetic Act; 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; PL 101-535 Nutrition Labeling and Education Act of 1990

CFR Citation: 21 CFR 101

Legal Deadline: NPRM, Statutory, November 8, 1991. Final, Statutory, November 8, 1992.
If final regulations are not issued by 11/08/92, the proposed regulations shall be considered the final regulations.

Abstract: The agency issued an advance notice of proposed rulemaking on August 8, 1989, requesting public comment on possible changes in the labeling of food products regulated by FDA. The agency sought public comment on five areas: 1) whether to revise the requirements for nutrition labeling; 2) whether to change the nutrition label format on food packages; 3) whether to revise the requirements for ingredient labeling; (4) whether to formally define commonly used food descriptions and/or reconsider the use of standards of identity for foods; and (5) how to reasonably permit the use of messages on food labels that link food components to the prevention of disease. The agency also held four public hearings (see September 20, 1989; 54 FR 38806) to gather first-hand the views of consumers, industry, health professionals, and State and local government officials about labeling revisions. The agency issued three proposed regulations on July 19, 1990, that addressed nutrition labeling. On November 8, 1990, the President signed into law the Nutrition Labeling and Education Act of 1990. This Act requires that most foods bear nutrition labeling. The Act requires that necessary (cont)

Timetable:

Action	Date	FR Cite
ANPRM	08/08/89	54 FR 32610
ANPRM Comment Period End	01/05/90	54 FR 38806
Nutrition Label Content	07/19/90	55 FR 29487
Revision of RDAs	07/19/90	55 FR 29476
Standardize Serving Size	07/19/90	55 FR 29517
NPRM - Ingredient Labeling (Includes Labeling Requirements for Standardized Foods)	06/21/91	56 FR 28592
NPRM - Nutrition Labeling of Raw Fruit, Vegetables, and Fish	07/02/91	56 FR 30468
NPRM - Nutrition Labeling and Nutrient Content Revision (Includes Revision of U.S. RDA's)	10/00/91	
Adjectival Descriptors	11/00/91	
FINAL ACTION - Ingredient Labeling Includes Only Labeling Req. for Stndzd Foods & Certified Colors	11/00/91	
FINAL ACTION - Nutrition Labeling of Raw Fruit, Vegetables and Fish	11/00/91	
NPRM - Serving Sizes	11/00/91	
NPRM - Nutrition Label Format	02/00/92	
FINAL ACTION - Nutrition Labeling & Nutrient Content Revision (Includes Revision of US RDA's)	11/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: regulations be proposed within 12 months of the date of enactment. FDA will use information gathered from the responses to the August 1989 advanced notice of proposed rulemaking, the comments on the July 1990 proposed rules, and the report of the National Academy of Sciences to help the agency develop the necessary regulations.

Agency Contact: F. Edward Scarbrough, Acting Director, Office of Nutrition and Food Sciences, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-200), 200 C Street, SW., Washington, DC 20204, 202 245-1561

RIN: 0905–AD08

1033. IMPLEMENTATION OF TITLE I OF THE GENERIC ANIMAL DRUG AND PATENT TERM RESTORATION ACT

Significance: Regulatory Program

Legal Authority: 21 USC 360b

CFR Citation: 21 CFR 514

Legal Deadline: Final, Statutory, November 15, 1989.

Abstract: The agency proposes to amend its regulations to implement Title I of the Generic Animal Drug and Patent Term Restoration Act which established new standards for marketing approval of generic copies of animal drug products approved after 1962.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lonnie W. Luther, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-128), 7500 Standish Place, Rockville, MD 20855, 301 295-8623

RIN: 0905–AD15

1034. VOLUNTARY, FEE-OF-SERVICE SEAFOOD INSPECTION PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 372a

CFR Citation: 21 CFR 197

Legal Deadline: None

Abstract: The Food and Drug Administration and the National Marine Fisheries Service are exploring the feasibility of establishing a voluntary, fee-for-service inspection program for fish and fish products, to be operated by both agencies.

Timetable:

Action	Date	FR Cite
ANPRM	06/27/90	55 FR 26334
ANPRM Comment Period End	10/05/90	55 FR 36289
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mary Snyder, Chief, Policy Branch, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, 200 C Street, SW., Washington, DC 20204, 202 245-7656

RIN: 0905–AD23

1035. REVOCATION OF THE PERMANENT LISTINGS FOR USE OF FD&C RED NO. 3 IN FOOD AND INGESTED DRUGS

Significance: Agency Priority

Legal Authority: 21 USC 371 Federal Food, Drug and Cosmetic Act; 21 USC 376(b) to 376(d) Federal Food, Drug and Cosmetic Act

CFR Citation: 21 CFR 74.303; 21 CFR 74.1303

Legal Deadline: None

Abstract: On February 1, 1990, FDA published two documents: the first terminated the provisional listings of FD&C Red No. 3 for use in cosmetics and externally applied drugs and all uses of the lakes of FD&C Red No. 3, and the second announced the denial of the petition by the Cosmetic Toiletry and Fragrance Association (CTFA) for permanent listing of FD&C Red No. 3 for use in cosmetics and externally applied drugs (55 FR 3516 and 3520). These actions were taken because laboratory tests showed that the color additive caused a carcinogenic response when administered in the diet of animals. The uses of FD&C Red No. 3 in food and ingested drugs were permanently listed in 1969 on the basis of studies deemed appropriate and adequate under the testing standards at that time. In 1977, FDA required all color additives remaining on the provisional list to undergo new studies that would meet more stringent toxicological-testing standards (42 FR 6992). The cosmetic and external drug uses of FD&C Red No. 3 were provisionally listed at that time, so FD&C Red No. 3 was subject to the additional (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $44,000,000; Yearly Recurring Cost: $15,000,000; Base Year for Dollar Estimates: 1990

Additional Information: ABSTRACT CONT:testing requirement to support the provisional listings. As discussed above the new studies implicated the color additive as an animal carcinogen, causing the agency to terminate the provisionally listed uses of FD&C Red No. 3 and to deny CTFA's petition. With the conclusion that FD&C Red No. 3 caused a carcinogenic response in animals, the agency believes that it must take action to revoke the permanently listed uses of the color additive under 21 CFR 74.303 and 74.1303. This action requires publication of a notice of proposed rulemaking (NPRM), which invites public comment, analysis of the comments to the NPRM, and publication of a final order with provision for objections.

Agency Contact: Catherine J. Bailey, Science Policy Analyst, Office of the Director, Department of Health and Human Services, Public Health Service, Center for Food Safety and Applied Nutrition (HFF-6), 200 C Street, SW., Washington, DC 20204, 202 245-2140

RIN: 0905–AD36

1036. SALMONELLA ENTERITIDIS IN SHELL EGGS

Significance: Regulatory Program

Legal Authority: 21 USC 201 to 903 Federal Food, Drug, and Cosmetic Act; 21 USC 1040 Egg Products Inspection Act; 42 USC 216 Public Health Service Act; 42 USC 243 Public Health Service

Act; 42 USC 264 Public Health Service Act; 42 USC 271 Public Health Service Act

CFR Citation: 21 CFR 16.1; 21 CFR 1240.63; 21 CFR 1240.64

Legal Deadline: None

Abstract: The Food and Drug Administration is considering a proposal to amend its regulations for the control of communicable diseases to include measures to control the spread of the communicable human disease Salmonellosis caused by Salmonella enteritidis in shell eggs. Among other things, the agency is considering a requirement that all shell eggs in interstate commerce be from poultry houses that have been tested and found by the State of origin to be free of S. enteritidis. The agency is also considering a requirement for the refrigeration of eggs at specified temperatures immediately after packaging in retail cartons and that these retail cartons be labeled "Refrigerate" on the principal display panel. The proposal would compliment the United States Department of Agriculture program to control the spread of S. enteritidis in the egg-production flocks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Elizabeth J. Campbell, Chief, Regulations and Industry, Activities Branch, Department of Health and Human Services, Public Health Service, Center for Food Safety and Applied Nutrition (HFF-414), 200 C Street, SW., Washington, DC 20204, 202 485-0229

RIN: 0905–AD37

1037. MEDICAL DEVICE REPORTING

Significance: Regulatory Program

Legal Authority: PL 101-629 Safe Medical Devices Act of 1990

CFR Citation: 21 CFR 803

Legal Deadline: Other, Statutory, November 28, 1991.

Abstract: The Safe Medical Devices Act of 1990 requires that certain health care facilities report to FDA and/or the manufacturers any death or serious injury of a patient. The Medical Device Reporting regulation must also be amended to require distributors of medical devices to submit reports of deaths or serious injuries to the manufacturer of the device. The Act requires that device user facilities submit to FDA semi-annual summary reports and manufacturers, importers or distributors certify annually the number of medical device reports filed during the year. In addition to the requirements of the new legislation, studies of the past functioning of medical device reporting operations indicate the need for revision of the regulation to improve performance. Comprehensive reporting of problems permits device manufacturers and FDA to take action when required to better protect the public from hazardous devices.

Timetable:

Action	Date	FR Cite
NOTICE Public Conference; Request for Information	03/28/91	56 FR 12934
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Sheehan, Department of Health and Human Services, Public Health Service, Center for Devices and Radiological Health, 12720 Twinbrook Parkway, Rockville, MD 20852, 301 443-4874

RIN: 0905–AD38

1038. PRESCRIPTION DRUG MARKETING ACT OF 1987; POLICY INFORMATION, GUIDANCE, AND CLARIFICATIONS

Legal Authority: PL 100-293 Prescription Drug Marketing Act of 1987

CFR Citation: 21 CFR 203

Legal Deadline: None

Abstract: The Prescription Drug Marketing Act of 1987 (PDMA) amended the Federal Food, Drug, and Cosmetic Act to: (1) require State licensing of Wholesale distributors of prescription human drugs under Federal guidelines including minimum standards for storage, handling, and recordkeeping; (2) ban the reimportation of prescription human drugs produced in the United States, except when reimported by the manufacturer for emergency use; (3) ban the sale, trade, or purchase of drug samples; (4) ban trafficking in or counterfeiting of drug coupons; (5) mandate storage, handling, and recordkeeping requirements for drug samples; (6) require licensed practitioners to request drug samples in writing; (7) prohibit, with certain exceptions, the resale of prescription human drugs purchased by hospitals or health care facilities; and (8) set forth criminal and civil penalties for violations of these provisions. In the FEDERAL REGISTER of September 14, 1990 (55 FR 38012), FDA issued a final rule setting forth Federal guidelines for State licensing of wholesale drug distributors. This proposed rule would provide (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:information, guidance, and clarification of those sections of PDMA that are not related to State licensing of wholesale distributors.

Agency Contact: Richard L. Arkin, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905–AD44

1039. USE OF ASEPTIC PROCESSING AND TERMINAL STERILIZATION IN THE PREPARATION OF STERILE PHARMACEUTICALS FOR HUMAN AND VETERINARY USE

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 314; 21 CFR 514

Legal Deadline: None

Abstract: Sterile drug products may be prepared by two principal processes - aseptic processing and terminal sterilization. The agency has concluded that terminal sterilization, when

properly performed, results in drugs products with a higher statistical probability of sterility than those drug products that are aseptically processed. As a matter of agency practice, FDA recently began asking applicants who are seeking marketing approval of sterile drug products for human use to use terminal sterilization whenever feasible. The proposed rule codifies the agency's policy on the preparation of sterile drug products.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marilyn L. Watson, Special Assistant to the Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905–AD45

1040. ● IMPLEMENTATION OF THE SAFE MEDICAL DEVICES ACT OF 1990

Significance: Regulatory Program

Legal Authority: PL 101-629 Safe Medical Devices Act of 1990

CFR Citation: 21 CFR 860; 21 CFR 820; 21 CFR 807

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory. Medical Device Tracking NPRM, 8/28/91; Medical Device Tracking Final, 5/28/91; Exemption of Humanitarian Devices, etc., Final, 11/28/91; Classification of Transitional Devices Notice, 12/1/91.

Abstract: The Safe Medical Devices Act of 1990, enacted November 28, 1990, was intended to assure devices entering the market are safe and effective. FDA learns quickly of device problems, and FDA has authority to remove defective devices from the market. The act directs or authorizes FDA to develop the following regulations: Medical Device Tracking--This regulation will require manufacturers of certain devices to track those devices to the ultimate user. Classification of Transitional Devices--FDA first will issue a notice to require submission of adverse safety and effectiveness data on transitional devices. FDA will then propose to keep each device in class III, or reclassify it in class I or class II. Good Manufacturing Practices for Medical Devices--FDA will propose to include preproduction design validation in the existing CGMP regulations. Exemption of Humanitarian Devices--The proposed rule will give procedures for submission and review of applications for certain premarket review exemptions for humanitarian devices. Summaries of Safety and Effectiveness for Premarket (cont)

Timetable:

Action	Date	FR Cite
ANPRM CGMPs for Medical Devices; Revisions; Request for Comments	06/15/90	55 FR 24544
ANPRM Comment Period End	09/13/90	55 FR 24544
ANPRM CGMPs for Medical Devices; Suggested Changes; Availability	11/30/90	55 FR 49644
ANPRM Comment Period End	01/29/91	55 FR 49644
ANPRM Extension of Comment Period	02/14/91	56 FR 5965
ANPRM Comment Period End	02/28/91	56 FR 5965
NOTICE Safe Medical Devices Act of 1990; Implementation Plans	04/05/91	56 FR 14111
NOTICE Open Public Advisory Committee Mtg; CGMP Regulation; 05/29/91	04/17/91	56 FR 15626
NOTICE Public Hearing;Premarket Review of Combination Prdts; 09/06/91	07/12/91	56 FR 31951
NPRM Medical Device Tracking	10/00/91	
NOTICE Classification of Transitional Devices	10/00/91	
NPRM Summaries of Safety & Effectiveness for Premarket Notification	11/00/91	
Final Rule Premarket Review of Combination Products	11/00/91	
Final Rule Procedural Changes in Medical Device Regulations	11/00/91	
NPRM Civil Penalties	12/00/91	
NPRM Recall of Medical Devices	12/00/91	
NPRM Reports of Removal and Corrections of Medical Devices	12/00/91	
NPRM Good Manufacturing Practices for Medical Devices	06/00/92	
Exemption of Humanitarian Devices NPRM 11/00/91		

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Notification--The proposed rule will set forth information to be included in data summaries on which substantial equivalence determinations are made. Recall of Medical Devices--FDA will propose procedures it will follow in using its authority to order device recalls and notification of health practitioners to cease use of a device. Reports of Removal and Corrections of Medical Devices--FDA will propose the procedures for manufacturers to report to FDA health-related market removals and corrections of medical devices. Civil Penalties--FDA intends to issue regulations to establish the procedures for the hearing to which persons are entitled before the imposition of civil penalties. Procedural Changes in Medical Device Regulations--A final rule will address revisions in regulations necessary because of certain procedural changes made by the act. Premarket Review of Combination Products--FDA intends to develop a rule to establish procedures for determining

which FDA center will review premarket approval applications for products that have characteristics of both a device and a drug or biologic.

Agency Contact: Joseph M. Sheehan, Department of Health and Human Services, Public Health Service, Center for Devices and Radiological Health, 12720 Twinbrook Parkway, Rockville, MD 20852, **301 443-4874**

RIN: 0905–AD59

1041. ● MANDATORY HACCP SEAFOOD INSPECTION PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 264 Public Health Service Act

CFR Citation: 21 CFR 123

Legal Deadline: None

Abstract: The Food and Drug Administration is considering incorporating additional Hazard Analysis Critical Control Point (HACCP) principles into its proposal of mandatory seafood inspections. HACCP involves the identification and monitoring of "critical control points" in a processing or other operation the failure of which can render a product adulterated. HACCP has been strongly endorsed by the National Academy of Sciences for incorporation by the seafood industry.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Philip Spiller, Department of Health and Human Services, Public Health Service, Office of the Commissioner, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5004**

RIN: 0905–AD60

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

1042. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 360(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" was combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" was included in the NPRM for "Skin Protectant Products." NPRM for "Diaper Rash Products" was included in NPRMs for "Antifungal," "Antimicrobial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." "Poison Ivy/Oak/Sumac Prevention" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in revised NPRM (cont)

Timetable:

Action	Date	FR Cite
FINAL ACTION (Partial) Antifungal (Topical) Products	12/00/91	
NPRM (Amendment) Stimulant (Overindulgence) Products	12/00/91	
NPRM (Amendment) Cough/Cold (Antitussive) Products	03/00/92	
NPRM (Amendment) Cough/Cold (Bronchodilator) Products	03/00/92	
NPRM (Amendment) Cough/Cold (Nasal Decongestant) Products	03/00/92	
Final Action Sodium Labeling	03/00/92	
Final Action Antiseptic First Aid	00/00/00	

Acne (Topical) Products
- ANPRM 03/23/82 (47 FR 12430)
- NPRM 01/15/85 (50 FR 2172)
- NPRM (Amendment) 08/07/91 (56 FR 37622)
- Final Action 08/16/91 (56 FR 41008)

Alcohol (Topical) Products (To be merged w/other rulemkg)
- ANPRM 05/21/82 (47 FR 22324)

Anorectal Products
- ANPRM 05/27/80 (45 FR 35576)
- NPRM 08/15/88 (53 FR 30756)
- Final Action 08/03/90 (55 FR 31776)

Antacid Drug Products
- ANPRM 04/05/73 (38 FR 8714)
- NPRM 11/12/73 (38 FR 31260)
- Final Action 06/04/74 (39 FR 9862)
- NPRM (Amendment) (Overindulgence) 12/00/91

Anthelmintic Products
- ANPRM 09/09/80 (45 FR 59541)
- NPRM 08/24/82 (47 FR 37062)
- Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)
NPRM 07/09/82 (47 FR 29986)
Final Action 12/11/87 (52 FR 47312)
NPRM (Amendment) 08/18/89 (54 FR 34188)
Final Action 03/15/90 (55 FR 9721)
NPRM (Amendment) 05/11/90 (55 FR 19868)
NPRM (Amendment) 06/08/90 (55 FR 23450)
Final Action (Amendment) 10/03/90 (55 FR 40379)
Final Action (Amendment) 12/05/90 (55 FR 50171)

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 09/30/85 (50 FR 39854)
NPRM 06/15/88 (53 FR 22430)
Final Action 00/00/00

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 04/30/86 (51 FR 16138)
Final Action 00/00/00

Antidotes, Toxic Ingestion Prdts (Now Poison Treatment Prdts)
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 04/30/87 (52 FR 15886)

Antiflatulent Drug Products
NPRM 11/12/73 (38 FR 31260)
Final Action 06/04/74 (39 FR 19877)
NPRM (Amendment) 01/29/88 (53 FR 2716)

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 12/12/89 (54 FR 51136)
NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25240)

Antimicrobial Products
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25246)

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Antiseptic First Aid
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 07/22/91 (56 FR 33644)

Antiseptic Products (Professional Use)
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 12/00/91

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 07/07/89 (54 FR 28780)

Astringent (Wet Dressings) Prdts (Merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 02/20/87 (52 FR 5406)
Final Action 02/27/90 (55 FR 6926)

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 01/26/88 (53 FR 2198)
Final Action 03/00/92

Camphorated Oil Drug Products
ANPRM 09/26/80 (45 FR 63869)
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)
NPRM (Amendment) 08/15/88 (53 FR 30786)
Final Action (Amendment) 02/28/89 (54 FR 8320)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 02/20/87 (52 FR 5412)
Final Action 08/14/90 (55 FR 33258)

Cough/Cold (Anticholinergic) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
NPRM (Amendment) 08/24/87 (52 FR 31892)
Final Action 01/00/92

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 08/12/87 (52 FR 30042)
NPRM (Amendment) 07/06/89 (54 FR 28442)
NPRM (Amendment) 10/02/89 (54 FR 40412)
Final Action (Amendment) 07/06/90 (55 FR 27806)
Final Action (Amendment) 10/03/90 (55 FR 40381)

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 10/02/86 (51 FR 35326)

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 08/12/88 (53 FR 30522)
Final Action 00/00/00

Cough/Cold (Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 02/28/89 (54 FR 8494)

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 03/00/92

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)
Final Action 10/01/91

Daytime Sedatives
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 06/22/79 (44 FR 36378)

Diaper Rash Products (Merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 01/29/88 (53 FR 2706)
Final Action 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12939)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Reproposed NPRM 07/15/91 (56 FR 32282)

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 5852)
NPRM (Amendment) (Dandruff) 07/30/86 (51 FR 27360)
NPRM (Amendment) (Anorectal) 08/25/88 (53 FR 32592)
NPRM (Amendment) (Poison Ivy) 10/03/89 (54 FR 40818)
NPRM (Amendment) (Fvr Blister/Ext) 01/31/90 (55 FR 3370)
NPRM (Amendment) (1%Hydrocortisone) 02/27/90 (55 FR 6932)
NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25234)
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 03/00/92

Fvr Blister/Cold Sore Prdts (Ext.) (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/07/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 07/07/89 (54 FR 28772)

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 10/02/89 (54 FR 40618)
Final Action 02/00/92

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 05/11/90 (55 FR 19852)

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bite & Sting (Relief) Prdts (Merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)

Insect Repellent Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 11/16/88 (53 FR 46204)
NPRM (Amendment) (Overindulgence) 12/00/91

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 05/11/90 (55 FR 19862)

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
NPRM (Amendment) 10/01/86 (51 FR 35136)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00
Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00
Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 11/16/88 (53 FR 46194)
Mercurial (Topical) Products (To be merged w/other rulemkg)
ANPRM 01/05/82 (47 FR 436)
Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 03/00/92
Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/14/89 (54 FR 6814)
Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 03/04/88 (53 FR 7076)
Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 10/00/91
Oral Health Care Products
ANPRM 05/25/82 (47 FR 22760)
NPRM 01/27/88 (53 FR 2436)
NPRM (Amendment) (Antimicrobials) 00/00/00
Final Action 00/00/00
Oral Mucosal Injury Products (Merged w/Oral Health Care)
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Oral Wound Healing Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Final Action 07/18/86 (51 FR 26112)
Otic Products (Earwax)
NPRM 07/09/82 (47 FR 30012)
Final Action 08/08/86 (51 FR 28656)
Otic Products (Swimmers Ear)
NPRM 07/30/86 (51 FR 27366)
Final Action 00/00/00
Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 12/00/91
Overindulgence Remedies/Prevention of Inebriation
ANPRM 10/01/82 (47 FR 43540)
Final Action 07/19/83 (48 FR 32872)
Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 04/03/89 (54 FR 13480)
Poison Ivy/Oak/Sumac Prevention (Merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)
Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00
Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 02/00/92
Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
NPRM (Amendment) (Astringent) 04/03/89 (54 FR 13490)
NPRM (Amendment) (Poison Ivy) 10/03/89 (54 FR 40808)
NPRM (Amendment) (Fvr Blister/Ext) 01/31/90 (55 FR 3362)
NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25204)
Final Action 00/00/00
Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 01/00/92
Sodium Labeling
NPRM 04/25/91 (56 FR 19222)
Status of Certain Category II and III Ingredients
NPRM 05/16/90 (55 FR 20434)
Final Action 11/07/90 (55 FR 46914)
Stimulant Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/29/88 (53 FR 6100)
Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 08/17/88 (53 FR 31270)
Sunscreen Products
ANPRM 08/25/78 (43 FR 38206)
NPRM 02/00/92
Sweet Spirits of Nitre
ANPRM 02/22/80 (45 FR 11846)
Final Action 06/27/80 (45 FR 43400)
Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 11/00/91
Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 03/00/92
Vitamin/Mineral Products
ANPRM 03/16/79 (44 FR 16126)
Withdrawal 11/27/81 (46 FR 57914)
Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
NPRM (Amendment) 03/27/87 (52 FR 9992)
Final Action 08/14/90 (55 FR 33246)
Water Soluble Gums
NPRM 10/30/90 (55 FR 45782)
Final Action 03/00/92
Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 10/30/90 (55 FR 45788)
Final Action 08/08/91 (56 FR 37792)
NPRM (Amendment) 03/00/92

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: for "Antimicrobial Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products." The NPRM for "Antimicrobial Products" is being revised because it is being updated and split into two sections: first aid products and health care products.

SMALL ENTITIES AFFECTED: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-210), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8000

RIN: 0905–AA06

1043. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None

Abstract: In accordance with the Regulatory Flexibility Act, FDA conducted a retrospective review of its CGMP regulations for finished pharmaceuticals to determine the need for any changes in the regulations to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health. FDA identified several areas where changes in the regulations would be justified and on February 12, 1991 (56 FR 5671) the agency proposed to amend certain provisions of those regulations. This final rule, thus, amends the CGMP regulations to eliminate unnecessary regulatory burdens without affecting those CGMP requirements that are necessary to assure drug product quality under the Federal Food, Drug, and Cosmetic Act.

Timetable:

Action	Date	FR Cite
NPRM	02/12/91	56 FR 5671
NPRM Comment Period End	04/15/91	56 FR 5671
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905–AA73

1044. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606; 21 CFR 640

Legal Deadline: None

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an independent and separate efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. The remainder of the retrospective review program regarding the CGMP will be implemented through FDA's issuance of a proposed rule to revise the CGMP regulations.

Timetable:

Blood & Blood Components; Retrospective Review
NPRM 04/00/92
Final Action 00/00/00

Blood & Blood Derivatives; Implementation of Efficacy Review
NPRM 12/24/85 (50 FR 52602)
Comment Period Ends 03/24/86 (50 FR 52602)
Final Action 12/00/91

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-132), 8800 Rockville Pike, Bethesda, MD 20892, **301 295-8188**

RIN: 0905–AA75

1045. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 336 Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100; 21 CFR 130.9

Legal Deadline: None

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present in a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). On December 10, 1987, FDA announced its tentative conclusion that there is no longer a basis to find that the use of sulfiting agents on "fresh" potatoes served or sold unpackaged to consumers is GRAS. On December 19, 1988, FDA proposed to affirm, with specific limitations, that certain other uses of sulfiting agents are GRAS (cont)

Timetable:

Action	Date	FR Cite
NPRM - Status of the Use of Sulfiting Agents on Fresh and Frozen Potatoes	03/00/92	

Food Labeling; Declaration of Sulfiting Agents
NPRM 04/03/85 (50 FR 13306)
Final Action 07/09/86 (51 FR 25012)
Effective Date 01/09/87 (51 FR 25012)

GRAS Status of the Use of Sulfiting Agents on Fresh Potatoes
NPRM-To be Merged w/Frozen Potatoes 12/10/87 (52 FR 46968)
Final Action 03/15/90 (55 FR 9826)

GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.
NPRM 12/19/88 (53 FR 51065)
Final Action 03/00/92

GRAS Status of Sulfiting Agents on Frozen Potatoes
NPRM-To be Merged w/Fresh Potatoes 03/00/92

Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.
NPRM 08/14/85 (50 FR 32836)
Final Action 07/09/86 (51 FR 25021)
Final Action Effective 08/09/86 (51 FR 25021)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and to establish labeling requirements for sulfiting agents in standardized foods.

On March 15, 1990 (55 FR 9826), FDA issued a final rule prohibiting the use of sulfiting agents on "fresh" potatoes (55 FR 9826) and requested data and information concerning the use of sulfiting agents on frozen potatoes (55 FR 9834).

On August 3, 1990, the United States District Court for the Middle District of Pennsylvania declared the final rule concerning fresh potatoes to be "null and void" based on perceived procedural defects in the rulemaking proceeding. The Government appealed

the district court's decision. On May 22, 1991, the U.S. Court of Appeals for the Third Circuit en banc affirmed, by an equally divided vote and without opinion, the decision of the district court invalidating on procedural grounds FDA's final rule revoking the GRAS status of the use of sulfiting agents on fresh potatoes.

FDA's reproposed rule will include the GRAS status of sulfiting agents on both fresh and frozen potatoes.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW., Washington, DC 20204, 202 426-9463

RIN: 0905–AB52

1046. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None

Abstract: This regulatory action is being taken to improve the safety of marketed drug products by requiring manufacturers to report to the Food and Drug Administration (FDA) serious adverse experiences associated with licensed biological products.

The purpose of the regulatory action is to require prompt reporting to the agency of serious adverse experiences for all licensed biological products.

The regulatory action being considered by FDA would be consistent with the agency's requirements regarding adverse experiences reporting for approved new drugs under 21 CFR 314.80 (see February 22, 1985; 50 FR 7452). These biologic regulations would require that all "serious and unexpected" adverse experiences and any "significant increase in frequency" of a serious expected event be reported to the agency within 15 working days. Known and nonserious adverse biological product experiences would be required to be reported to the agency at quarterly or annual intervals, depending on the length of marketing experience with the product. This information (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/29/90	55 FR 11611
NPRM Comment Period End	05/29/90	55 FR 11611
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: permits the agency to monitor effectively the safety of all licensed biological products.

Agency Contact: Joanne Binkley, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-132), 8800 Rockville Pike, Bethesda, MD 20892, 301 295-8188

RIN: 0905–AB53

1047. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act; PL 100-290

CFR Citation: 21 CFR 316

Legal Deadline: None

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. Several provisions of the Orphan Drug Act call for promulgation of regulations to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	01/29/91	56 FR 3338
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Development (HF-35), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4718

RIN: 0905–AB55

1048. ABBREVIATED NEW DRUG APPLICATION REGULATIONS (TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Agency Priority

Legal Authority: PL 98-417, (Title I)

CFR Citation: 21 CFR 10; 21 CFR 310; 21 CFR 314; 21 CFR 320

Legal Deadline: None

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. On July 10, 1989 (54 FR 28872), FDA proposed regulations to implement Title I. The proposal provides for the submission of abbreviated new drug applications for generic versions of drug products first approved after 1962. These new provisions will benefit consumers by making generic drug products available more quickly.

The agency is reviewing the public comments submitted in response to the proposed rule and preparing the final rule in two segments. The first segment will establish requirements for format and content of an ANDA, suitability petitions, and certain administrative actions. The second segment will

establish requirements for patient certification and exclusivity.

Timetable:

Action	Date	FR Cite
NPRM	07/10/89	54 FR 28872
NPRM Comment Period End	10/10/89	54 FR 28872
NPRM Extension of Comment Period	10/11/89	54 FR 41629
NPRM Public Comment Period End	01/09/90	54 FR 41629
NPRM Extension of Comment Period	01/16/90	55 FR 1471
NPRM Public Comment Period End	04/09/90	55 FR 1471
Final Action Content and Format, Suitability Petitions	10/00/91	
Final Action Patent Certification and Exclusivity	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip L. Chao, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905–AB63

1049. INFANT FORMULA ACT

Significance: Regulatory Program

Legal Authority: 21 USC 350a Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

CFR Citation: 21 CFR 107; 21 CFR 106

Legal Deadline: None

Abstract: The agency is preparing one proposal and one final rule which will implement the Infant Formula Act of 1986. The proposal will establish current good manufacturing practice regulations and strengthen the agency's existing quality control procedures for infant formulas. The final rule will establish infant formula record and record retention requirements.

Timetable:

Infant Form Cons Comp, Micro Test & Recd Retention Req
- NPRM 01/26/89 (54 FR 3783)
- NPRM Comment Period End 03/27/89 (54 FR 3783)
- Final Action 10/00/91

Infant Formula Current Good Practices; Qual Control Proc
- NPRM 11/00/91

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Duy, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-314), 200 C Street, SW., Washington, DC 20204, 202 485-0241

RIN: 0905–AC46

1050. FRUIT AND VEGETABLE JUICE PERCENTAGE LABELING

Significance: Agency Priority

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act; PL 101-535 Nutrition Labeling and Education Act of 1990

CFR Citation: 21 CFR 102.33

Legal Deadline: None
The statutory requirements take effect May 8, 1993.

Abstract: FDA is preparing a final rule to implement the provisions of the Nutrition Labeling and Education Act of 1990 (Pub. L. 101-535) enacted on November 8, 1990, with respect to the declaration on the label of the total percent of the fruit or vegetable juice in a beverage that contains fruit or vegetable juice. This final rule will complete the agency's action regarding percent juice labeling begun more than ten years ago. In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. (cont)

Timetable:

Action	Date	FR Cite
NPRM - To Revoke Regulation	07/16/87	52 FR 26690
NPRM - Comment Period Ends	09/14/87	52 FR 26690
NPRM - Extension of Comment Period	09/25/87	52 FR 36046
NPRM - Extended Comment Period Ends	12/13/87	52 FR 36046
NPRM - Comment Period Reopened	01/22/88	53 FR 1795
NPRM - Reopened Comment Period Ends	01/27/88	53 FR 1795
Notice - Request for Comments; NFPA Petition	01/31/90	55 FR 3266
Notice - Comment Period Ends	04/02/90	55 FR 3266
Notice - Comment Period Reopened	06/04/90	55 FR 22845
Notice - Reopened Comment Period Ends	07/05/90	55 FR 22845
NPRM - Reproposal	07/02/91	56 FR 30452
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. In the Federal Register of July 16, 1987 (52 FR 26690), the agency proposed to revoke the common or usual name regulation (21 CFR 102.33) for diluted fruit or vegetable juice beverages other than diluted orange juice beverages. The

HHS—PHS—FDA

Final Rule Stage

Nutrition Labeling and Education Act of 1990 requires all beverages containing vegetable or fruit juices to include on the label a statement of the total percentage of the vegetable or fruit juice contained in the beverage. A reproposed rule has been issued to conform the regulations to the new legislation. The 1991 Amendments (Pub. L. 102-108) to the Nutrition Labeling and Education Act of 1990 were enacted on August 17, 1991. Under these amendments, the requirement for percent of juice labeling is extended until May 8, 1993.

Agency Contact: F. Edward Scarbrough, Acting Director, Office of Nutrition and Food Sciences, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-200), 200 C Street, SW., Washington, DC 20204, 202 245-1561

RIN: 0905–AC48

1051. LEAD IN CERAMIC FOOD WARE

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 336; 21 USC 342(a); 21 USC 346; 21 USC 346a; 21 USC 348; 21 USC 371

CFR Citation: 21 CFR 109

Legal Deadline: None

Abstract: FDA has reviewed several potential sources of dietary lead and prioritized those it considers to be controllable. On June 1, 1989 (54 FR 23485), FDA proposed to establish a regulatory limit for ceramic food-service pitchers, excluding creamers, that would limit the leaching of lead from the glazes and decorations on the food-contact surface of these pitchers to no more than 0.1 microgram per milliliter (ug/mL) of test solution. FDA also proposed to provide that decorative ceramicware that appears to be suitable for food use will be deemed to be for food use unless it bears a conspicuous, permanent label statement molded or fired onto the ceramic piece that states that the piece is not for food use, or a hole is bored through the possible food-contact surface of the piece. FDA is reviewing the comments it received on the proposed regulatory limit and will determine, based on the comments, the most appropriate final action.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	54 FR 23485
NPRM Comment Period End	07/31/89	54 FR 23485
Notice - Comment Period Reopened	09/01/89	54 FR 36324
Notice - Reopened Comment Period for Ceramic Pitchers Ends	11/30/89	54 FR 36324
Notice - Reopened Comment Period for Other Ceramic Foodware Ends	02/28/90	54 FR 36324
Lead in Ceramic Pitchers		
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elizabeth J. Campbell, Chief, Regulations and Industry Activities Branch, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW., Washington, DC 20204, 202 485-0229

RIN: 0905–AC91

1052. PROFICIENCY TESTING REQUIREMENTS FOR LABORATORIES TESTING BLOOD AND BLOOD COMPONENTS BY THE FDA-REQUIRED TESTS FOR HBSAG AND ANTI-HIV

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 351; 21 USC 352; 21 USC 355; 21 USC 360; 21 USC 371; 42 USC 262; 42 USC 264

CFR Citation: 21 CFR 606; 21 CFR 610

Legal Deadline: None

Abstract: The agency has proposed to amend the regulations concerning blood products to require that each establishment or laboratory, responsible for performing FDA-required tests for hepatitis B surface antigen (HBsAg) and evidence of human immunodeficiency virus (HIV), participate in an approved program to demonstrate proficiency in performing these tests. The proposal is part of an FDA program to provide increased assurance of the quality of laboratory performance.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24296
NPRM Comment Period End	07/06/89	54 FR 24296
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-132), 8800 Rockville Pike, Bethesda, MD 20892, 301 295-8188

RIN: 0905–AC92

1053. METHADONE IN MAINTENANCE TREATMENT OF NARCOTIC ADDICTS; JOINT FDA AND NIDA PROPOSED REVISION OF CONDITIONS OF USE

Significance: Regulatory Program

Legal Authority: 21 USC 355; 21 USC 371(a); 21 USC 823(g); 42 USC 257a; 42 USC 290ee-3

CFR Citation: 21 CFR 291

Legal Deadline: None

Abstract: The Food and Drug Administration and the National Institute on Drug Abuse have proposed to revise the conditions for the use of methadone in the maintenance treatment of narcotic addicts. The proposal would allow programs to provide minimum service (interim) maintenance treatment to patients awaiting placement in comprehensive maintenance treatment and require programs to provide counseling on avoidance of human immunodeficiency virus (HIV) transmission. These requirements are being considered in response to the HIV epidemic and are intended to allow more narcotic addicts into treatment more quickly, thereby decreasing the incidence of intravenous drug abuse and the transmission of HIV. Comments on the proposal revealed a large number of differing opinions on both the desirability of adopting interim maintenance standards and on a number of related issues. Because it was necessary to improve the administrative record before making a decision regarding any final action based on the proposal, FDA and NIDA held a public hearing on February 28, 1990, to solicit additional information. After careful review of the

administrative record, including information received (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/02/89	54 FR 8973
NPRM Comment Period End	05/03/89	54 FR 13897
Notice - Public Hearing; February 28, 1990	12/04/89	54 FR 50226
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: at the public hearing, the agencies have determined that that portion of the rulemaking relating to interim maintenance standards should be withdrawn and that the agencies should issue a final rule on that portion relating to counseling or avoiding transmission of HIV.

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905–AC93

1054. EXPEDITING APPROVAL FOR DRUGS INTENDED TO TREAT LIFE-THREATENING AND SEVERELY-DEBILITATING ILLNESSES

Significance: Regulatory Program

Legal Authority: 21 USC 351 to 357; 21 USC 371; 42 USC 262

CFR Citation: 21 CFR 312

Legal Deadline: None

Abstract: In the Federal Register of October 21, 1988 (53 FR 41561), FDA issued an interim rule effective upon date of publication, with opportunity for public comment, that set forth procedures designed to speed the availability of new therapies to desperately ill patients, while preserving appropriate guarantees for safety and effectiveness. These procedures are intended to facilitate the development, evaluation, and marketing of such products, especially where no satisfactory alternative therapies exist. These procedures reflect the recognition that physicians and patients are generally willing to accept greater risks or side effects from products that treat life-threatening and severely-debilitating illness. These procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated. The procedures apply to life-threatening or severely-debilitating illnesses. The agency is reviewing the public comments submitted in response to the interim rule and preparing a Federal Register document that will respond to these comments. The (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41561
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: agency is also considering the recommendations contained in the report of the "National Committee to Review Current Procedures for Approval of New Drugs for Cancer and AIDS."

Agency Contact: Philip L. Chao, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905–AC94

1055. PATENT TERM RESTORATION FOR ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 35 USC 156; 21 USC 360b; 21 USC 701

CFR Citation: 21 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend the agency's patent term restoration regulations to include animal drugs as products for which patent term restoration is available.

Timetable:

Action	Date	FR Cite
NPRM	02/13/91	56 FR 5784
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Nancy E. Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1382

RIN: 0905–AD16

1056. RETENTION OF BIOAVAILABILITY AND BIOEQUIVALENCE TESTING SAMPLES

Significance: Regulatory Program

Legal Authority: 21 USC 201; 21 USC 301; 21 USC 501; 21 USC 502; 21 USC 503; 21 USC 505; 21 USC 506; 21 USC 507; 21 USC 701

CFR Citation: 21 CFR 312; 21 CFR 314; 21 CFR 320

Legal Deadline: None

Abstract: On November 8, 1990, FDA issued an interim rule effective upon date of publication, with opportunity for public comment. The interim rule requires the retention for a specified period of reserve samples of the drug products used to conduct bioavailability or bioequivalence studies of drug products and, when specifically requested, to release the reserve samples to FDA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/08/90	55 FR 47034
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn L. Watson, Special Assistant to the Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-360), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8038

RIN: 0905–AD17

1057. INVESTIGATIONAL NEW DRUG, ANTIBIOTIC AND BIOLOGICAL DRUG PRODUCT APPLICATIONS; PROPOSED AMENDMENT TO SECTIONS ON CLINICAL HOLD AND TERMINATION

Significance: Agency Priority

HHS—PHS—FDA — Final Rule Stage

Legal Authority: 21 USC 201; 21 USC 301; 21 USC 501; 21 USC 502; 21 USC 503; 21 USC 505; 21 USC 506; 21 USC 507; 21 USC 701

CFR Citation: 21 CFR 312

Legal Deadline: None

Abstract: FDA has proposed to amend its regulations governing investigational new drug (IND) applications to include additional grounds for placing an investigation on "clinical hold" and for terminating an IND. Under the amendments, FDA may require a sponsor to cease distributing an experimental drug in an open, nonconcurrently controlled investigation if any of several specified conditions exist. These amendments will help to implement a proposed PHS policy on expanded availability of INDs through a parallel track mechanism for people with AIDS or HIV-related disease.

Timetable:

Action	Date	FR Cite
NPRM	05/21/90	55 FR 20802
NPRM Comment Period End	07/20/90	55 FR 20802
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Philip L. Chao,** Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905–AD19

1058. FEES FOR CERTIFICATION SERVICES; INSULIN AND COLOR ADDITIVE CERTIFICATION PROGRAMS

Significance: Agency Priority

Legal Authority: 21 USC 502; 21 USC 506; 21 USC 701; 21 USC 706

CFR Citation: 21 CFR 80.10; 21 CFR 429.55

Legal Deadline: None

Abstract: The Food and Drug Administration is considering amending the regulations governing fees for the insulin and color additive certification programs to include the government's costs for the unfunded liability of the civil service retirement fund as a factor in calculating the fees needed to maintain the programs.

Timetable:

Action	Date	FR Cite
Final Rule (Insulin)	10/00/91	
Final Rule (Color Additives)	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: **David R. Petak,** Chief, Accounting Branch, Office of Management and Operations, Department of Health and Human Services, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1766**

RIN: 0905–AD34

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Public Health Service (PHS)—Food and Drug Administration (FDA)

1059. PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

CFR Citation: 21 CFR 50; 21 CFR 56

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28025
Final Action Effective	08/19/91	56 FR 28025

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: **Richard M. Klein, 301 443-1382**

RIN: 0905–AC52

1060. REQUIREMENT FOR SUMMARIES OF SAFETY AND EFFECTIVENESS IN SUBMISSIONS FOR PREMARKET NOTIFICATION

Significance: Agency Priority

CFR Citation: 21 CFR 807

Completed:

Reason	Date	FR Cite
Merged into new RIN 0905-AD59	07/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Joseph M. Sheehan, 301 443-4874**

RIN: 0905–AD39

1061. MEDICAL DEVICE TRACKING

Significance: Agency Priority

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Merged into new RIN 0905-AD59	07/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Joseph M. Sheehan, 301 443-4874**

RIN: 0905–AD40

1062. EXEMPTION OF HUMANITARIAN DEVICES

Significance: Regulatory Program

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Merged into new RIN 0905-AD59	07/16/91	

Small Entities Affected: Undetermined

HHS—PHS—FDA

Completed Actions

Government Levels Affected: Undetermined

Agency Contact: Joseph M. Sheehan, 301 443-4874

RIN: 0905–AD41

1063. CLASSIFICATION OF TRANSITIONAL DEVICES

Significance: Agency Priority

CFR Citation: 21 CFR 860

Completed:

Reason	Date	FR Cite
Merged into new RIN 0905-AD59	07/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph M. Sheehan, 301 443-4874

RIN: 0905–AD42

1064. GOOD MANUFACTURING PRACTICE (GMP) FOR MEDICAL DEVICES

CFR Citation: 21 CFR 820

Completed:

Reason	Date	FR Cite
Merged into new RIN 0905-AD59	07/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph M. Sheehan, 301 443-4874

RIN: 0905–AD43

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

1065. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM; GRANTS FOR STATE LOAN REPAYMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-177; PL 101-597

CFR Citation: 42 CFR 62.21 to 62.30; 42 CFR 62.51 to 62.58; 42 CFR 62.71 to 62.76

Legal Deadline: None

Abstract: The National Health Service Corps (NHSC) Revitalization Amendments of 1990, PL 101-597, amends Section 338B of the PHS Act which authorizes the NHSC Loan Repayment Program. These Amendments also revise the State Loan Repayment Program at Section 338I of the PHS Act. The Special Repayment Program established under PL 100-177 regulations will be published with corrections in final form under RIN: 0905-AD58, separate from this NPRM (RIN: 0905-AC65). The amended NHSC Loan Repayment Program (RIN: 0905-AD57) removes the provision which limits the Secretary's payment to one month in advance of services.

Timetable:

Action	Date	FR Cite
NPRM	04/03/89	56 FR 13458
NPRM Comment Period End	06/02/89	56 FR 13458
Second NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Rhoda Abrams, Associate Director for Policy, BHCDA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 7-15, Rockville, MD 20857, 301 443-2330

RIN: 0905–AC65

1066. GRANTS FOR COMMUNITY HEALTH CENTERS

Legal Authority: PL 100-386; PL 95-626; PL 99-280; PL 101-527

CFR Citation: 42 CFR 51c

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 51c, Subpart A-E, to bring them into conformance with amendments to Section 330 of the Public Health Service Act which were enacted in 1986, 1988, and 1990. These include extension of the program authorization, addition of capital construction authority, and changes regarding program income and services. PL 99-280 requires that the Secretary consult with the Chief Executive Officer and local officials of a State in publishing Medically Underserved Population designation criteria and in designating or de-designating Medically Underserved Populations. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State. The most recent amendment reauthorizes the program through fiscal year 1994 and requires CHCs to provide multilingual personnel (translation services) in cases where a substantial number of their patients are of limited English-speaking ability.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Associate Director for Policy, BHCDA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 7-15, Rockville, MD 20857, 301 443-2330

RIN: 0905–AC85

1067. GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: PL 100-386; PL 95-626; PL 101-527

CFR Citation: 42 CFR 56

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 56, Subparts A-H, to bring them into conformance with amendments to section 329 of the PHS Act. They were enacted in 1986, 1988 and 1990. These include extension of the program authorization, addition of perinatal program authorization, addition of capital construction authority, and

changes regarding program income and services.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Associate Director for Policy, BHCDA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 7-15, Rockville, MD 20857, **301 443-2330**

RIN: 0905–AC86

1068. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK RULES

Significance: Agency Priority

Legal Authority: 42 USC 1320b-8 Section 1138 of the Social Security Act; 42 USC 274 Section 372 of the Public Health Service Act

CFR Citation: 42 CFR 121

Legal Deadline: None

Abstract: Section 1138 of the Social Security Act requires Medicare and Medicaid participating hospitals that perform organ transplants to be members of and abide by the rules and requirements of the Organ Procurement and Transplantation Network (OPTN) as established by section 372 of the Public Health Service Act. Section 1138 also requires that for organ procurement costs attributable to payments to an Organ Procurement Organization (OPO) to be paid by Medicare or Medicaid, the OPO must be a member of and abide by the rules and requirements of the OPTN. No other entity (for example, a histocompatibility laboratory) is required to be a member of or abide by the rules of the OPTN under the provisions of the statute. It is the Department's position that no rule, requirement, policy, or other issuance of the OPTN will be considered to be a "rule or requirement" of the Network within the meaning of section 1138 unless the Secretary has formally approved that rule. The OPTN is currently in operation and these rules will impose no further cost or provide any benefit other than that which now exists.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judy Braslow, Director, Division of Organ Transplantation, Bureau of Health Resources Development, Department of Health and Human Services, Public Health Service, Room 11A-22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-7577**

RIN: 0905–AD26

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

1069. DESIGNATION OF MENTAL HEALTH PROFESSIONAL SHORTAGE AREAS

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None

Abstract: This notice proposes an amendment to the existing regulations governing the Designation of Health Professional Shortage Areas authorized by section 332 of the Public Health Service Act, which would replace the current criteria for designations of areas having shortages of psychiatrists with criteria for mental health manpower shortage areas to include not only psychiatrists but also other core mental health professionals (clinical psychologists, psychiatric social workers and psychiatric nurses) in a geographic area.

Timetable:

Action	Date	FR Cite
NPRM	08/08/89	54 FR 32459
NPRM Comment Period End	10/10/89	54 FR 32460
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Associate Director for Policy, Bureau of Health Care Delivery Assistance, Department of Health and Human Services, Public Health Service, Room 7-15, Parklawn Building, Rockville, MD 20857, **301 443-2330**

RIN: 0905–AC68

1070. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PERFORMANCE STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This rule amends existing regulations governing the HEAL program to establish performance standards against which school, lender, and holder default rates would be measured. These standards would provide schools, lenders, and holders a greater incentive to work to maintain low HEAL default rates and, thus, improve the long-term solvency of the Student Loan Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	55 FR 40140
NPRM Comment Period End	11/30/90	
Final Action	12/30/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Farrington, D.M.D., Deputy Director, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Parklawn Building, Rockville, MD 20857, **301 443-1173**

RIN: 0905–AC87

1071. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This final rule amends the existing regulations governing the Health Education Assistance Loan (HEAL) program under sections 727-739A of the Act to incorporate amendments to the program made by the Health Professions Reauthorization Act of 1988 (Title VI of Pub. L. 100-607).

Timetable:

Action	Date	FR Cite
Final Action	12/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stuart Weiss, Chief, Health Ed. Asst. Loan Branch, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1540**

RIN: 0905–AD05

1072. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: POSTJUDGMENT COLLECTIONS

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: In accordance with the statutory requirement in the Drug Abuse Treatment Technical Corrections Act of 1989, which amended section 733(h)(2) of the Public Health Service Act, this rule would amend existing regulations governing the Health Education Assistance Loan (HEAL) program to specify postjudgment collection procedures which a lender or holder must follow prior to filing a default claim.

Timetable:

Action	Date	FR Cite
NPRM	08/31/90	55 FR 35687
NPRM Comment Period End	10/30/90	
Final Action	03/30/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Heningburg, Director, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-1173**

RIN: 0905–AD11

1073. VACCINE INJURY COMPENSATION: CALCULATION OF COST OF HEALTH INSURANCE

Legal Authority: 42 USC 216; 42 USC 300aa-15

CFR Citation: 42 CFR 100 (Proposed)

Legal Deadline: None

Abstract: The National Vaccine Injury Compensation program, administered by the Secretary, and governed by Subtitle 2 of Title XXI of the Public Health Service Act, provides that a proceeding for compensation of a vaccine-related injury or death shall be initiated by service upon the Secretary and the filing of a petition with the United States Claims Court. It is the purpose of this final rule to set out the amount to be deducted from the award of compensation which would reflect the average cost of a health insurance policy.

Timetable:

Action	Date	FR Cite
NPRM	06/28/91	56 FR 29608
NPRM Comment Period End	08/27/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Balbier, Director, Division of Vaccine Injury Compensation, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Suite 702, Montrose Building, 6001 Montrose Road, Rockville, Maryland 20852, **301 443-6593**

RIN: 0905–AD25

1074. GRANTS FOR HOSPITAL CONSTRUCTION AND MODERNIZATION; FEDERAL RIGHT OF RECOVERY AND WAIVER OF RECOVERY

Legal Authority: 42 USC 291i; 42 USC 300s-1a

CFR Citation: 42 CFR 124.708

Legal Deadline: None

Abstract: The regulations at 42 CFR Part 124 Subpart H provide for recovery of funds by the United States when a health care facility that was constructed with the aid of a grant under Title VI or Title XVI of the Public Health Service Act is, within 20 years, sold or transferred to an entity that would not have been qualified to receive a grant. The regulations also provide for recovery where, within the same 20-year period, an assisted facility ceases to be a health care facility to which a grant could have been made. The regulations authorized the Secretary to waive the recovery rights of the United States if the Secretary determines that there is good cause for waiving such rights with respect to a facility. (Sec. 124.708.)

The Department proposes to amend this section to include, in determining good cause for a waiver, instances where a facility has been acquired from an agency of the United States. No cost will be incurred as a result of this regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/14/90	55 FR 51434
NPRM Comment Period End	01/14/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Emily Haley, Actg Director, Office of Program Development, Bureau of Health Resources Development, Department of Health and Human Services, Public Health Service, Room 13A-22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5400**

RIN: 0905–AD27

HHS—PHS—HRSA — Final Rule Stage

1075. ● NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

Legal Authority: PL 100-177; 42 USC 254o

CFR Citation: 42 CFR 62.25(a)

Legal Deadline: None

Abstract: Abstract LRP -- This amendment revises Section 62.25(a) of the interim rule for the National Health Service Corps Loan Repayment Program (LRP) as published April 3, 1989. The LRP authorizes the Secretary to repay participant's health professions educational loans in exchange for health services provided in a federally designated health professions shortage area for a certain period of time. Loan repayments by the Secretary in advance of participant's service are limited to one month or less. The amendment removes the provision which limits the Secretary's payment to one month in advance of services since the restrictive payment schedule has had an adverse effect on the successful implementation of the LRP. Deleting the payment limitation permits the program lump-sum payments near the beginning of a participant's service thereby increasing the attractiveness of the LRP. The other subparts of the interim rule will be revised to reflect the National Health Service Corps Revitalization Amendments of 1990, and will be published as an NPRM (RIN: 0905-AC65) in the near future. These amendments do not address the payment schedule issue.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Acting Associate Bureau Director for Policy, BHCDA, Department of Health and Human Services, Public Health Service, Parklawn Bldg. Room 7-15, 5600 Fishers Lane, Rockville, MD. 20857, 301 443-2330

RIN: 0905–AD57

1076. ● NATIONAL HEALTH SERVICE CORPS SPECIAL REPAYMENT PROGRAM—SUBPART D

Legal Authority: PL 100-177; 42 USC 254o

CFR Citation: 42 CFR 62.73

Legal Deadline: None

Abstract: This amendment revises and makes final the interim rule published on April 3, 1989, for the National Health Service Corps Special Repayment Program established by Pub. L. 100-177. It provided a time-limited opportunity for persons who, as of November 1, 1987, were in default of their service obligations, to repay these obligations through service or through a combination of service and monetary payment. The regulation establishes policy for providing credit for partial service and various administrative and management procedures. Modifications have been made to conform the regulation more closely to the statute and two errors have been corrected. The other subparts of the interim rule are being revised to reflect National Health Service Corps Revitalization Amendments of 1990, and will be published as an NPRM under RIN: 0905-AC65.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Acting Associate Bureau Director for Policy, BHCDA, Department of Health and Human Services, Public Health Service, Parklawn Bldg., Room 7-15, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2330

RIN: 0905–AD58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

1077. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: BANKRUPTCY REVISIONS

CFR Citation: 42 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	08/29/91	56 FR 42696
Final Action Effective	08/29/91	56 FR 42696

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Heningburg, 301 443-1173

RIN: 0905–AC75

1078. NURSING STUDENT LOAN (NSL) PROGRAM: CASH MANAGEMENT

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	08/15/91	56 FR 40728

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley A. Zimmerman, 301 443-1700

RIN: 0905–AC76

1079. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: CASH MANAGEMENT

CFR Citation: 42 CFR 57, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	08/15/91	56 FR 40720

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley A. Zimmerman, 301 443-1700

RIN: 0905–AC78

1080. GRANTS FOR EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

CFR Citation: 42 CFR 57, Subpart S

Completed:

Reason	Date	FR Cite
Final Action	08/15/91	56 FR 40563

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clay E. Simpson, Jr., Ph.D., 301 443-2100

RIN: 0905–AD01

HHS—PHS—HRSA

Completed Actions

1081. NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	04/04/91	56 FR 13768

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Baggett, 301 443-4776

RIN: 0905–AD06

1082. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

CFR Citation: 42 CFR 57, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	04/26/91	56 FR 19290

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Baggett, 301 443-4776

RIN: 0905–AD07

1083. GRANTS FOR FACULTY TRAINING PROJECTS IN GERIATRIC MEDICINE AND DENTISTRY

CFR Citation: 42 CFR 57, Subpart PP

Completed:

Reason	Date	FR Cite
Final Action	06/26/91	56 FR 29193

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marc L. Rivo, M.D., 301 443-6190

RIN: 0905–AD35

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Indian Health Service (IHS)

Proposed Rule Stage

1084. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a program in which health professionals would have their health professions education loans repayed in amounts up to a maximum of $25,000 per year in exchange for service in an Indian health program. The Secretary is directed to implement some provisions by regulations, i.e., waiver provision.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wesley Piccotti, Chief, Scholarship Branch, Indian Health Service, Department of Health and Human Services, Public Health Service, 12300 Twinbrook Parkway, Suite 100, Rockville, MD 20852, 301 443-6197

RIN: 0905–AC96

1085. INDIAN HEALTH CATASTROPHIC HEALTH EMERGENCY FUND PROGRAM

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a new program establishing a catastrophic health emergency fund. The Secretary is directed to establish the program by regulations consistent with provisions of the Law including a definition of a catastrophic disease.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 8A23, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905–AC97

1086. REVISION OF INDIAN SELF-DETERMINATION REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 450; PL 100-202; PL 100-446; PL 100-472; PL 100-581

CFR Citation: 42 CFR 36; 48 CFR 380.4; 48 CFR 352.280-4

Legal Deadline: NPRM, Statutory, May 5, 1989. Final, Statutory, August 5, 1989.

Abstract: Public Law 93-638 passed in 1975, requires the IHS to turn over administrative responsibility to tribes so requesting, using the mechanism of contracting. Public Law 93-638 also authorizes the IHS to make grants to tribe(s) for the planning, development, and/or operations of health programs. Public Law 100-472, enacted October 5, 1988, significantly expands the scope of programs covered beyond those administered by IHS. This Act further provided that all contracting requirements be contained in regulations promulgated in final within ten months of enactment. The Law provides for tribal consultation and participation in the development of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	07/00/92	
Final Action	01/00/93	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: 1. The Act (P.L. 100-472) provides that except for construction contracts, the Office of Federal Procurement Policy Act and Federal Acquisition Regulations shall not apply to self-determination contracts. Therefore, implementing regulations for the Indian Self-Determination Act amendments will include a subpart on construction contracts, which, unlike other self-determination awards will be made subject to certain procurement rules (e.g., FARS, HSARS, FSARS). 2. There is a statutory requirement to implement P.L. 93-638 regulations. 3. There is a paperwork burden associated with the action. It will be included with the overall clearance package.

Agency Contact: Richard J. McCloskey, Dir., Div., of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 8A23, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905–AC98

1087. REVISION OF URBAN INDIAN HEALTH REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: P.L. 100-713, enacted November 23, 1988, requires the Secretary to prescribe by regulation, the criteria for selecting urban Indian organizations to enter into contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 8A-23, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905–AD20

1088. REVIEW OF THE DETERMINATION OF AN INDIAN TRIBE'S RESOURCE DEFICIENCY LEVEL

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: P.L. 100-713, enacted November 23, 1988, requires the Secretary to establish, by regulation, procedures which would allow any Indian tribe to petition the Secretary for a review of any determination of the health resources deficiency level of such tribe.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 8A-23, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905–AD21

1089. ● CHSDA EXPANSION FOR GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

Legal Authority: 25 USC 13; 42 USC 2001

CFR Citation: 42 CFR 36.22(b)

Legal Deadline: None

Abstract: Regulations at 42 CFR 36.22(b) specify that only the Secretary of DHHS may redesignate the CHSDA established under 42 CFR 36.22(a). Moreover, any such redesignation must be made in accordance with procedures of the Administrative Procedures Act (5 U.S.C. 553), that is, by amending the regulation IHS is proposing to redesignate the Grand Traverse CHSDA to include Antrim, Benzie, Grand Traverse, Leelanau, Manistee, and Charlevoix Counties in Michigan.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
NPRM Comment Period End	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Director, Division of Legislation and Regulations, Department of Health and Human Services, Public Health Service, 8A-23, 5600 Fishers Lane, Rockville, MD 2085, 301 443-1116

RIN: 0905–AD61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Proposed Rule Stage

Public Health Service (PHS)—National Institutes of Health (NIH)

1090. GRANTS FOR RESEARCH PROJECTS

Legal Authority: 42 USC 216; 42 USC 241; 42 USC 242a; 42 USC 263d; 42 USC 281 et seq; 42 USC 286b-4; 42 USC 290bb; 42 USC 300a-2; 42 USC 300a-4; 42 USC 300z-7; 42 USC 285e-5; 21 USC 1177; 42 USC 300cc-15; 42 USC 300cc-20

CFR Citation: 42 CFR 52

Legal Deadline: None

Abstract: Regulations concerning grants for research projects will be revised to show changed section numbers in the PHS Act and to indicate their applicability to various new programs resulting from enactment of PL 99-158, PL 100-607, and provisions of Title IX of PL 99-660, and to make minor language changes. Additionally, the list of other HHS regulations and policies that apply to the grants will be updated.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, National

Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, **301 496-4606**

RIN: 0905–AC02

1091. SPECIAL VOLUNTEER SERVICES AT THE NATIONAL INSTITUTES OF HEALTH

Legal Authority: 42 USC 282(b)(10); 42 USC 284(b)(1)(k)

CFR Citation: 45 CFR 57A

Legal Deadline: None

Abstract: Sections 402 and 405 of the PHS Act authorize the Secretary, HHS, acting through the Director, NIH, and the Directors of NIH organizations with appropriate delegated authority to accept services of special volunteers provided without NIH compensation in support of NIH functions. These regulations would describe the process for accepting these volunteer services.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen C. Benowitz, Director, Division of Personnel Management, Department of Health and Human Services, Public Health Service, NIH, Bldg. 1, Rm. B1-60, 9000 Rockville Pike, Bethesda, MD 20892, **301 496-3592**

RIN: 0905–AC95

1092. NATIONAL INSTITUTES OF HEALTH AIDS RESEARCH LOAN REPAYMENT PROGRAM

Legal Authority: 42 USC 288-1

CFR Citation: 42 CFR 68

Legal Deadline: None

Abstract: Section 634 of PL 100-607 creates a new grant program (section 487A of the PHS Act) through which health professionals can obtain federally funded repayment of educational loans by conducting AIDS research at the NIH. These regulations would govern the award and administration of this program.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marc Horowitz, Director, NIH AIDS Research Loan Repayment Program, Department of Health and Human Services, Public Health Service, Office of AIDS Research, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892, **301 496-0357**

RIN: 0905–AD18

1093. RESEARCH TRAINEESHIPS

Legal Authority: 42 USC 284(b)(1)(C); 42 USC 287c-1; 42 USC 290aa(l)

CFR Citation: 42 CFR 63

Legal Deadline: None

Abstract: Current regulations at 42 CFR 63 will be revised in their entirety to cover research traineeships awarded by NIH and ADAMHA under the authority provided in sections 405(b)(1)(C), 484, and 501(l) of the PHS Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, MD 20892, **301 496-4606**

RIN: 0905–AD28

1094. HAZARDOUS SUBSTANCES BASIC RESEARCH AND TRAINING PROGRAM

Legal Authority: 42 USC 9660

CFR Citation: 42 CFR 65a

Legal Deadline: None

Abstract: Regulations will be promulgated to implement the authority granted in section 311 of PL 99-499 to the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to establish and support a hazardous substances basic research (including epidemiologic and ecologic studies) program.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel C. Vandermeer, Dir., Off. of Program Planning & Evaluation, Department of Health and Human Services, Public Health Service, NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709, **919 629-3484**

RIN: 0905–AD46

1095. MINORITY BIOMEDICAL RESEARCH SUPPORT PROGRAM

Legal Authority: 42 USC 216; 42 USC 241(a)(3)

CFR Citation: 42 CFR 52c

Legal Deadline: None

Abstract: NIH regulations concerning the Minority Biomedical Research Support (MBRS) Program will be revised to reflect minor program changes and to update the listing of other HHS regulations relevant to the MBRS Program. Additionally, some minor changes in language will be made.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, Maryland 20892, **301 496-4606**

RIN: 0905–AD47

1096. NATIONAL HEART, LUNG, AND BLOOD INSTITUTE PREVENTION AND CONTROL PROJECTS

Legal Authority: 42 USC 216; 42 USC 285b-1

CFR Citation: 42 CFR 52e

Legal Deadline: None

Abstract: Regulations concerning NHLBI Prevention and Control Projects will be revised to reflect the changed PHS Act section numbers which resulted from enactment of PL 99-158

and PL 100-607, and to show minor program and language changes. Additionally, changes in the listing of other HHS regulations relevant to the Projects will be made.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, Maryland 20892, **301 496-4606**

RIN: 0905–AD48

1097. NATIONAL INSTITUTES OF HEALTH CONSTRUCTION GRANTS

Legal Authority: 42 USC 216; 42 USC 285a-2(b); 42 USC 285a-3(b); 42 USC 285b-3(b)(2)(B); 42 USC 285b-4(c)(3); 42 USC 285e-2(b)(1); 42 USC 285i; 42 USC 300cc-4(a)(7)(B)

CFR Citation: 42 CFR 52b

Legal Deadline: None

Abstract: Regulations concerning NCI construction grants will be revised to more clearly show their general applicability to all NIH extramural programs with construction grant authority. Additionally, the regulations will be revised to show new administrative and technical requirements, add new procedures for the recovery of grant funds for facilities no longer used for biomedical research, show new PHS Act section numbers, and update the listing of other HHS regulations relevant to construction grants.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm 3B11, Bethesda, Maryland 20892, **301 496-4606**

RIN: 0905–AD49

1098. ● CONDUCT OF PERSONS AND TRAFFIC ON THE NATIONAL INSTITUTES OF HEALTH FEDERAL ENCLAVE

Legal Authority: 42 USC 318 to 318d; 42 USC 486

CFR Citation: 45 CFR 3

Legal Deadline: None

Abstract: Current regulations will be amended to include a new provision prohibiting any person other than a specifically authorized police officer from possessing firearms, explosives, or other dangerous or deadly weapons or materials, either openly or concealed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B-11, Bethesda, MD 20892, **301 496-4606**

RIN: 0905–AD55

1099. ● NATIONAL INSTITUTES OF HEALTH AND NATIONAL LIBRARY OF MEDICINE TRAINING GRANTS

Legal Authority: 42 USC 216; 42 USC 285a-2; 42 USC 285b; 42 USC 285c; 42 USC 285c-2; 42 USC 285d; 42 USC 285d-2; 42 USC 285e to k; 42 USC 285m; 42 USC 287c; 42 USC 287c-1; 42 USC 300cc-41; 42 USC 7403h-2

CFR Citation: 42 CFR 63a

Legal Deadline: None

Abstract: A new part 63a will be promulgated to govern several recently authorized programs as a set of standing regulations that could be modified for future training grant programs needs, and for training grants programs presently authorized in a number of sections of the PHS Act, as amended (42 USC 201 et seq.) and section 103(h)(2) of the Clean Air Act, as amended (42 USC 7403(h)(2).

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm 3B-11, Bethesda, MD 20892, **301 496-4606**

RIN: 0905–AD56

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—National Institutes of Health (NIH)

Final Rule Stage

1100. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2; 42 USC 285e-3; 42 USC 285m-3; 42 USC 300cc-16

CFR Citation: 42 CFR 52a

Legal Deadline: None

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158) and the Health Omnibus Programs Extension of 1988 (P.L. 100-607).

Timetable:

Action	Date	FR Cite
NPRM	05/13/91	56 FR 21974
NPRM Comment Period End	07/12/91	56 FR 21974
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

HHS—PHS—NIH

Final Rule Stage

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, **301 496-4606**

RIN: 0905–AC27

1101. CRITERIA, STANDARDS, AND PROCEDURES FOR THE NATIONAL BONE MARROW DONOR REGISTRY, INDIVIDUAL DONOR CENTERS, DONOR REGISTRIES, MARROW COLLECTION CENTERS, AND TRANSPLANT CENTERS

Legal Authority: 42 USC 274k

CFR Citation: 42 CFR 122

Legal Deadline: Final, Statutory, May 14, 1991.

Abstract: Regulations will be promulgated to implement Title I of Pub. L. 101-616, Transplant Amendments Act of 1990, which added section 379 of the Public Health Service Act. Section 379 authorizes the Secretary to establish and maintain a National Bone Marrow Donor Registry, and further provides that the Secretary shall establish and enforce criteria, standards, and procedures for entities participating in the National Bone Marrow Donor Program, including the National Registry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul R. McCurdy, MD, Special Assistant for Clinical Hematology, Div. of Blood Diseases and Resources, NHLBI, Department of Health and Human Services, Public Health Service, Federal Building, Room 516, 7550 Wisconsin Avenue, Bethesda, MD 20892, **301 496-8387**

RIN: 0905–AD51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—National Institutes of Health (NIH)

Completed Actions

1102. NATIONAL LIBRARY OF MEDICINE PROGRAMS; REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 64

Completed:

Reason	Date	FR Cite
Final Action	06/26/91	56 FR 29187
Final Action Effective	06/26/91	56 FR 29187

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Carney, 301 496-6491

RIN: 0905–AA66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Agency for Health Care Policy and Research (AHCPR)

Proposed Rule Stage

1103. GRANTS FOR HEALTH SERVICES RESEARCH, EVALUATION, DEMONSTRATION, AND DISSEMINATION PROJECTS

Legal Authority: 42 USC 299c-1(e)

CFR Citation: 42 CFR 67

Legal Deadline: None

Abstract: This NPRM proposes to revise the regulations under 42 CFR Part 67 Subpart A governing grants for health services research made by the former National Center for Health Services Research and Health Care Technology Assessment (NCHSR). Public Law 101-239, enacted on December 19, 1989, established the Agency for Health Care Policy and Research, replacing the NCHSR, and provided the new agency with a much expanded role in health services research. The NPRM will incorporate applicable provisions of the new law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda K. Demlo, Ph.D., Dir. Office of Program Development, OPRM, Agency for Health Care Policy and Research, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 18A-30, 5600 Fishers Lane, Rockville, MD 20857, **301 443-9405**

RIN: 0905–AD30

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Health Care Financing Administration (HCFA)

1104. ADMINISTRATIVE APPEALS PROCESS FOR PROVIDER PAYMENT DISPUTES INCLUDING AMENDING COST REPORTS & REOPENING INTERMEDIARY PAYMENT DETERMINATIONS & ADMINISTRATIVE REVIEW DECISIONS (BPD-221-P)

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803; 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837; 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889; 42 CFR 412.72(b); 42 CFR 413.24

Legal Deadline: None

Abstract: This proposal would clarify and establish rules governing the administrative appeals process for providing appeals of payment disputes including rules distinguishing between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy and operational issues.

Agency Contact: Paul Olenick, Director, Division of Medicare Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 408, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4472**

RIN: 0938–AA33

1105. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES (BPD-309-P)

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(3); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.506; 42 CFR 405.511; 42 CFR 405.556; 42 CFR 405.1310; 42 CFR 413.170; 42 CFR 414.350 to 414.378; 42 CFR 424.55; 42 CFR 424.64; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321

Legal Deadline: None

Abstract: These regulations will incorporate provisions of Public Laws 99-272, 99-509, 100-203, 100-647, and 101-239 regarding payment and "assignment" for diagnostic clinical laboratory tests, establishing in regulations the methods for implementing fee schedules. Those rules will set forth the methods by which the fee schedules would be updated and would allow certain adjustment for exceptions to the fee schedules.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Payment, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AB50

1106. HOSPICE SERVICES (MB-7-P)

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396a(a)(13)(D); 42 USC 1396o(a)(2)(E); 42 USC 1302

CFR Citation: 42 CFR 418.32; 42 CFR 435.218; 42 CFR 435.231; 42 CFR 440.185; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 447.384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231

Legal Deadline: None

Abstract: This proposed regulation would implement section 9505 of PL 99-272 by establishing eligibility and coverage requirements, payment procedures and conditions of participation for optional Medicaid coverage of hospice care. It would also implement section 9435(b) of PL 99-509 regarding payment for hospice care for individuals residing in a nursing facility or intermediate care facility in a State that has not elected to cover hospice services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 233 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 **966-5659**

RIN: 0938–AC52

1107. REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION (HSQ-139-P)

Legal Authority: 42 USC 1302; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396i

CFR Citation: 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 488.11; 42 CFR 489.13; 42 CFR 498.3

Legal Deadline: None

Abstract: This proposed rule would establish uniform rules for determining the effective date of participation for all Medicare and Medicaid providers and suppliers. It would also specify that those dissatisfied with a decision on their effective date of participation under Medicare are entitled to a Medicare reconsideration and hearing on the decisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Diane Bavaria, Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows

East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6770**

RIN: 0938–AC88

1108. PRO REVIEW OF SURGICAL PROCEDURES AND REQUIREMENTS FOR SECOND OPINIONS (HSQ-147-P)

Legal Authority: 42 USC 1320c-13; 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp

CFR Citation: 42 CFR 466.150 to 466.190; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 405.332

Legal Deadline: None

Abstract: This proposed rule would implement section 9401 of Pub.L. 99-272, which provides that, under Medicare, a physician must request from the Peer Review Organization (PRO) preadmission review for certain surgical procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary would obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, the beneficiary may obtain an opinion from a third physician. In addition, as required by section 4096(b) of Pub.L. 100-203, if an assigned claim by a physician or supplier or any claim by a provider is denied because the services furnished are not reasonable and necessary or constitute custodial care and the physician, suppler or provider, but not the beneficiary, knew, or reasonably could be expected to know, that the services were not covered by Medicare, (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the physician, supplier or provider would not be entitled to collect and retain payment from the beneficiary for those services.

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: **Patricia Booth**, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6853**

RIN: 0938–AC90

1109. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM (BPD-437-P)

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 413.56

Legal Deadline: None

Abstract: This rule would revise the method Medicare uses to determine payment for the costs of malpractice insurance incurred by a hospital. A hospital would receive payment for its malpractice insurance costs based on the utilization formula adopted by the Secretary at the beginning of the Medicare program. That is, malpractice insurance costs will be included in the general and administrative cost center, along with other provider overhead costs, to be apportioned to the Medicare program based on the hospital's Medicare patient utilization.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Under development.

Agency Contact: **Paul Trimble**, Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4509**

RIN: 0938–AC97

1110. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING (BPD-366-P)

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to revise the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by a provider of health care services before Medicare will pay its share of those expenses. This change is intended to conform the regulations with the law and to promote economy and efficiency in the administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William Goeller**, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD01

1111. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES (BPD-409-P)

Legal Authority: 42 USC 1395yy(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.200; 42 CFR 413.202; 42 CFR 413.204; 42 CFR 413.208; 42 CFR 413.210; 42 CFR 413.212; 42 CFR 413.214; 42 CFR 413.216; 42 CFR 413.220; 42 CFR 413.221; 42 CFR 413.1; 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to establish optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. Ancillary services will be paid on the basis of reasonable cost. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates. Freestanding SNFs electing to be

paid under this prospective payment system may file a simplified cost report.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4513

RIN: 0938–AD02

1112. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES (MB-13-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(l); 42 USC 1396a(f); 42 USC 1302; 42 USC 1396a(m); 42 USC 1396b(f); 42 USC 1396r-1; 42 USC 1396a(a)(47); 42 USC 1396a(e)(6); 42 USC 1396a(e)(7); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This proposed rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Medicare Catastrophic Coverage Act of 1988 (PL 100-360), the Omnibus Budget Reconciliation Acts of 1990, 1989, 1987, and 1986, (PL 101-508, PL 101-239, PL 100-203 and PL 99-509), and the Homeless Eligibility Clarification Act of the Anti-Drug Abuse Act of 1986 (PL 99-570). This rule would add eligibility groups of pregnant women, infants and children, and aged and disabled individuals with incomes up to specified percentage of the Federal poverty line; clarify eligibility of homeless individuals; and add provisions for the presumptive eligibility period for pregnant women who, based on preliminary information, appear to meet income requirements under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938–AD17

1113. TRANSFER OF RESOURCES FOR LESS THAN FAIR MARKET VALUE (MB-10-P)

Legal Authority: 42 USC 1302; 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: These regulations would conform the Medicaid regulations to the new section 1917(c) of the Social Security Act, which was entirely revised by section 303(b) of the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360) as amended by section 608(d)(16)(B) of the Family Support Act (Pub. L. 100-485) and section 6411(e)(1) of OBRA '89 (Pub. L. 101-239). Section 1917(c) now requires that State Medicaid agencies provide individuals who are receiving nursing facility services or receiving home and community based services with a period of ineligibility for Medicaid coverage of those services for up to 30 months if these individuals or their spouses made transfers of assets for less than fair market value during a prohibited period. The period of ineligibility applies if the individual or spouse made a transfer of assets for less than fair market value at any time during or after the 30 month period immediately before (1) the date the individual became institutionalized, if he or she was entitled to Medicaid on that date, or (2) the date he or she applied for Medicaid while institutionalized. Section 1917(c) (Cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: also exempts certain specific transfers of assets from the period of ineligibility.

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938–AD18

1114. MEDICARE COVERAGE OF OUTPATIENT OCCUPATIONAL THERAPY SERVICES (BPD-425-P)

Legal Authority: 42 USC 1302; 42 USC 1395x(g); 42 USC 1395x(p); 42 USC 1395x(w); 42 USC 1395hh

CFR Citation: 42 CFR 400.202; 42 CFR 410; 42 CFR 424; 42 CFR 484; 42 CFR 486; 42 CFR 489.2

Legal Deadline: None

Abstract: This proposed rule would implement sections 9337 and 9338 of PL 99-509 which provide Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical to the coverage for outpatient physical therapy. It also would implement section 6133(a) of PL 101-239 which increased the payment limit for outpatient occupational therapy services provided by independent practitioners. This proposed rule would also redesignate current Subpart Q of Part 405 of the Medicare rules as new Part 486.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marsha Kalmner, Program Analyst, Office of Coverage & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 401, EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4632

RIN: 0938–AD32

1115. REVISIONS TO THE FREEDOM OF INFORMATION REGULATIONS (OPA-1-P)

Legal Authority: 42 USC 1306; 5 USC 552; 42 USC 1302; PL 99-570; EO 12600

CFR Citation: 42 CFR 401.101 to 401.104; 42 CFR 401.110 to 401.112; 42 CFR 401.120 to 401.125; 42 CFR 401.130 to 401.138; 42 CFR 401.140 to 401.145; 42 CFR 401.150 to 401.154

Legal Deadline: None

Abstract: This rule proposes changes to the regulations implementing the Freedom of Information Act. The regulations would be revised based on HCFA's experience with the FOIA in administering the Medicare and Medicaid programs. This proposed rule would also conform HCFA's FOIA regulations to regulations published by DHHS, as well as to guidance issued by the Office of Management and Budget; the Department of Justice; Presidential Executive Order 12600, and to the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rosario Cirrincione, Chief, Freedom of Information Branch, Department of Health and Human Services, Health Care Financing Administration, Room 100 Professional Bldg., 6660 Security Blvd., Baltimore, MD 21207, **301 966-5352**

RIN: 0938–AD60

1116. CHANGES CONCERNING THE INVESTMENT INCOME OFFSET POLICY (BPD-481-P)

Legal Authority: 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.153; 42 CFR 413.130

Legal Deadline: None

Abstract: This proposed rule would require that "necessary interest" be offset by investment income for purposes of Medicare reasonable cost reimbursement. Rather than offset interest expense by investment income, we are proposing to reduce (dollar for dollar) allowable debt principal related to patient care by the principal amount of investment funds generated from operations related to patient care and subsequently invested in nonpatient care activities or in another provider's patient care activities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Pending publication of RIN 0938-AE59.

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD72

1117. CLARIFICATION OF DURABLE MEDICAL EQUIPMENT COVERAGE UNDER MEDICARE (BPD-468-P)

Legal Authority: 42 USC 1395x(s)(6); 42 USC 1395hh; 42 USC 1302; 42 USC 1395x(n)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation would codify longstanding policies that concern the coverage, limitations, and exclusions applicable to durable medical equipment (DME). It would describe how all items of DME must be ordered by a physician and explain the requirements necessary for an item to be considered durable.

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sam Shekar, Chief, Special Coverages Issuses Branch, Department of Health and Human Services, Health Care Financing Administration, Room 437, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5316**

RIN: 0938–AD77

1118. MEDICARE COVERAGE OF HOME HEALTH SERVICES, MEDICARE CONDITIONS OF PARTICIPATION AND HOME HEALTH AIDE SUPERVISION (BPD-469-P)

Legal Authority: 42 USC 1302; 42 USC 1395x(m); 42 USC 1395hh; 42 USC 1395x(o)

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 418

Legal Deadline: None

Abstract: These proposed regulations would establish home health aide supervision and duty requirements applicable to all home health agencies (HHAs) and hospices that provide home health aide services under the Medicare program. In addition, these regulations would codify longstanding policies concerning the limitations and exclusions applicable to home health services covered under the Medicare program. The proposed rule would also clarify policies concerning exclusions for drugs and biological and prosthetic devices.

Timetable:

Action	Date	FR Cite
NPRM	09/27/91	56 FR 49154
NPRM Comment Period End	11/26/91	56 FR 49154
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending receipt and analysis of public comments.

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 413 EHR, 6325 Security Blvd., Baltimore, Md. 21207, **301 966-4607**

RIN: 0938–AD78

1119. APPEALS FOR ENROLLEES OF PREPAID HEALTH CARE PLANS (OCC-020-P)

Legal Authority: 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh; 42 USC 1395l(a)(1)(A)

CFR Citation: 42 CFR 405; 42 CFR 417; 42 CFR 482

Legal Deadline: None

Abstract: This rule would amend or establish regulations relating to appeal

rights and procedures for Medicare beneficiaries who are enrolled in health maintenance organizations (HMOs), competitive medical plans (CMPs), and health care prepayment plans (HCPPs). Specifically, the proposed rule would extend to HMO and CMP members the right to request review by a PRO of early hospital discharges; impose a 60-day limit for HMOS and CMPs to process requests by beneficiaries for reconsideration of decisions on denied services or claims; and require HCPPs to establish appeal procedures for enrollees who are Medicare beneficiaries. These changes are aimed at improving efficiency and at providing beneficiaries equitable appeal rights, regardless of their enrollment status.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jennifer Richmond, Program Analyst, Office of Coordinate Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Building, 330 Independence Ave., SW., Washington, DC 20201, 202 619-2755

RIN: 0938–AD79

1120. OMNIBUS NURSING HOME REFORM REQUIREMENTS (BPD-488-P)

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395i-3; 42 USC 1396r; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 483; 42 CFR 431; 42 CFR 440; 42 CFR 488; 42 CFR 418; 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would implement several provisions of the Omnibus Budget Reconciliation Act of 1987, other than those implemented through the final rule published on February 2, 1989, governing long term care facility participation in the Medicare and Medicaid programs effective October 1, 1990, and State requirements for FFP. The provisions include Federal standards for evaluating State waivers of nursing facility nurse staffing requirements, use of physical restraints and psychopharmacologic drugs for nursing facility residents, notices of Medicaid rights to be given to persons admitted to nursing facilities, and other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Ullman, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 429, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5667

RIN: 0938–AD81

1121. NEW MINIMUM STANDARDS FOR MEDICARE SUPPLEMENTAL (MEDIGAP) POLICIES (BPD-491-P)

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk(a); 42 USC 1395ss

CFR Citation: 42 CFR 403.200; 42 CFR 403.206; 42 CFR 403.210; 42 CFR 403.215 to 403.217; 42 CFR 403.220; 42 CFR 403.222; 42 CFR 403.232; 42 CFR 403.239; 42 CFR 403.250 to 403.258

Legal Deadline: None

Abstract: These proposed regulations would add new requirements for certification of Medicare supplemental (Medigap) policies under the Federal certification program or for approval under State regulatory programs that are deemed to have standards that are equal to or more stringent than those of the Federal program. The new standards were enacted by the Omnibus Budget Reconciliation Acts of 1987 and 1990 (Pub. L. 100-203, Pub. L. 101-508), the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360) and Medicare Catastrophic Coverage Repeal Act of 1989 (Pub. L. 101-239).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Pending consideration of model requirements adopted by the National Association of Insurance Commissioners on July 30, 1991.

Agency Contact: Thomas E. Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 413, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4607

RIN: 0938–AD82

1122. FEE SCHEDULE FOR CERTIFIED NURSE-MIDWIFE SERVICES (BPD-496-P)

Legal Authority: 42 USC 1395l(a)(1)(K); 42 USC 1395x(s)(2)(L); 42 USC 1395hh; 42 USC 1302; 42 USC 1395l(p); 42 USC 1395x(gg)

CFR Citation: 42 CFR 405; 42 CFR 410

Legal Deadline: None

Abstract: This rule would provide for the establishment of a fee schedule for the services of certified nurse-midwives under the Medicare program. This proposal would implement section 4073 of PL 100-203, which added provisions to the Social Security Act applicable to certified nurse midwife services performed on or after July 1, 1988.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information:

TIMETABLE: Under development.

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4497

RIN: 0938–AD85

1123. SURVEY AND CERTIFICATION OF SKILLED NURSING FACILITIES AND NURSING FACILITIES AND ENFORCEMENT PROCEDURES (HSQ-156-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1395aa; 42 USC 1395i-3(g); 42 USC 1396r(g); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 488; 42 CFR 431; 42 CFR 442; 42 CFR 489

Legal Deadline: None

Abstract: This proposed rule would implement sections 4202, 4203, 4212, and 4213 of the Omnibus Budget Reconciliation Act of 1987 (PL 100-203) which govern the process used by HCFA to survey long-term care facilities, and to certify that the facilities meet the conditions of participation for the Medicare and Medicaid programs. The rule would also specify a number of sanctions or remedies that could be used when a skilled nursing facility or nursing facility is out of compliance with Federal requirements as an alternative to or in addition to termination.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Irene Gibson, Director, Division of Program Operations, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6768

RIN: 0938–AD94

1124. CLARIFICATION OF "WITHOUT FAULT" AS IT APPLIES TO PHYSICIAN PROVIDER AND SUPPLIER LIABILITY (BPD-719-P)

Legal Authority: 42 USC 1395gg; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.350; 42 CFR 405.355; 42 CFR 405.356; 42 CFR 405.360; 20 CFR 404.506 to 510

Legal Deadline: None

Abstract: This proposed rule would amend the Medicare regulations to clarify our interpretation of "without fault" as it applies to physician, provider, supplier and beneficiary liability for overpayments. This definition would result in greater uniformity of determinations by carriers and intermediaries. Additionally, this proposed rule would incorporate pertinent SSA regulations located at 20 CFR 404.506 - 404.510.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Paul Olenick, Director, Division of Medicare Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4472

RIN: 0938–AD95

1125. REQUIREMENTS FOR COVERAGE OF SEAT LIFTS (BPD-607-P)

Legal Authority: 42 USC 1302; 42 USC 1395k; 42 USC 1395l; 42 USC 1395n; 42 USC 1395x(h); 42 USC 1395x(s); 42 USC 1395x(cc); 42 USC 1395hh; 42 USC 1395rr

CFR Citation: 42 CFR 410.38

Legal Deadline: None

Abstract: This proposed rule addresses coverage requirements for stand-alone seat lifts and for seat lifts incorporated into combination lift chairs. As section 4152 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) clarified, for purposes of Medicare coverage, the term "durable medical equipment" includes only the seat lift mechanism and does not include the chair.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sam Shekar, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, Room 437 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5316

RIN: 0938–AE05

1126. PROTECTION OF INCOME AND RESOURCES FOR COMMUNITY SPOUSE (MB-23-P)

Legal Authority: 42 USC 1302; 42 USC 1396r-5

CFR Citation: 42 CFR 435.630; 42 CFR 435.632; 42 CFR 435.634; 42 CFR 435.636; 42 CFR 435.638; 42 CFR 435.640; 42 CFR 435.642; 42 CFR 435.644; 42 CFR 435.646; 42 CFR 435.648

Legal Deadline: None

Abstract: These proposed regulations would interpret section 303(a) of the Medicare Catastrophic Coverage Act of 1988, as amended by section 608(d)(16)(A) of the Family Support Act (PL 100-485), section 6411(e)(3) of OBRA '89, and section 4714 of OBRA '90. Section 303(a) allocates income and resources between a spouse who is institutionalized and the spouse remaining in the community. It also provides special post-eligibility rules for institutionalized individuals who have spouses in the community. The revision would allow the community spouse to apply more income to meet living expenses.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4452

RIN: 0938–AE12

1127. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS (HSQ-178-P)

Legal Authority: 42 USC 1302; 42 USC 1396b(g); 42 USC 1396a(a)(30); 42 USC 1396a(a)(44)

CFR Citation: 42 CFR 400; 42 CFR 440; 42 CFR 441; 42 CFR 456; 42 CFR 483

Legal Deadline: None

Abstract: This proposed rule would make the requirements for physician certification and development of a plan of care general State plan requirements.

States would no longer be required to make quarterly showings that they had determined compliance with those requirements or with utilization review. A quarterly demonstration to the Secretary of an effective program of medical review as demonstrated by a satisfactory utilization control program would be limited to Inspections of Care (IOCs) in participating Intermediate Care Facilities/Mentally Retarded (ICFs/MR) and mental hospitals. The IOC team would be required, as part of its review, to ensure compliance with State plan requirements regarding certifications, recertifications, plans of care, and utilization reviews. The team would also be required to ensure compliance with admission review requirements. This rule will establish review criteria specifically for ICFs/MR and mental hospitals that ensure essential client protections and focus on the provision of active treatment. This rule will also clarify utilization control requirements included in 42 CFR Part 456, Subpart S.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Emanuel, Utilization Control Branch, Division of Long Term Care Services, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6807**

RIN: 0938–AE17

1128. HMO ORGANIZATIONAL STRUCTURE AND SERVICES (OCC-019-P)

Legal Authority: 42 USC 300e(a); 42 USC 300e(b)(1); 42 USC 300e(b)(3)(A)

CFR Citation: 42 CFR 417.100; 42 CFR 417.101; 42 CFR 417.103; 42 CFR 417.104

Legal Deadline: None

Abstract: This regulation would provide organizations which operate health maintenance organizations (HMOs) which are federally qualified under Title XIII of the Public Health Service Act with greater flexibility in operating other health benefit plans. It would also authorize, with certain limitations, qualified HMOs to offer out-of-plan physician services and require a reasonable deductible for those services.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maureen Miller, Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Bldg., 330 Independence Avenue, SW., Washington, DC, **202 619-1063**

RIN: 0938–AE25

1129. "CONFINED TO THE HOME" REQUIREMENTS FOR HOME HEALTH SERVICES (BPD-626-P)

Legal Authority: 42 USC 1302; 42 USC 1395f(a); 42 USC 1395hh

CFR Citation: 42 CFR 409.42

Legal Deadline: None

Abstract: This rule would clarify when a home health patient would be considered "confined to the home" in order to receive home health benefits.

Timetable:

Action	Date	FR Cite
NPRM	10/07/91	56 FR 50542
NPRM Comment Period End	12/06/91	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending receipt and analysis of public comments.

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 413 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AE34

1130. MEDICAID PAYMENT OF MEDICARE COST SHARING FOR QUALIFIED MEDICARE BENEFICIARIES AND QUALIFIED DISABLED WORKERS (MB-031-P)

Legal Authority: 42 USC 1396a(a)(10)(E); Clause VIII of the matter following 42 USC 1396a(a)(10)(F); 42 USC 1396a(e)(8); 42 USC 1396a(m)(4); 42 USC 1396a(n); 42 USC 1396b(f)(4); 42 USC 1396d(a); 42 USC 1396d(p); 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435; 42 CFR 436; 42 CFR 441.256; 42 CFR 447.600 to 447.620; 42 CFR 447.51; 42 CFR 447.53

Legal Deadline: None

Abstract: These rules would propose to require States to include in their State plans payment of Medicare cost-sharing for low income Medicare beneficiaries, Qualified Medicare Beneficiaries (QMB) and Qualified Disabled and Working Individuals (QDWI). The territories have the option to do the same. We would define cost-sharing, specify criteria for determining QMB status, propose requirements and options for payment amounts and limitations, and provide for Federal financial participation in State payments for Medicare cost-sharing on behalf of QMBs. For QDWIs Federal financial participation would be limited to Medicare, Part A premium. The changes would implement provisions of the Medicare Catastrophic Coverage Act of 1988 as modified by the Family Support Act of 1988, the Technical and Miscellaneous Revenue Act of 1988, the Omnibus Budget Reconciliation Act of 1989, and the Omnibus Budget Reconciliation Act of 1990. These provisions went into effect January 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AE38

1131. HOSPITAL STANDARD FOR HIV INFECTIOUS BLOOD (BPD-633-P)

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(e)(9)

CFR Citation: 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would require hospitals or blood banks providing services to hospitals to notify either each recipient or each recipient's physician when potentially HIV infectious blood has been administered, and to offer each recipient counseling and testing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 413, EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-5660**

RIN: 0938–AE40

1132. EXTENDED MEDICAID ELIGIBILITY FOR CERTAIN INDIVIDUALS (MB-026-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396r-6; 42 USC 1396r(b)

CFR Citation: 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: The proposed regulation would revise current regulations to reflect that participants in work supplement programs are deemed to be AFDC recipients under the State plan and make Medicaid eligibility mandatory for those individuals; to provide extended Medicaid benefits to certain families when they become ineligible for AFDC solely because of increased earnings from, or hours of, employment; and to revise certain conditions of eligibility that minor parents and pregnant minors must meet before receiving Medicaid benefits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard Coyne, Chief, Medicaid Eligibility Policy Br., Department of Health and Human Services, Health Care Financing Administration, Room 301 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4458**

RIN: 0938–AE51

1133. REVISIONS OF THE MEDICARE ECONOMIC INDEX (BPD-655-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(4); 42 USC 1302; 43 USC 1395hh; 42 USC 1395p(6); 42 USC 1395k; 42 USC 1395l(a); 42 USC 1395m(b); 42 USC 1395u(h); 42 USC 1395x(b); 42 USC 1395x(v); 42 USC 1395y(a)(14); 42 USC 1395cc(a); 42 USC 1395rr; 42 USC 1395ww; ...

CFR Citation: 42 CFR 405.504

Legal Deadline: None

Abstract: This rule would revise the procedure used to calculate the Medicare Economic Index (MEI) in order to more accurately reflect year-to-year economic changes affecting the cost of providing physician services, thus insuring that Medicare payments for those services do not increase more than is justified. The proposed rule would also amend current regulations to specify dates of services to which the revised MEI would apply and to provide a procedure for further revisions of the MEI methodology.

Timetable:

Action	Date	FR Cite
NPRM	09/09/91	56 FR 45926
NPRM Comment Period End	11/08/91	56 FR 45926
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 42 USC 1395xx; 42 USC 1395zz

TIMETABLE: Pending receipt and analysis of public comments.

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AE54

1134. RESIDENT ASSESSMENT IN LONG TERM CARE FACILITIES (HSQ-180-P)

Legal Authority: 42 USC 1395i-3; 42 USC 1396r; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 483

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Sections 1819(b)(3) and 1919(b)(3) of the Social Security Act, as amended by PL 100-203, require that in order for an institution to qualify to participate as a skilled nursing facility in the Medicare program, and, before October 1, 1990, as a skilled nursing facility or as an intermediate care facility in the Medicaid program, and effective October 1, 1990, as a nursing facility in the Medicaid program, it must conduct a comprehensive, standardized assessment of each resident's capability to perform daily life functions. The assessment must also describe significant impairments in the resident's functional capacity and be based on a uniform minimum data set specified by the Secretary. Sections 1819(f)(6)(A) and 1919 (f)(6)(A) of the Act require the Secretary to specify a minimum data set of core elements and common definitions for use by nursing facilities in conducting the assessments. This proposed rule would specify this minimum data set and establish guidelines for using it.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Sue Nonemaker, Program Analyst, Division of Long Term Care, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6825**

RIN: 0938–AE61

1135. HMO/CMP ADJUSTED COMMUNITY RATE PROPOSALS AND OTHER PROVISIONS (OCC-011-P)

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395mm

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: This rule would permit HCFA to immediately terminate an HMO or CMP contract to protect Medicare enrollees; require that risk-based HMOs and CMPs place an identifier on their enrollees' Medicare cards showing risk HMO enrollment; provide certain coverage under supplemental insurance after non-renewal or termination of a Medicare HMO or CMP contract; and set forth conditions under which Medicare enrollees would be permitted to retroactively disenroll from risk contracting HMOs or CMPs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jean LeMasurier, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Building, 330 Independence Ave., SW., Washington, DC 20201, **202 401-2323**

RIN: 0938–AE63

1136. EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT (EPSDT) SERVICES (MB-28-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(43); 42 USC 1396d(r); 42 USC 1302

CFR Citation: 42 CFR 441.50; 42 CFR 440.40

Legal Deadline: None

Abstract: Section 6403 of the Omnibus Budget Reconciliation Act of 1989 defines in new section 1905(r) of the Social Security Act the following EPSDT services: screening services, vision services, dental services and hearing services. It also extends EPSDT services to include such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Act to correct or ameliorate defects and illnesses and conditions discovered by the screening services whether or not the services are covered under the State plan. Section 6403 also amended section 1902(a)(43) of the Act to require States to report to the Secretary certain information about EPSDT services provided under the plan during each fiscal year. This proposed rule would set forth requirements to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: William Hickman, Director, Office of Medicaid Policy, Department of Health and Human Services, Health Care Financing Administration, Room 200, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-3236**

RIN: 0938–AE72

1137. SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER 7/1/91 (BPD-679-NC)

Legal Authority: 42 USC 1302; 42 USC 1395x(v)(1); 42 USC 1395hh

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice sets forth an updated schedule of limits on home health agency costs that may be paid under the Medicare program. This updated schedule will be applicable to cost reporting periods beginning on or after July 1, 1991.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting, Department of Health and Human Services, Health Care Financing Administration, 1-F-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AE78

1138. PAYMENT FOR NURSING AND ALLIED HEALTH SCIENCE EDUCATION (BPD-685-P)

Legal Authority: PL 101-239, Sec 6205; PL 101-508, Sec 4004

CFR Citation: 42 CFR 413

Legal Deadline: NPRM, Statutory, July 1, 1990.
Section 6205(b)(2) of PL 101-239 required that a proposed rule be published before July 1, 1990 and that a final rule not be effective before 10/01/90.

Abstract: This proposed rule would set forth our policy for the payment of the costs of approved nursing and allied health science programs, an action directed by section 6205(b)(2) of PL 101-239. For the most part, the provisions set forth in this proposed rule restate or clarify our current policies governing these costs, which have been previously set forth in the provider reimbursement manual and other documents, but have never been included in the regulations. In addition, we are proposing to amend the list of approved programs and clarify payment rules for certified registered nurse anesthetist programs. This proposed rule would also implement section 4004 of PL 101-508, which provides that, effective with cost reporting periods beginning on or after October 1, 1990, under certain conditions, costs incurred by a hospital or educational institution related to the hospital for clinical training are treated as pass-through costs and paid on the basis of reasonable cost even though the hospital does not operate the education programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Wynn, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, Maryland 21207, **301 966-4529**

RIN: 0938–AE79

1139. UNIFORM ELECTRONIC COST REPORTING SYSTEM FOR HOSPITALS (BPD-689-F)

Legal Authority: 42 USC 1395ww(f); 42 USC 1302

CFR Citation: 42 CFR 413.20; 42 CFR 413.24; 42 CFR 413.40; 42 CFR 412.52

Legal Deadline: None

Abstract: This proposed rule would implement section 1886(f)(1)(B) of the Social Security Act, which requires the Secretary to place into effect a standardized electronic cost reporting format and allows the Secretary to waive the requirement where such implementation would result in a financial hardship for a hospital.

Timetable:

Action	Date	FR Cite
NPRM	08/19/91	56 FR 41110
NPRM Comment Period End	10/18/91	56 FR 41110
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information:

TIMETABLE CONT: Pending analysis of public comments.

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AE80

1140. COST REPORT SETTLEMENT ADJUSTMENT FACTOR FOR SKILLED NURSING FACILITIES AND HOME HEALTH AGENCIES (BPD-702-P)

Legal Authority: PL 101-239, Sec 6024; 42 USC 1302

CFR Citation: 42 CFR 413.3(b)(2)

Legal Deadline: None

Abstract: Section 6024 of PL 101-239 required the Secretary to update the skilled nursing facility (SNF) cost limits effective for cost reporting periods beginning on or after October 1, 1989 in accordance with regulations that require the use of cost reports submitted by SNFs for cost reporting periods beginning not earlier than October 1, 1985. Many of the cost reports that HCFA uses to update limits on SNFs' costs are "as submitted" and therefore not "settled." Since using only "settled" cost reports is not always feasible, due to the lengthy time needed to receive and audit cost report data. HCFA is proposing that adjustment factor be applied uniformly to all "as submitted" cost reports, contained on the SNF data base and the home health agency data used to establish future cost limits to adjust for the overstatement of costs that occurs in those reports. This rule sets forth the proposed adjustment factors and the methodology used to complete the factors.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AE87

1141. COVERAGE OF SCREENING PAP SMEARS (BPD-705-P)

Legal Authority: 42 USC 1395x(s)(14); 42 USC 1395x(nn); 42 USC 1302

CFR Citation: 42 CFR 410.10; 42 CFR 411.15

Legal Deadline: None

Abstract: This proposed regulation would implement section 6115 of OBRA 1989. Medicare Part B coverage is extended to include screening pap smears and related medically necessary services (including a physician's interpretation of the test results) provided to a woman for the early detection of cervical cancer.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Larson, Program Analyst, Office of Coverage and Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4639**

RIN: 0938–AE98

1142. CLINICAL PSYCHOLOGIST SERVICES AND CLINICAL SOCIAL WORKER SERVICES - MEDICARE (BPD-706-P)

Legal Authority: 42 USC 1395l(d)(1); 42 USC 1395x(s)(2); 42 USC 1395x(hh)(2); 42 USC 1395x(ii); 42 USC 1302

CFR Citation: 42 CFR 410

Legal Deadline: None

Abstract: Section 6113 of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89) provides coverage for the services of clinical psychologists (CPs) and clinical social workers. It removed the community mental health center site of service restriction on CP services. It requires CPs to agree to consult with the patient's primary care or attending physician. Also, it eliminates the dollar limitation that previously applied to mental health services although the 62.5 percent limitation still applies. OBRA '89 defines the term "clinical social worker services" and places two exceptions on where such services can be performed. These exceptions include services provided to inpatients of hospitals and skilled nursing facilities that are Medicare participating. Coverage of outpatient mental health still applies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Regina Walker, Program Analyst, Office of Coverage & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 464, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-6735**

RIN: 0938–AE99

1143. COVERAGE OF PHYSICIAN ASSISTANT, NURSE PRACTITIONER, AND CLINICAL NURSE SPECIALIST (BPD-708-P)

Legal Authority: 42 USC 1395x(s)(2); 42 USC 1395u(b); 42 USC 1395x(aa); 42

USC 1302; 42 USC 1395k(a); 42 USC 1395l

CFR Citation: 42 CFR 410.10

Legal Deadline: None

Abstract: This proposed rule would conform Medicare regulations to the provisions in sections 9338 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509), 4076(a) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203), 6114 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), and 4155 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508). These sections amended portions of the Social Security Act (the Act) concerning the coverage of and payment for certain services described in section 1861(s)(2)(K) of the Act that are performed by physician assistants, nurse practitioners, and clinical nurse specialists. This proposed rule also would conform Medicare regulations to those provisions of Pub. L. 101-239 and Pub. L. 101-508 concerning coverage of and payment for services and supplies furnished incident to the covered devices described in section 1861(s)(2)(K) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Larson, Program Analyst, Office of Coverage & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4639

RIN: 0938–AF00

1144. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS (PROS): CONFIDENTIAL INFORMATION (HSQ-190-P)

Legal Authority: 42 USC 1320c-9; 42 USC 1302

CFR Citation: 42 CFR 476

Legal Deadline: None

Abstract: This proposed rule would revise existing regulations to clarify which PRO information is considered confidential, to whom confidential information may be disclosed, and the conditions for disclosure.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Booth, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-6853

RIN: 0938–AF03

1145. CASE MANAGEMENT (MB-27-P)

Legal Authority: 42 USC 1396d; 42 USC 1396n; 42 USC 1302

CFR Citation: 42 CFR 431.51(c); 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.18; 42 CFR 447.327; 42 CFR 431.54

Legal Deadline: None

Abstract: This proposed rule would place in our regulations provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, the Omnibus Budget Reconciliation Act of 1986, the Tax Reform Act of 1986, the Technical Miscellaneous Revenue Act of 1988, and the Omnibus Budget Reconciliation Act of 1987 dealing with case management services. These regulations would provide for optimal Medicaid coverage of case management services furnished to specific groups in specific geographic areas or political subdivisions within a State.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 233, EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-5659

RIN: 0938–AF07

1146. DAY HABILITATION AND RELATED SERVICES (MB-37-P)

Legal Authority: PL 101-239, Sec 6411(g)

CFR Citation: 42 CFR 440

Legal Deadline: None

Abstract: Section 6411(g) of the Omnibus Budget Reconciliation Act of 1989 prohibits disallowance on day habilitation services included in State plans which were approved on or before June 30, 1989. This prohibition will continue until clarifying regulations are promulgated. This proposed rule would specify the types of day habilitation and related services that a State may cover under paragraph (9) or (13) of section 1905(a) of the Social Security Act on behalf of persons with mental retardation or with related conditions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Linda Sizelove, Chief, Medicaid Coverage Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 233, EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4626

RIN: 0938–AF10

1147. MEDICAID THIRD PARTY LIABILITY: COST EFFECTIVENESS WAIVERS (MB-39-P)

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(25)

CFR Citation: 42 CFR 433.138; 42 CFR 433.139

Legal Deadline: None

Abstract: This proposed rule would provide States with the opportunity to request waivers of certain third party liability requirements if the State has more cost effective methods than those required to be used under current regulations. These requirements relate to methods and procedures for determining liability of third parties to pay for services furnished under

Medicaid and for paying claims. The waivers would apply to administration imposed requirements not statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard Friedman, Director, Division of Payments Systems, Department of Health and Human Services, Health Care Financing Administration, 273, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-3292**

RIN: 0938–AF11

1148. REQUIRED COVERAGE OF NURSE PRACTITIONER SERVICES - MEDICAID (MB-41-P)

Legal Authority: 42 USC 1396d(a)(21); 42 USC 1302

CFR Citation: 42 CFR 440

Legal Deadline: None

Abstract: This proposed regulation would require direct payment to certified pediatric and family nurse practitioners to the extent that these providers are authorized to practice under State laws. It would implement section 6405 of the Omnibus Budget Reconciliation Act of 1989 (PL 101-239) which became effective July 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Sizelove, Program Analyst, Medicaid Special Policy Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 400, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4626**

RIN: 0938–AF12

1149. MEDICAID FOR TWO-PARENT FAMILIES (MB-42-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1396a; 42 USC 1396d; 42 USC 1302

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: Section 401 of the Family Support Act of 1988 requires States to provide medical assistance to needy families in which the principal earner is unemployed, beginning October 1, 1990 (October 1, 1992 in certain territories). This proposed rule would update eligibility regulations to address requirements for these additional individuals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AF13

1150. OBRA '90 AND MISCELLANEOUS MANAGED CARE TECHNICAL AMENDMENTS (MB-044-P)

Legal Authority: 42 USC 1396b(m); 42 USC 1396a(e)(2)(A); 42 USC 1302

CFR Citation: 42 CFR 434.21 to 44; 42 CFR 447.361; 42 CFR 447.362

Legal Deadline: None

Abstract: This proposed rule would require certain Health Insuring Organizations to be subject to the regulations governing Prepaid Health Plans. This proposed rule would also allow State-only funds to be paid to Medicaid contracting entities. These funds would not be considered when computing the rate at which Federal Financial Participation is made. This rule will also incorporate several technical amendments from section 4732 of OBRA '90.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Mary Dewane, Director, Medicaid Managed Care Office, Department of Health and Human Services, Health Care Financing Administration, Room 233, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-9507**

RIN: 0938–AF15

1151. RESTORING CRITERIA FOR THE DETERMINATION OF COST REIMBURSEMENT TO MEDICARE - CONTRACTING PREPAID HEALTH PLANS (OCC-018-P)

Legal Authority: 42 USC 1395mm(h); 42 USC 1395x(v)(1)(A); 42 USC 1302

CFR Citation: 42 CFR 417.532(a)(3)

Legal Deadline: None

Abstract: This rule would revise the absolute payment limit that is to be applied to Prepaid Health Organizations' cost contracts under section 1876 of the Social Security Act. This proposed regulation would also set forth the revised criteria that HCFA will use in determining claimed costs that are reasonable and therefore reimbursable.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jennifer Messersmith, Program Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Bldg., 330 Independence Ave., SW., Washington, DC 20201, **202 619-0092**

RIN: 0938–AF16

1152. ESSENTIAL ACCESS COMMUNITY HOSPITALS (EACHS) AND RURAL PRIMARY CARE HOSPITALS (RPCHS) (BPD-713-P)

Legal Authority: 42 USC 1320a-7a(b)(1); 42 USC 1320a-7b(c); 42 USC 1320-b4; 42 USC 1395d(a)(1); 42 USC 1395f; 42 USC 1395i-4; 42 USC 1395k(a)(2); 42 USC 1395e(a); 42 USC 1395m; 42 USC 1395n(c); 42 USC 1395x;

42 USC 1395z; 42 USC 1395aa(a); 42 USC 1395bb(a); 42 USC 1395ww; ...

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 409; 42 CFR 410; 42 CFR 411; 42 CFR 412; 42 CFR 424; 42 CFR 485; 42 CFR 488; 42 CFR 489

Legal Deadline: None

Abstract: This proposed rule would implement sections 6003(g) and 6116 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), which authorizes HCFA to designate certain rural hospitals as essential access community hospitals (EACHs) and other rural facilities as rural primary care hospitals (RPCHs), and to pay for their services to Medicare patients. It would also implement section 4008(d) of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) which made several technical amendments to the original EACH/RPCH legislation.

This proposed rule states the requirements a facility must meet to be designated as an EACH or RPCH, describes the types of EACH and RPCH services for which Medicare coverage is available and explains how payment for the services will be made.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas E. Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AF21

1153. DIRECT PAYMENT OF ORGAN PROCUREMENT ORGANIZATIONS (BPD-715-P)

Legal Authority: 42 USC 1395rr; 42 USC 1302

CFR Citation: 42 CFR 412.100; 42 CFR 413.60; 42 CFR 413.100

Legal Deadline: None

Abstract: Currently, an independent organ procurement organization (OPO) delivers an organ to an organ transplant center (OTC). The OPO bills the OTC a standard acquisition fee. The OTC pays the OPO and bills Medicare for this cost plus an administrative fee. The OPO files a cost report at year end and the necessary adjustment is made. This rule proposes to pay the OPO directly for all organs delivered to OTCs and eliminate the administrative fees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Congressional activity anticipated.

Agency Contact: Bernadette Schumaker, Director, Division of Dialysis and Transplant Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4568**

RIN: 0938–AF25

1154. PROVIDER REIMBURSEMENT DETERMINATIONS AND APPEALS REVISIONS (BPD-727-P)

Legal Authority: 42 USC 1395oo; 42 USC 1302

CFR Citation: 42 CFR 405

Legal Deadline: None

Abstract: This regulation would update and clarify regulations governing the Provider Reimbursement Review Board and would deal with such issues as the prospective payment system, jurisdiction of the Board, time periods for filing appeals, and define more specifically "good cause" for late filings.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Jacqueline Vaughn, Office of Attorney Advisor, Department of Health and Human Services, Health Care Financing Administration, Room 669, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-3169**

RIN: 0938–AF28

1155. WRITTEN DOCUMENTATION THAT DEFICIENCIES DO NOT JEOPARDIZE RESIDENT HEALTH AND SAFETY (HSQ-183-P)

Legal Authority: 42 USC 1302; 42 USC 1396a

CFR Citation: 42 CFR 442.105(a)

Legal Deadline: None

Abstract: This proposed rule would delete a requirement in Medicaid regulations pertaining to State survey agencies, which certify facilities as meeting the requirements for participation in the Medicaid program. Specifically, we would delete the requirement that State survey agencies, when certifying facilities with deficiencies, must provide written documentation that the deficiencies do not jeopardize resident health and safety or seriously limit the facility's capacity to furnish adequate care. Because there are already other written requirements for documentation of these deficiencies, this revision would eliminate a duplicative administrative burden, while ensuring patient health and safety

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Irene Gibson, Director, Division of Program Opertations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6768**

RIN: 0938–AF31

1156. ALTERNATIVE SANCTIONS FOR PSYCHIATRIC HOSPITALS (HSQ-191-P)

Legal Authority: 42 USC 1395cc; 42 USC 1396a; 42 USC 1302

CFR Citation: 42 CFR 488

Legal Deadline: None

Abstract: These proposed regulations provide an alternative to terminating a psychiatric hospital's participation in

the Medicare and Medicaid programs for facilities found to be out of compliance with conditions of participation. These are alternative sanctions that would be imposed instead of terminating a psychiatric hospital's participating in the Medicare and Medicaid programs where deficiencies did not present immediate jeopardy to the health and safety of psychiatric hospital patients.

These amendments are necessary to conform HCFA regulations to changes made by section 6020 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239) and section 4755 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508).

The purpose of the amendment is to promote correction of deficiencies that do not jeopardize patient health and safety without having to exclude psychiatric hospitals from participation in the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6767

RIN: 0938–AF32

1157. MEDICARE, MEDICAID AND CLIA PROGRAMS: INSPECTION AND CERTIFICATION PROCEDURES FOR LABORATORIES (HSQ-193-P)

Legal Authority: 42 USC 1395w-2; 42 USC 263a; 42 USC 1302

CFR Citation: 42 CFR 493

Legal Deadline: None

Abstract: This proposed rule will implement procedures for States to follow in inspecting and certifying laboratories under the Clinical Laboratory Improvement Amendments of 1988, Pub. L. 100-578. This rule is needed to carry out the authority of the Department of Health and Human Services to inspect laboratories, as mandated by section 353(g) of the Public Health Service Act, and to take enforcement actions as authorized by section 353(h) of the Public Health Services Act and section 1846 of the Social Security Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6767

RIN: 0938–AF33

1158. CONTINUATION OF FFP FOLLOWING LOOK BEHIND TERMINATIONS (HSQ-194-P)

Legal Authority: 42 USC 1302; 42 USC 1396b

CFR Citation: 42 CFR 441.11; 42 CFR 442.40

Legal Deadline: None

Abstract: This proposal would establish in our rules the conditions under which we make matching payments to States (FFP) following Federal termination of a nursing facility under HCFA's "look behind" authority. Without these rules, it is possible that incorrect payments may be claimed by States.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6768

RIN: 0938–AF34

1159. PRE-ADMISSION REVIEW AND AUTHORIZATION, OUTPATIENT SURGERY, PRE-ADMISSION DIAGNOSTIC TESTING AND SAME DAY SURGERY UNDER MEDICAID (MB-021P)

Legal Authority: 42 USC 1302; 42 USC 1396(a)(30)(A)

CFR Citation: 42 CFR 431

Legal Deadline: None

Abstract: This proposed rule would amend current Medicaid rules to require that State Medicaid plans include programs requiring pre-admission review and approval for selected surgical procedures and medical treatment; identify surgical procedures that can be safely performed on an ambulatory basis; require diagnostic testing prior to admission; and schedule hospital admission on the same day as surgery.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending issuance of OIG report.

Agency Contact: Ernestine Jones, Program Analyst, Medicaid Coverage Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 200, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4646

RIN: 0938–AF35

1160. PHYSICIAN OWNERSHIP OF, AND REFERRALS TO HEALTH CARE FACILITIES THAT FURNISH CLINICAL LABORATORY SERVICES (BPD-674-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1395nn; 42 USC 1302

CFR Citation: 42 CFR 410

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This proposed rule would implement section 6204 of the Omnibus Budget Reconciliation Act of 1989. It would establish in regulations provisions that prohibit a physician from making a referral for the provision of clinical laboratory services to an

entity with which the physician has a financial relationship.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty Burrier, Program Analyst, Medical Services Branch, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 472, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4649**

RIN: 0938–AF40

1161. ● RURAL HEALTH CLINIC (RHC) STANDARDS AND COMMUNITY MENTAL HEALTH CENTER SERVICES (BPD-736-F)

Legal Authority: 42 USC 1302; 42 USC 1395l; 42 USC 1395x; 42 USC 1395x(aa); 42 USC 1395cc(e); 42 USC 1395hh; 42 USC 1395x(ff)

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 424; 42 CFR 491

Legal Deadline: None

Abstract: This regulation would provide for the addition of clinical psychologist and clinical social worker services to the Rural Health Clinic (RHC) benefit, the availability of a nurse-practitioner, physician assistant, or nurse midwife to furnish patient services at least 50 percent of the time the clinic operates, a temporary waiver of clinic staffing requirements, Provider Reimbursement Review Board review of RHC cost reports, and coverage of partial hospitalization in Community Mental Health Centers.

These provisions would implement section 4077(a) of Pub.L. 100-203, section 6213 of Pub.L. 101-239 and sections 4161(b) and 4162 of Pub.L. 101-508.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AF53

1162. ● RECOGNITION OF THE COMMUNITY HEALTH ACCREDITATION PROGRAM STANDARDS FOR HOME CARE ORGANIZATIONS (BPD-739-FN)

Significance: Agency Priority

Legal Authority: 42 USC 1395bb(a)

CFR Citation: None

Legal Deadline: None

Abstract: In this final notice, we would recognize the accreditation program of the Community Health Accreditation Program (CHAP), a subsidiary of the National League for Nursing (NLN), for home Health Agencies (HHAs) that wish to participate in the Medicare or Medicaid programs. We have found that the accreditation process of this organization provides reasonable assurance that HHAs accredited by it meet the conditions required by the Medicare law and regulations. As a result of this determination, HHAs accredited by CHAP would not be subject to routine inspection by Medicare State survey agencies to determine their compliance with Federal requirements. Rather, they would be "deemed" to meet the Medicare conditions of participation. They would, however, be subject to validation and complaint investigation surveys.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/05/91	56 FR 43929
Comment Period End	11/04/91	56 FR 43929
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending receipt and analysis of public comments.

Agency Contact: John J. Thomas, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4623**

RIN: 0938–AF55

1163. ● RECOGNITION OF THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTHCARE ORGANIZATIONS STANDARDS FOR HOME HEALTH CARE ORGANIZATIONS (BPD-740-PN)

Significance: Agency Priority

Legal Authority: 42 USC 1395bb(a)

CFR Citation: None

Legal Deadline: None

Abstract: In this notice, we propose to recognize the accreditation program of the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) for Home Health Agencies (HHAs) that wish to participate in the Medicare or Medicaid programs. We have found that the accreditation process of this organization provides reasonable assurance that HHAs accredited by it meet the conditions required by Federal law and regulations. As a result of this determination, HHAs accredited by JCAHO would be "deemed" to meet the Medicare conditions of participation for HHAs, and therefore would not be subject to routine inspection by State survey agencies to determine their compliance with Federal Requirements. They would, however, be subject to validation and complaint investigation surveys.

Timetable:

Action	Date	FR Cite
Proposed Notice	11/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Thomas, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4623**

RIN: 0938–AF56

1164. ● DESIGNATION OF REGIONAL CARRIERS TO PROCESS CLAIMS FOR DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS AND SUPPLIES (BPO-102-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1395m(a); 42 USC 1302

CFR Citation: 42 CFR 400.202; 42 CFR 420.200; 42 CFR 420.201; 42 CFR 420.204; 42 CFR 420.205; 42 CFR 421.210; 42 CFR 421.1; 42 CFR 421.200; 42 CFR 421.202; 42 CFR 421.206

Legal Deadline: None

Abstract: This proposed rule would modify Medicare regulations to establish provision for the designation of regional carriers to process claims for durable medical equipment, prosthetics, orthotics, and supplies. These revisions would be made under authority provided in sections 1834(a)(12), 1834(h)(3), and 1842(a) of the Social Security Act. We would expect more efficient and economical administration of the Medicare program to result.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Lisanne Bradley, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 368 ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-3359**

RIN: 0938–AF59

1165. ● UNIFORM PAYMENT MECHANISM FOR PAYING HOSPITALS UNDER PART A OF MEDICARE (BPO-104-PN)

Significance: Agency Priority

Legal Authority: 42 USC 1395g

CFR Citation: None

Legal Deadline: None

Abstract: This proposed notice would announce our intention to require all hospitals participating in Part A of Medicare to bill electronically and to receive payment and remittance notices electronically. We expect such procedures to result in more economical and efficient program operation and administration.

Timetable:

Action	Date	FR Cite
Proposed Notice	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia Talley, Chief Budget Formulation Branch, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 1-B-4, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-7493**

RIN: 0938–AF60

1166. ● MEDICAID QUALIFYING TRUSTS (MB-011-P)

Legal Authority: 42 USC 1302; 42 USC 1396a(k)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This rule would implement section 1902(k) of the Social Security Act by defining Medicaid Qualifying Trust (MQT); establishing rules for counting as available income or resources the maximum amount that could be paid to or on behalf of a Medicaid applicant or recipient from the body of the MQT, from income to the trust, or from both; and permitting States to waive the application of the rule in situations in which its application would result in undue hardships.

The purpose of the rule which reflects Congressional intent, is to prevent individuals who have sufficient income and resources to pay for medical care to shelter that income and resources through MQTs so that they can then become eligible for Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Roy Trudel, Medicaid Eligibility Policy Branch, Division of Medicaid Eligility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4457**

RIN: 0938–AF61

1167. ● MEDICAID PAYMENT FOR OBSTETRICAL AND PEDIATRIC SERVICES (MB-036-P)

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30)(A); 42 USC 1396a(s); 42 USC 1396r-7

CFR Citation: 42 CFR 430.12; 42 CFR 430.16; 42 CFR 447.204; 42 CFR 447.300; 42 CFR 447.301; 42 CFR 447.393; 42 CFR 44397

Legal Deadline: None

Abstract: This rule would implement section 1902(a)(30)(A) of the Social Security Act, which requires that Medicaid payment rates be established at a level to ensure access to services for Medicaid recipients is at least equal to the access available to the general population in the geographic area. It would also implement section 1926 of the Social Security Act by establishing State plan requirements concerning obstetrical and pediatric services.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Margherita Sciulli, Program Analyst, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-0691**

RIN: 0938–AF62

1168. ● REQUIREMENTS FOR ENROLLMENT IN OR PAYMENT FOR CERTAIN EMPLOYER GROUP HEALTH PLANS (MB-047-P)

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(u)(l); 42 USC 1396d(a); 42 USC 1396a(a)(25); 42 USC 1396a(e); 42 USC 1396e; 42 USC 1302

CFR Citation: 42 CFR 435.2; 42 CFR 435.3; 42 CFR 435.10; 42 CFR 435.186; 42 CFR 435.188

Legal Deadline: None

Abstract: This rule would amend our regulations to provide for continuation of payment of health insurance premiums for individuals who are entitled to elect COBRA continuation coverage under a group health plan provided by an employer with 10 or

more employees; require Medicaid recipients to enroll in employer-based cost effective group health plans as a condition of Medicaid eligibility; require State agencies to pay for premiums, deductibles, coinsurances and other cost sharing obligations under these group health plans, and define "COBRA continuation coverage" and "COBRA benefits." (COBRA refers to the Consolidated Omnibus Budget Reconciliation Act of 1985 - Pub.L. 99-272.)

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Agency Contact: Michael Fiore, Chief, Medicaid Eligibility Branch, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4460**

RIN: 0938–AF64

1169. ● REFERRAL TO CHILD SUPPORT ENFORCEMENT AGENCIES OF MEDICAID FAMILIES WITH AN ABSENT PARENT (MB-051-P)

Legal Authority: 42 USC 1396k; 42 USC 1302

CFR Citation: 42 CFR 433.160

Legal Deadline: None

Abstract: This rule would require State Medicaid agencies to refer Medicaid families with an absent parent to child support enforcement (CSE) agencies. Section 9142 of the Omnibus Budget Reconciliation Act of 1987 required CSE agencies to provide all CSE services to such Medicaid families who have assigned to the State their rights to medical support. State Medicaid agencies were encouraged to refer Medicaid recipients with absent parents to CSE agencies. However, consistency in referrals among States has not been good. The purpose of these rules is to require States to make this referral to State CSE agencies to ensure that those recipients requiring CSE services receive them.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Nakielny, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland, **301 966-4466**

RIN: 0938–AF68

1170. ● OPTIONAL SPENDDOWN (MB-055-P)

Legal Authority: 42 USC 1396b(f)(2); 42 USC 1396a(a)(17); 42 USC 1302

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This rule would allow States to choose to implement at their option a variation of the spenddown for medically needy individuals. Under the regular spenddown program a medically needy individual becomes eligible for Medicaid by spending down income in excess of the medically needy income standard until the standard is reached. Under the optional program, an applicant would pay the anticipated amount of regularly incurred expenses to the State instead of becoming eligible only after incurring expenses. This option was provided by section 4723 of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Under development.

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4451**

RIN: 0938–AF72

1171. ● CLARIFICATION OF COVERAGE OF INPATIENT PSYCHIATRIC SERVICES (MB-060-P)

Legal Authority: 42 USC 1396d(h)(l)(A); 42 USC 1302

CFR Citation: 42 CFR 440; 42 CFR 441

Legal Deadline: None

Abstract: This rule would establish settings in which inpatient psychiatric services may be covered under State Medicaid plans. It would implement section 4755(a)(1) of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information:

TIMETABLE: Under development.

Agency Contact: Linda Sizelove, Chief, Medicaid Coverage Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4626**

RIN: 0938–AF73

1172. ● MEDICARE AND MEDICAID PROGRAMS: REQUIREMENTS FOR PHYSICIAN INCENTIVE PLANS IN PREPAID HEALTH CARE ORGANIZATIONS (OCC-024-P)

Significance: Agency Priority

Legal Authority: 42 USC 1395mm; 42 USC 1396b; 42 USC 1302

CFR Citation: 42 CFR 417.01; 42 CFR 417.409; 42 CFR 417.495; 42 CFR 434.67; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103

Legal Deadline: None

Abstract: This rule would amend the regulations governing federally qualified health maintenance organizations (HMOs) and competitive medical plans (CMPs) contracting with the Medicare program, and certain HMOs and health insuring organizations (HIOs) contracting with States under the Medicaid program, by implementing changes made by sections 4204(a) and 4731(a) of the Omnibus Budget Reconciliation Act of 1990 concerning physician incentive plans. The changes are intended to allow

HMOs, CMPs, and HIOs the flexibility to provide reasonable incentives to their physicians and physician groups in order to eliminate unnecessary care and protect enrollees from reduced quality of care or access to care.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jennifer Richmond, Program Analyst, Office of Coordinated Care, Department of Health and Human Services, Health Care Financing Administration, Room 4424 Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201, **202 619-2755**

RIN: 0938–AF74

1173. ● STANDARDS FOR DEFINING DISPROPORTIONATE SHARE HOSPITALS (MB-58-P)

Significance: Agency Priority

Legal Authority: 42 USC 1396v

CFR Citation: 42 CFR 447.290

Legal Deadline: None

Abstract: This rule would establish standards for determining hospitals that qualify as "disproportionate share" under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Charlene Brown, Chief, Medicaid Payment Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 East Low Rise, 6325 Security Blvd., Baltimore, MD, **301 966-4576**

RIN: 0938–AF75

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage

Health Care Financing Administration (HCFA)

1174. MEDICAID ELIGIBILITY AND COVERAGE REQUIREMENTS (MB-001-FC)

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(17); 42 USC 1396b(f)(1); 42 USC 1396d(a)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This final rule amends the regulations for determining Medicaid eligibility. The amendments implement or conform the regulations to various statutes, including the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248), the Omnibus Budget Reconciliation Act (OBRA) of 1987 (Pub. L. 100-203), the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360), OBRA '89 (Pub. L. 101-239) and OBRA '90 (Pub. L. 101-508). The amendments also make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39421
NPRM Comment Period End	11/27/89	54 FR 39421
Final Rule With Comment Period	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AA58

1175. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN) (MB-020-FC)

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None

Abstract: These regulations will permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	48 FR 39959
Final Rule With Comment Period	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 300 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AB07

1176. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS (BPD-142-F)

Legal Authority: 42 USC 1395xx; 42 USC 1302; 42 USC 1395l(a)(2); 42 USC 1395hh; 42 USC 1395x(b); 42 USC 1395x(v)(1)(C); 42 USC 1395x(v)(1)(D); 42 USC 1395k(a)(2)(B)(i); 42 USC 1395u(b)(7)

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None

Abstract: These regulations will reflect provisions of section 948 of Pub. L. 96-499 and section 2307 of Pub. L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of

distinguishing between the services a physician furnishes to individual patients as a teaching physician and services furnished to the provider, as well as the method of payment for these services. These rules will set forth the conditions under which physicians in teaching settings will be paid on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. The rules will also clarify related physician payment issues.

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 5946
NPRM Comment Period End	04/10/89	54 FR 5946
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending publication of RIN 0938-AE91.

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938–AB61

1177. MEDICARE/MEDICAID REVALUATION OF ASSETS (BPD-311-F)

Legal Authority: 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 413.153; 42 CFR 447.250; 42 CFR 447.253; 42 CFR 447.272

Legal Deadline: None

Abstract: This final rule amends the Medicare regulations as required by section 2314 of Pub. L. 98-369 and sections 9110 and 9509 of Pub. L. 99-272. This rule imposes new limitations on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes will affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	52 FR 39927
NPRM Comment Period End	12/28/87	52 FR 39927
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4513

RIN: 0938–AB64

1178. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS (MB-8-F)

Legal Authority: 42 USC 1396n(c); 42 USC 1302

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.185; 42 CFR 440.250

Legal Deadline: None

Abstract: This rule revises the regulations for home and community based services as required by section 9502 of Pub.L. 99-272, sections 9408 and 9411 of Pub.L. 99-509, sections 4102 and 4118 of Pub.L. 100-203, sections 411(k)(10)(A) and 411(k)(10)(H) of Pub.L. 100-360, section 8427 of Pub.L. 100-647, and sections 4741 and 4742 of Pub.L. 101-508.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19950
NPRM Comment Period End	07/31/88	53 FR 19950
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Under development.

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 233 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-5659

RIN: 0938–AC55

1179. PARTICIPATION IN CHAMPUS AND CHAMPVA, HOSPITAL ADMISSIONS FOR VETERANS, DISCHARGE RIGHTS NOTICE, AND HOSPITAL RESPONSIBILITY FOR EMERGENCY CARE (BPD-393-FC)

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 488.18; 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.26; 42 CFR 489.27; 42 CFR 489.53

Legal Deadline: None

Abstract: This final rule will require Medicare participating hospitals with emergency departments to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Further, a participating hospital that has specialized capabilities or facilities (such as burn, shock trauma, or neonatal intensive care units) must accept appropriate transfer if they have the capacity to treat the individual. Hospitals failing to meet those requirements may have their Medicare provider agreements terminated, and hospitals and responsible physicians may be subject to civil money penalties. Under section 9122 of Pub. L. 99-272, Medicare participating hospitals are required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations will also implement section 9305(b) of Pub. L. 99-509, which requires Medicare hospitals to give patients a notice of their discharge rights.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22513
NPRM Comment Period End	08/15/88	53 FR 22513
Final Rule With Comment Period	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 413 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC58

1180. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE, REVIEW OF BENEFICIARY COMPLAINTS (HSQ-132-F)

Significance: Regulatory Program

Legal Authority: 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); 42 USC 1395u; 42 USC 1395pp(b); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 462.105; 42 CFR 466; 42 CFR 473; 42 CFR 476; 42 CFR 489.21

Legal Deadline: None

Abstract: This final rule implements section 9403 of PL 99-272; section 9353(c) of PL 99-509; section 4096(a) of PL 100-203; and section 4205 of PL 101-508. In accordance with these statutory provisions, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. PROs will also conduct an appropriate review of all written complaints from beneficiaries or their representatives about the quality of services not meeting professionally recognized standards of health care. Beneficiaries are protected from liability for the cost of the services where payment is denied because services were of substandard quality.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	54 FR 1956
NPRM Comment Period End	03/20/89	54 FR 1956
Final Action	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Booth, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6853**

RIN: 0938–AC84

1181. CHANGES CONCERNING SUSPENSION OF MEDICARE PAYMENTS AND DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE (BPD-429-FC)

Legal Authority: 42 USC 1320b-4; 42 USC 1395u; 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.153; 42 CFR 405.370; 42 CFR 413.5(c)(3); 42 CFR 405.371; 42 CFR 405.372; 42 CFR 405.373; 42 CFR 405.375

Legal Deadline: None

Abstract: This rule will change the Medicare regulations to provide for the following: (1) elimination of the requirement that in case of overpayments to health care providers, the contractor makes a determination that a suspension of payment is needed to protect the program against financial loss before the payment can be suspended; (2) elimination of the requirement that investment income of providers from gifts, grants, and endowments be offset against allowable interest expenses if that investment income is commingled with other funds; and (3) extension of the list of exceptions to the interest expense/investment income offset provision to include investment income from deferred compensation plans and self-insurance funds.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31888
NPRM Comment Period End	10/21/88	
Final Rule With Comment Period	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AC99

1182. CRITERIA AND PROCEDURES FOR MAKING MEDICAL SERVICES COVERAGE DECISIONS THAT RELATE TO HEALTH CARE TECHNOLOGY (BPD-432-F)

Significance: Regulatory Program

Legal Authority: 42 USC 1395y; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 400.200; 42 CFR 400.202; 42 CFR 405.301; 42 CFR 405.303; 42 CFR 405.305; 42 CFR 405.307; 42 CFR 405.309

Legal Deadline: None

Abstract: The rule will establish in regulations generally applicable standards and procedures for determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this rule is to assure that Federal funds are expended only for medical services that are properly covered under the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4302
NPRM Comment Period End	03/31/89	54 FR 4302
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 413 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4637**

RIN: 0938–AD07

1183. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SERVICES OF INDEPENDENT LABORATORIES AND SUPPLIERS OF ESRD SERVICES (BPD-421-F)

Legal Authority: 42 USC 1395x(e)(6)(B); PL 99-509, Sec 9339(d); 42 USC 1395x(ee); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 482; 42 CFR 482.22

Legal Deadline: None

Abstract: This final rule will require hospitals, as a condition of participation, to provide a discharge planning process for Medicare patients in accordance with section 9305(c) of Pub.L. 99-509. Revisions will also implement section 6025 of Pub.L. 101-239 to allow a doctor of dental surgery or dental medicine to be a hospital medical director if the laws of the State in which the hospital is located permits. The preamble to this final rule addresses comments received on proposed regulations for the qualifications of laboratory directors under section 9339(d) of Pub.L. 99-509. The final rule will reduce the information collection burden of several ESRD regulations in accordance with OMB review. These revisions will also eliminate the minimum utilization rates (MUR) for dialysis by ESRD facilities, implementing section 4036 of Pub.L. 100-203.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22506
NPRM Comment Period End	08/15/88	53 FR 22506
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending final action on RIN-0938-AE47.

Agency Contact: Robert Wren, Director, Office of Coverage & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-5661

RIN: 0938–AD11

1184. PAYMENT FOR SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS (BPD-423-F)

Legal Authority: 42 USC 1395x(s)(ll); 42 USC 1395l(l); 42 USC 1395x(bb); 42 USC 1302

CFR Citation: 42 CFR 405.553; 42 CFR 405.502; 42 CFR 413.80

Legal Deadline: None

Abstract: Section 9320 of Pub. L. 99-509 provides for payment on a fee schedule basis for services of certified registered nurse anesthetists (CRNAs) furnished to Medicare beneficiaries on or after January 1, 1989. The payment amount is equal to the least of 80 percent of a fee schedule established by the Secretary (and adjusted annually by the change in the Medicare economic index), 80 percent of the prevailing charge for an anesthesiologist, or 80 percent of the actual charge. CRNAs will be required to accept assignment for all Medicare services and civil monetary penalties could be imposed for violations of this requirement. Alternatively, the hospital or physician may bill for and receive payment for services of CRNAs where an employment relationship or contract so stipulates. The hospital or physician may not bill more for CRNA services than the amount the CRNA could bill directly.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3803
NPRM Comment Period End	03/27/89	54 FR 3803
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 EHR, 6325 Security Blvd., Baltimore, Md. 21207, 301 966-4497

RIN: 0938–AD25

1185. PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES (BPD-426-F)

Legal Authority: 42 USC 1395y(a)(14); 42 USC 1395cc(a)(1)(H); 42 USC 1395cc(g); 42 USC 1395x(w)(1); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 489; 42 CFR 1003

Legal Deadline: None

Abstract: This rule, issued jointly by HCFA and OIG, will prohibit Medicare payment for most nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital will be obligated by its provider agreement to furnish the services directly or under an arrangement. These regulations also authorize OIG to impose a civil money penalty, not to exceed $2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement. These regulations will implement sections 9343(c)(1), (c)(2), and (c)(3), of the Omnibus Budget Reconciliation Act of 1986 (PL 99-509), as amended by section 4157 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508).

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29486
NPRM Comment Period End	10/04/88	53 FR 29486
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 413 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4607

RIN: 0938–AD33

1186. STATE SHARE OF FINANCIAL PARTICIPATION (MB-22-IFC)

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 433

Legal Deadline: None

Abstract: This final rule with comment period revises the current policy concerning State's use of donations and tax revenue in determining the State share of Federal financial participation in Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4626
NPRM Comment Period End	04/10/90	55 FR 4626
Interim Final Rule	09/12/91	56 FR 46380

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/12/91	56 FR 46380
Interim Final Rule Effective	01/01/92	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Bernard Truffer, Chief, Medicaid Payment Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3, ELR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4576

RIN: 0938–AD36

1187. CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS (HSQ-135-F)

Legal Authority: 42 USC 1395y(a); 42 USC 1320(c); 42 USC 1395hh; 42 USC 1396a(a)(30); 42 USC 1395cc(a); 42 USC 1302

CFR Citation: 42 CFR 405.310; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 434.53; 42 CFR 456.2; 42 CFR 456.650; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 42 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83; 42 CFR 466.93; ...

Legal Deadline: None

Abstract: This rule sets forth several changes to the Medicare regulations governing Peer Review Organizations. Some of these changes are the result of the passage of the Consolidated Omnibus Budget Reconciliation Act of 1985, the Omnibus Budget Reconciliation Act of 1986 and the Omnibus Budget Reconciliation Act of 1990. Other changes are of a technical nature and are intended to clarify and correct existing regulations on the Peer Review Organization Program. The rule also sets forth the policy for photocopying medical records needed by PROs during offsite reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8654
NPRM Comment Period End	05/16/88	53 FR 8654
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Patricia Booth, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bdlg., 6325 Security Blvd., Baltimore, MD. 21207, 301 966-6853

RIN: 0938–AD38

1188. HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY (MB-019-IFC)

Legal Authority: 42 USC 1396n(d); 42 USC 1302

CFR Citation: 42 CFR 435.3; 42 CFR 435.217; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.2; 42 CFR 436.217; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.350 to 441.357; 42 CFR 441.360; 42 CFR 441.365; 42 CFR 400.203; 42 CFR 440.1; 42 CFR 440.181

Legal Deadline: Final, Statutory, October 1, 1989.

Abstract: This regulation will implement section 1915(d) of the Social Security Act, which allows a State to obtain a waiver of certain Medicaid requirements to permit Federal financial participation for home and community based services provided to individuals age 65 or older who are shown by an evaluation to be likely to require the level of care provided in a skilled nursing facility (SNF) or intermediate care facility (ICF), (nursing facility (NF) effective October 1, 1990), the cost for which could be paid by Medicaid. The statute allows for waivers of statewideness, comparability, and income deeming. Under the waiver provisions, the total amount expended by the State for home and community based services, SNF services, and ICF services (NF effective October 1, 1990) for individuals over age 65 may not exceed a "projected amount", determined under the methodology provided in these regulations. For States electing this option the waiver would replace home and community based waivers available under section 1915(c) of the Act, for individuals in this age category.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment Period	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 233 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-5659

RIN: 0938–AD55

1189. PAYMENT FOR DURABLE MEDICAL EQUIPMENT AND ORTHOTIC AND PROSTHETIC DEVICES (BPD-494-IFC)

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395m(a); 42 USC 1395x(n); 42 USC 1395l(a); 42 USC 1395u(b); 42 USC 1395x(b); 42 USC 1395x(v); 42 USC 1395cc(a); 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx

CFR Citation: 42 CFR 405.501; 42 CFR 405.514; 42 CFR 414.200; 42 CFR 414.202; 42 CFR 414.210; 42 CFR 414.220; 42 CFR 414.222; 42 CFR 414.224; 42 CFR 414.226; 42 CFR 414.228; 42 CFR 414.230; 42 CFR 410.36; 42 CFR 410.38; 42 CFR 414.232

Legal Deadline: None

Abstract: This final rule with comment period implements section 4062 of PL 100-203 and sections 4152 and 4153 of PL 101-508. It establishes fee schedules and payment methodologies that govern payments for six categories of durable medical equipment and orthotic and prosthetic devices. The new payment rates are to be effective for items provided on or after January 1, 1989, with certain revisions effective January 1, 1991.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment Period	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938–AD65

1190. CHARGES TO RESIDENTS' FUNDS IN NURSING HOMES (BPD-477-F)

Legal Authority: 42 USC 1395i-3(f)(7); 42 USC 1395hh; 42 USC 1302; 42 USC 1396r(f)(7)

CFR Citation: 42 CFR 405; 42 CFR 442; 42 CFR 483

Legal Deadline: Other, Statutory, July 1, 1988.

Abstract: This final rule defines those costs which may be charged to the personal funds of Medicare and Medicaid patients in nursing facilities and the costs which are to be included in the payment amount for nursing facility services.

Timetable:

Action	Date	FR Cite
NPRM	03/20/90	55 FR 10256
NPRM Comment Period End	05/21/90	55 FR 10256
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas E. Hoyer, Diector, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 413 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AD66

1191. PROHIBITION OF FFP FOR EDUCATIONAL AND VOCATIONAL TRAINING FOR INSTITUTIONALIZED INDIVIDUALS (BPD-485-F)

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(17)(B); 42 USC 1396a(a)(25); 42 USC 1396b(c)

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This rule reflects court decisions precluding the Department from using a child's individualized education program rather than the nature of services provided, to determine whether or not services provided to residents of intermediate care facilities for the mentally retarded are reimbursable under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	02/21/90	55 FR 6015
NPRM Comment Period End	04/23/90	55 FR 6015
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas E. Hoyer, Diector, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 413 EHR, 6325 Security Boulevard, Baltimore, Maryland, **301 966-4607**

RIN: 0938–AD69

1192. MEDICARE SECONDARY PAYER FOR DISABLED ACTIVE INDIVIDUALS (BPD-482-F)

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 411

Legal Deadline: None

Abstract: This rule implements the Medicare secondary payer provision for disabled "active individuals" who are also covered under large group health plans (LGHP) and prohibits discrimination by LGHPs against such individuals.

Timetable:

Action	Date	FR Cite
NPRM	03/08/90	55 FR 8491
NPRM Comment Period End	05/08/90	55 FR 8491
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Herbert Pollock, Chief, Medicare Benefit Coordination Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 418, EHR, 6325 Security Blvd., Baltimore, Maryland 21207, **301 966-4474**

RIN: 0938–AD73

1193. PAYMENT FOR CLINICAL PSYCHOLOGISTS' SERVICES IN CLINICS (BPD-495-IFC)

Legal Authority: 42 USC 1302; 42 USC 1395k; 42 USC 1395m; 42 USC 1395u; 42 USC 1395w-4; 42 USC 1395x (b); 42 USC 1395x (s); 42 USC 1395y; 42 USC 1395 cc; 42 USC 1395rr

CFR Citation: 42 CFR 415

Legal Deadline: None

Abstract: This interim final rule with comment period establishes fee schedules for payment for therapeutic and miscellaneous diagnostic services furnished under Medicare Part B by clinical psychologists or incident to the services of a clinical psychologist. It implements a portion of Sec. 4077(b) of the Omnibus Budget Reconciliation Act of 1987 as amended.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment Period	04/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AD84

1194. DIAGNOSIS CODES ON PHYSICIAN BILLS (BPD-610-F)

Legal Authority: 42 USC 1395u(p); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 424.3; 42 CFR 424.32; 42 CFR 424.34

Legal Deadline: None

Abstract: This rule requires each bill or request for payment for a service furnished by a physician under Medicare Part B must include appropriate diagnostic coding for the diagnosis on the nature of the illness or injury for which the Medicare beneficiary received care. This rule implements certain provisions of section 202(g) of PL 100-360.

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30558
NPRM Comment Period End	09/19/89	54 FR 30558
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pat Brooks, Director, Medical Coding Policy Staff, Department of Health and Human Services, Health Care Financing Administration, 401 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5318

RIN: 0938–AE06

1195. HMOS: GROUP SPECIFIC RATINGS (OCC-009-F)

Legal Authority: 42 USC 300e(c); 42 USC 300e-1(8)(C)

CFR Citation: 42 CFR 417.104; 42 CFR 417.107

Legal Deadline: None

Abstract: This rule proposes to amend the regulations governing payment for basic health services under the community rating system in federally qualified HMOs by implementing certain changes made by the Health Maintenance Organization Amendments of 1988 (Pub.L.100-517). The changes broaden the definition of community rating, place some restrictions on the use of group specific ratings for small groups, and require HMOs using group specific rates to disclose the method and data used in calculating the rates of payment.

Timetable:

Action	Date	FR Cite
NPRM	07/11/91	56 FR 31597
Public Comment Period End	09/09/91	56 FR 31597
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: Pat Wright-Gaines, Program Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Bldg., 330 Independence Avenue, SW., Washington, DC 20201, 202 619-2070

RIN: 0938–AE24

1196. CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988; FEE COLLECTION (HSQ-177-F)

Significance: Regulatory Program

Legal Authority: 42 USC 263a

CFR Citation: 42 CFR 493.602 to 493.649

Legal Deadline: None

Abstract: This final rule implements certain provisions of the Clinical Laboratory Improvement Amendments of 1988 by requiring all laboratories to pay fees for issuance of certificates and for determining compliance with requirements for laboratory testing. It also establishes the methodology used to determine fee amounts and establish certificate application procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/03/90	55 FR 31758
NPRM Comment Period End	10/02/90	55 FR 31758
Final Action	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Jeff Clark, Deputy Director, Division of Systems Management and Data Analysis, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-6801

RIN: 0938–AE28

1197. PAYMENT ADJUSTMENTS FOR HOSPITALS THAT SERVE A DISPROPORTIONATE NUMBER OF LOW-INCOME PATIENTS (MB-017-IFC)

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(13)(A); 42 USC 1396r-4

CFR Citation: 42 CFR 412; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This rule establishes the requirements and options for Medicaid payments to hospitals that serve a disproportionate number of low-income patients with special needs. The Medicaid agency will be required to make payment adjustments to these hospitals when such hospitals have met specified conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/19/90	55 FR 10077
NPRM Comment Period End	05/18/90	55 FR 10077
Interim Final Rule	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Bernard Truffer, Chief, Medicaid Payment Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3, ELR, 6325 Security Boulevard, Baltimre, MD 21207, 301 966-4576

RIN: 0938–AE35

1198. MEDICAID MANAGEMENT INFORMATION SYSTEM (MMIS) PERFORMANCE REVIEW, NOTIFICATION PROCEDURES FOR CHANGES (MB-35-F)

Legal Authority: 42 USC 1302; 42 USC 1320b-7; 42 USC 1396a(a)(4); 42 USC 1396a(a)(25); 42 USC 1396a(a)(45); 42 USC 1396b(a)(3); 42 USC 1396b(d)(2); 42 USC 1396b(d)(5)

CFR Citation: 42 CFR 433.123

Legal Deadline: None

Abstract: This proposal would eliminate the requirement that HCFA publish in the Federal Register a proposed notice with opportunity for public comment and then a final notice for any changes in MMIS performance standards and other conditions for reapproval. Instead, we would use well established communication arrangements under which States provide input during the development of revisions, and we would issue guidelines well in advance of implementation changes. This change will increase the efficiency of the administrative process by eliminating lengthy time frames associated with a formal notice and comment procedure thus allowing an expeditious means of developing and communicating changes.

Timetable:

Action	Date	FR Cite
NPRM	06/28/91	56 FR 9612
NPRM Comment Period End	07/21/91	56 FR 9612
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: Richard Friedman, Director, Division of Payment Systems, Department of Health and Human Services, Health Care Financing

Administration, Room 210-L, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-3292**

RIN: 0938–AE36

1199. SURVEY REQUIREMENTS AND ALTERNATIVE SANCTIONS FOR HOME HEALTH AGENCIES (HSQ-169-F)

Legal Authority: 42 USC 1302; 42 USC 1395w-2; 42 USC 1395bbb; 42 USC 1395hh

CFR Citation: 42 CFR 488; 42 CFR 489; 42 CFR 498

Legal Deadline: None

Abstract: These rules would establish requirements for periodic, unannounced surveys of home health agencies, and specify a number of sanctions that could be used, when a home health agency is out of compliance with Federal requirements, as an alternative to terminating its participation in the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	08/02/91	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: Debbie K. Schoenemann, Chief, Survey & Certification Procedures Branch, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East, 6300 Security Boulevard, Baltimore, MD 21207, **301 966-6771**

RIN: 0938–AE39

1200. OFFSET OF MEDICARE PAYMENTS TO INDIVIDUALS TO COLLECT PAST DUE OBLIGATIONS ARISING FROM BREACH OF SCHOLARSHIP AND LOAN CONTRACTS (BPO-88-F)

Legal Authority: 42 USC 1302; 42 USC 1395ccc; 42 USC 1395hh

CFR Citation: 42 CFR 405.640

Legal Deadline: None

Abstract: This final rule sets forth the procedures to be followed for collection of past due amounts owed by individuals who breached contracts under certain scholarship and loan programs. The regulation implements section 4052 of the Omnibus Budget Reconciliation Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/06/90	55 FR 46685
NPRM Comment Period End	01/07/91	55 FR 46685
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marvin Dunkleberger, Division of Overpayment Prevention, Performance Monitoring Branch, Department of Health and Human Services, Health Care Financing Administration, 1-E-6 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-7519**

RIN: 0938–AE45

1201. MEDICARE, MEDICAID AND CLIA PROGRAMS: REGULATIONS IMPLEMENTING THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (CLIA' 88) (HSQ-176-F)

Significance: Regulatory Program

Legal Authority: 42 USC 263a

CFR Citation: 42 CFR 493

Legal Deadline: None

Abstract: Historically the Department has regulated laboratories by "location," rather than by types of tests they perform. Amendments to the Clinical Laboratories Improvements Act of 1988 changes this approach. The amendments require that the Department "regulate by test," using what is commonly referred to as the "complexity model." This final rule sets forth standards for all laboratories based on complexity and responds to public comments on the proposed standards.

Timetable:

Action	Date	FR Cite
NPRM	05/21/90	55 FR 20896
NPRM Comment Period End	09/21/90	55 FR 34289
Final Action	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Wayne Smith, Ph.D., Director, Division of Hospital and Ambulatory Services, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, 2-D-2 ME, Baltimore, Maryland 21207, **301 966-6762**

RIN: 0938–AE47

1202. CONDITIONS OF COVERAGE FOR ORGAN PROCUREMENT ORGANIZATIONS (BPD-646-F)

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395hh

CFR Citation: 42 CFR 485; 42 CFR 505u

Legal Deadline: Final, Statutory, January 1, 1992.

Abstract: This final rule sets forth changes to the conditions of coverage for organ procurement organizations (OPOs). It deals with the definition of an OPO service area, expansion of the qualifications for the Board of Directors, OPO assistance to be provided to hospitals in establishing and implementing protocols governing organ procurement activity, establishing criteria for allocating organs, and organ testing for AIDS.

Timetable:

Action	Date	FR Cite
NPRM	06/21/91	56 FR 28513
NPRM Comment Period End	08/21/91	56 FR 28513
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claude Mone, Program Analyst, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5666**

RIN: 0938–AE48

1203. PREADMISSION SCREENING AND ANNUAL RESIDENT REVIEW (BPD-661-F)

Legal Authority: 42 USC 1395r; 42 USC 1302

CFR Citation: 42 CFR 483

Legal Deadline: NPRM, Statutory, March 19, 1990.

Abstract: This final rule would implement sections 4211 of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub. L. 100-203, section 6901 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), and section 4801 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), Pub. L. 508. The provisions include: (1) State requirements for preadmission screening and annual resident review of individuals with mental illness or mental retardation who are applicants to or residents of nursing facilities that are certified for Medicaid; and (2) appeals systems for persons who may be transferred or discharged from facilities or who wish to dispute a determination made in the preadmission screening and annual review process.

Timetable:

Action	Date	FR Cite
NPRM	03/23/90	55 FR 10951
NPRM Comment Period End	05/22/90	55 FR 10951
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Julie Walton**, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 429, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4622**

RIN: 0938–AE49

1204. ENFORCEMENT OF LABORATORY REQUIREMENTS (HSQ-179-F)

Significance: Regulatory Program

Legal Authority: 42 USC 1395w-2; 42 USC 263a; 42 USC 1395hh

CFR Citation: 42 CFR 488; 42 CFR 489; 42 CFR 498

Legal Deadline: Final, Statutory, January 1, 1989.
1/1/89 in general. Other, 1/1/91 for inspection of new CLIA Laboratories.

Abstract: These rules would set forth the policies and procedures that HCFA follows in enforcing the requirements of PL 100-578, the Clinical Laboratories Improvement Amendments of 1988 (CLIA). In general, CLIA requirements are imposed on all laboratories that perform evaluation of human tissue. The rule also would modify the conditions under section 1846 of the Social Security Act that laboratories must meet to be approved for Medicare coverage of their services.

Timetable:

Action	Date	FR Cite
NPRM	04/02/91	56 FR 13430
NPRM Comment Period End	06/03/91	56 FR 13430
Interim Final Rule	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: **Irene Gibson**, Director, Division of Program Operations, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 ME, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6768**

RIN: 0938–AE60

1205. GRANTING AND WITHDRAWAL OF DEEMING AUTHORITY TO PRIVATE NONPROFIT ACCREDITATION ORGANIZATIONS AND STATE LICENSURE AGENCIES FOR LABORATORIES (HSQ-181-F)

Significance: Regulatory Program

Legal Authority: 42 USC 263a

CFR Citation: 42 CFR 493

Legal Deadline: None

Abstract: On October 31, 1988, PL 100-578 amended section 353 of the Public Health Service Act. This final rule provides laboratories with the option of meeting Federal certification requirements through accreditations by an approved accrediting body. Laboratories in States that have standards equal to or more stringent than those of section 353 of the Public Health Service Act will also be exempt from Federal standards. A laboratory accredited under an approved laboratory accreditation program or licensed in an approved State licensure program will be deemed to meet Federal certification requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/20/90	55 FR 33936
NPRM Comment Period End	10/19/90	
Final Action	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: **Irene Gibson**, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6768**

RIN: 0938–AE62

1206. CONFORMING PROVISIONS FOR 1988 HMO AMENDMENTS (OCC-012-P)

Legal Authority: 42 USC 300e(c); 42 USC 300e-1(l); 42 USC 300e-9

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: This rule would conform existing regulations to sections 5(b) and 7 of the Health Maintenance Organization (HMO) Amendments of 1988 (PL 100-517). It would prohibit employers from financially discriminating against HMO enrollees in setting employee health plan contributions. It would also eliminate the requirement that one-third of a HMO's policymaking body be HMO enrollees.

Timetable:

Action	Date	FR Cite
NPRM	07/05/91	56 FR 30723
Public Comment Period End	09/03/91	56 FR 30723
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: **Paul Kosco**, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Building, 330 Independence Ave., SW., Washington, DC 20201, **202 401-2329**

RIN: 0938–AE64

1207. LIMIT ON PAYMENT FOR COST OF AN INTRAOCULAR LENS FURNISHED BY A HOSPITAL ON AN OUTPATIENT BASIS (BPD-649-F)

Legal Authority: 42 USC 1302; 42 USC 1395x(v)(1)

CFR Citation: 42 CFR 413.30; 42 CFR 413.118

Legal Deadline: None

Abstract: This final rule sets a limit on payment for the reasonable cost of an intraocular lens (IOL) inserted on an outpatient basis during or subsequent to cataract surgery at a hospital

Timetable:

Action	Date	FR Cite
NPRM	11/06/90	55 FR 46689
NPRM Comment Period End	01/07/91	55 FR 46689
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending analysis of public comment.

Agency Contact: Janet Wellham, Chief, Payment Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Blvd., Baltimore, Maryland 21207, **301 966-4516**

RIN: 0938–AE76

1208. GEOGRAPHIC DESIGNATION FOR HOME HEALTH AGENCY BRANCH OFFICES (BPD-651-FN)

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395x(v)(1)(L); 42 USC 1302

CFR Citation: None

Legal Deadline: None

Abstract: This notice would clarify the way that cost limits are applied to home health agencies. It would finalize a proposal that a branch office of a home health agency that is situated in a geographic location that is different from the geographic location of the main office of the home health agency would be subject to the limits on allowable costs in effect for the geographic location in which the branch office is located.

Timetable:

Action	Date	FR Cite
Proposed Notice	05/31/91	56 FR 24823
NPRM Comment Period End	07/30/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: William Goeller, Program Analyst, Office of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5, ELR, 6325 Security Blvd., Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AE77

1209. PAYMENT CHANGE FOR HOME DIALYSIS (BPD-690-F)

Legal Authority: 42 USC 1395rr; 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 414

Legal Deadline: None

Abstract: This final rule implements section 6203(b) of PL 101-239 which limits Medicare payment for home dialysis equipment, supplies, and support services, and sets forth other requirements for payment of suppliers of home dialysis supplies and equipment when the patient's self-care home dialysis is not under the direct supervision of a Medicare approved renal dialysis facility. We also remove obsolete criteria and redesignate the section which sets forth regulations concerning payment for home dialysis.

Timetable:

Action	Date	FR Cite
NPRM	12/26/90	55 FR 53007
NPRM Comment Period End	02/25/91	55 FR 53007
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: TIMETABLE: Pending analysis of public comments.

Agency Contact: Bernadette Schumaker, Director, Div. of Dialysis & Transplant Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4568**

RIN: 0938–AE81

1210. MEDICARE PAYMENT FOR HOSPICE CARE (BPD-691-FC)

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395f(i)(1)

CFR Citation: 42 CFR 418

Legal Deadline: None

Abstract: This rule will conform Medicare regulations to the requirements of section 6005(a) of the Omnibus Budget Reconciliation Act of 1989, which provided a 20 percent increase in payment rates for the four types of covered hospice care, and to specify the method HCFA will use to update the national rates for future years. The rule also includes the requirements of section 4007(a)(1) of the Omnibus Budget Reconciliation Act of 1990 which established a freeze in the amount of payment to the FY 1990 rates for hospice care and services furnished under Part A, by deeming the market basket percentage increase to be 0.0 percent, for discharges occurring for the period beginning on October 21, 1990 and ending on December 31, 1990.

Timetable:

Action	Date	FR Cite
Final Rule With Comment Period	06/12/91	56 FR 26916
Effective	07/12/91	56 FR 26916
Public Comment Period End	08/12/91	56 FR 26916
Final	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: TIMETABLE: Pending analysis of public comments.

Agency Contact: Randal Ricktor, Program Analyst, Division of Special Payment Programs, Department of Health and Human Services, Health Care Financing Administration, 1-A-3, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4586**

RIN: 0938–AE82

1211. FEE SCHEDULE FOR PHYSICIANS' SERVICES (BPD-712-F)

Significance: Regulatory Program

Legal Authority: 42 USC 1395w-4; 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 415

Legal Deadline: Final, Statutory, January 1, 1992.
Fee schedule must be in place beginning 01/01/92, in accordance with section 6102 of PL 101-239.

Abstract: This rule will establish a fee schedule that will include national uniform relative values for all physicians' services, including certain

services of limited practitioners and nonphysician practitioners. It would replace the current reasonable charge payment mechanism of actual, customary, and prevailing charges for physicians' services with a resource-based relative value scale (RBRVS) fee schedule beginning in 1992. It will implement section 6102 of PL 101-239, as amended by PL 101-508.

Timetable:

Action	Date	FR Cite
NPRM	06/05/91	56 FR 25792
NPRM Comment Period End	08/05/91	56 FR 25792
Final Action	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: **Terrence Kay**, Chief, Special Initiatives Branch, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4494**

RIN: 0938–AE91

1212. ELIGIBILITY FOR PREMIUM HOSPITAL INSURANCE; STATE BUY-IN AGREEMENTS (BPD-668-F)

Legal Authority: 42 USC 1302; 42 USC 1395i-2a

CFR Citation: 42 CFR 406; 42 CFR 407

Legal Deadline: None

Abstract: This regulation provides that disabled individuals may enroll in premium hospital insurance if they lose entitlement to social security disability benefits solely because their earnings exceed the limits imposed by the "gainful activity" rules, and as a result of that loss also lose entitlement to free hospital insurance that was based on entitlement to disability benefits. The regulation also updates and simplifies the rules on State buy-in for Medicare benefits for their Medicaid recipients and specifies a new group for which States may buy-in under section 1843 of the Social Security Act: Qualified Medicare Beneficiaries. There is no 1843 buy-in for Qualified Disabled and Working Individuals although States are required to pay premiums for them.

Timetable:

Action	Date	FR Cite
Final Rule With Comment Period	08/12/91	56 FR 38074
Final Rule Effective	09/11/91	56 FR 38074
Final Rule Comment Period End	10/11/91	
Final Action	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: **Denis Garrison**, Chief, Medicare Eligibility & Technical Issues Br., Department of Health and Human Services, Health Care Financing Administration, Room 414, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5643**

RIN: 0938–AE92

1213. AGGREGATION OF MEDICARE CLAIMS FOR ADMINISTRATIVE LAW JUDGE (ALJ) HEARINGS AND JUDICIAL REVIEW (BPD-694-F)

Legal Authority: 42 USC 1395hh; 42 USC 1395ff(b)(2); 42 USC 1302

CFR Citation: 42 CFR 405.740; 42 CFR 405.820

Legal Deadline: None

Abstract: This proposed rule would implement section 9341 of the Omnibus Budget Reconciliation Act of 1986, which allows the aggregation of claims, in certain circumstances, to meet the threshold amount necessary to have a hearing before a contractor hearing officer or an administrative law judge and to obtain judicial review under Part A and B of Medicare.

Timetable:

Action	Date	FR Cite
NPRM	06/20/91	56 FR 28353
Public Comment Period End	08/19/91	56 FR 28353
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: **Paul Olenick**, Director, Division of Medicare & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4472**

RIN: 0938–AE93

1214. MEDICARE COVERAGE OF PRESCRIPTION DRUGS USED IN IMMUNOSUPPRESSIVE THERAPY (BPD-424-F)

Legal Authority: 42 USC 1395x(s)(2)(J); 42 USC 1302

CFR Citation: 42 CFR 410

Legal Deadline: None

Abstract: This final rule amends the regulations to reflect section 9335(c) of the Omnibus Budget Reconciliation Act of 1986 and section 4075 of the Omnibus Budget Reconciliation Act of 1987. These provisions provide Medicare coverage for prescription drugs used in immunosuppressive therapy furnished to an individual who receives an organ transplant for which Medicare payment is made for a period of one year after the transplant procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/19/88	53 FR 1383
NPRM Comment Period End	03/21/88	53 FR 1383
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending publication of RIN 0938-AD07.

Agency Contact: **David Higbee**, Chief, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4636**

RIN: 0938–AE94

1215. FIRE SAFETY STANDARDS FOR HOSPITALS, LONG TERM CARE FACILITIES, AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED (BPD-650-F)

Legal Authority: 42 USC 1395x; 42 USC 1396d; 42 USC 1302

CFR Citation: 42 CFR 482.41(b)(1); 42 CFR 483.70(a); 42 CFR 483.470(j)(2)(i)(C)

Legal Deadline: None

Abstract: This rule amends the fire safety standards for hospitals, long term care facilities, and intermediate care facilities for the mentally retarded and affects only those facilities. It deletes references to the 1967 and 1973 editions of the Life Safety Code of the National Fire Protection Association and requires compliance with either the 1981 or 1985 editions depending on the date when the facility was first certified to participate in Medicare or Medicaid. This rule creates a uniform policy for all types of facilities that participate in the Medicare and Medicaid programs. The revision of the 1967 and 1973 editions of the Life Safety Code is intended to ensure that Medicare and Medicaid beneficiaries and recipients have the benefit of the most current fire protection standards.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	55 FR 31196
NPRM Comment Period End	10/01/90	55 FR 31196
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: Thomas E. Hoyer, Director, Division of Provider Services Coverage, Department of Health and Human Services, Health Care Financing Administration, Room 413, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AE97

1216. ALLOWING CERTIFICATIONS AND RECERTIFICATIONS BY NURSE PRACTITIONERS AND CLINICAL NURSE SPECIALISTS FOR CERTAIN SERVICES (BPD-709-F)

Legal Authority: 42 USC 1395f(a); 42 USC 1302

CFR Citation: 42 CFR 424

Legal Deadline: None

Abstract: This proposed regulation would implement section 6028 of OBRA 1989. It would allow nurse practitioners and clinical nurse specialists to certify and recertify certain services.

Timetable:

Action	Date	FR Cite
NPRM	06/28/91	56 FR 29609
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 413, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AF01

1217. CHANGES TO THE LONG-TERM CARE FACILITY SURVEY PROCESS (HSQ-175-FC)

Legal Authority: PL 101-239, Sec 6901(a); 42 USC 1395i-3; 42 USC 1395aa(d); 42 USC 1396r; 42 USC 1302

CFR Citation: 42 CFR 442; 42 CFR 488

Legal Deadline: None

Abstract: This final rule with comment period amends the Medicare and Medicaid regulations by removing obsolete long-term care survey forms, guidelines, and procedures used by State agencies when they evaluate a Medicare skilled nursing facility or a Medicaid nursing facility for compliance with Federal certification requirements. Effective October 1, 1990, the application of new Federal participation requirements for these facilities with an increased focus on actual or potential resident outcomes has made the survey forms and process in existing regulations outdated. Retention of the outdated items could cause confusion in connection with directions State survey agencies must follow in determining facility requirements.

Timetable:

Action	Date	FR Cite
Final Rule With Comment Period	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Pending court ruling.

Agency Contact: Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, 2-D-3, ME, 6325 Security Blvd., Baltimore, MD 21207, 301 966-6768

RIN: 0938–AF02

1218. REVISED PROCEDURES FOR PAYING CLAIMS FROM PROVIDERS OF MEDICARE SERVICES (BPO-93-N)

Legal Authority: 42 USC 1395g(a); 42 USC 1395n(a); 42 USC 1302

CFR Citation: 42 CFR 424

Legal Deadline: None

Abstract: This notice would implement a uniform payment policy and procedures for paying providers of services under Medicare Parts A and B by allowing intermediaries and carriers to pay providers through direct deposits into providers' accounts if certain conditions are met. This would reduce the cost of administration, preparation, and control of hard copy checks, and at the same time provide payments to providers more readily.

Timetable:

Action	Date	FR Cite
Proposed Notice	07/11/91	56 FR 31666
Comment Period End	08/12/91	56 FR 31666
Final Action	07/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Louis Palmieri, Budget Analyst, Division of Contractor Financial Management, Department of Health and Human Services, Health Care Financing Administration, 1-B-4, Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, **301 966-7528**

RIN: 0938–AF04

1219. GENERAL NOTICE ON MEDICARE SECONDARY PAYMENT (BPO-94-GN)

Legal Authority: 42 USC 1395y

CFR Citation: 42 CFR 411.25

Legal Deadline: None

Abstract: This general notice will establish procedures to be followed by

insurers in reporting Medicare Secondary Payment information which is required by current regulation. This notice is necessary because the regulation does not specify the reporting procedures to be used.

Timetable:

Action	Date	FR Cite
General Notice	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marc Thomas, Director, Office of Operational Initiatives, Department of Health and Human Services, Health Care Financing Administration, Room 367, ME Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-7154

RIN: 0938–AF05

1220. COORDINATION OF MEDICAID WITH SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (MB-30-F)

Legal Authority: 42 USC 1396a(a)(11)(C); 42 USC 1396a(a)(53); 42 USC 1302

CFR Citation: 42 CFR 431.635

Legal Deadline: None

Abstract: This final rule requires State Medicaid agencies to coordinate the operation of the Medicaid program with the State's operation of the Special Supplemental Food Program for Women, Infants, and Children (WIC) under section 17 of the Child Nutrition Act of 1966. State Medicaid agencies also are required to notify certain Medicaid recipients of WIC benefits and refer them to the local WIC agency. This rule implements section 6406 of the Omnibus Budget Reconciliation Act of 1989, PL 101-239.

Timetable:

Action	Date	FR Cite
NPRM	12/17/90	55 FR 51735
NPRM Comment Period End	02/15/91	55 FR 51735
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-4451

RIN: 0938–AF09

1221. PAYMENT FOR FEDERALLY QUALIFIED HEALTH CENTER (FQHC) SERVICES (BPD-728-FC)

Legal Authority: 42 USC 1396d(a)(2)(C); 42 USC 1396d(l)(2); 42 USC 1396a(a)(13)(E); 42 USC 1302

CFR Citation: 42 CFR 447.301

Legal Deadline: None

Abstract: This final rule with comment period would establish a new category of facility known as an FQHC, the services of which are covered under the Medicare program. These regulations also establish requirements for coverage and payment of FQHC services under Medicare. These regulations implement section 4704 of the P.L. 101-508.

Timetable:

Action	Date	FR Cite
Final Rule with Comment Period	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Jackie Sheridan, Chief, Alternative Delivery Organization, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 441, EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4635

RIN: 0938–AF14

1222. GRANTING AND WITHDRAWAL OF DEEMING AUTHORITY TO NATIONAL ACCREDITATION ORGANIZATIONS (HSQ-159-F)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395f; 42 USC 1395x; 42 USC 1395bb; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1395qq; 42 USC 1395rr; 42 USC 1395tt

CFR Citation: 42 CFR 401.126b; 42 CFR 401.133; 42 CFR 488.9

Legal Deadline: None

Abstract: This final rule expands the types of providers and suppliers of services that we may consider to meet conditions of participation or certification or conditions for coverage by virtue of their accreditation by a national accreditation program. This rule also amends confidentiality and disclosure provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/14/90	55 FR 51434
NPRM Comment Period End	02/12/91	55 FR 51434
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Blvd., Baltimore, MD 21207, 301 966-6768

RIN: 0938–AF17

1223. WITHDRAWAL OF COVERAGE OF THERMOGRAPHY(BPD-645-FN)

Legal Authority: 42 USC 1395x; 42 USC 1395y; 42 USC 1302

CFR Citation: None

Legal Deadline: None

Abstract: This notice announces the Medicare program's proposal to withdraw Medicare coverage of thermography for all indications.

Timetable:

Action	Date	FR Cite
Proposed Notice	10/09/90	55 FR 41140
Public Comment Period End	12/10/90	55 FR 41140
Final Notice	07/00/92	
Final Action	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sam Shekar, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, Room 445 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 955-5395

RIN: 0938–AF18

1224. MEDICARE ECONOMIC INDEX UPDATE EFFECTIVE JANUARY 1, 1992 (BPD-714-N)

Legal Authority: 42 USC 1395u

CFR Citation: None

Legal Deadline: None

Abstract: This notice updates the Medicare Economic Index (MEI) that is used to calculate the prevailing charge levels that help to determine reasonable charges for certain physician services under the Medicare supplementary medical insurance (Part B) program effective January 1, 1992.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending publication of RIN 0938-AE54.

Agency Contact: Bernard J. Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AF22

1225. PHYSICIAN PERFORMANCE STANDARD RATE OF INCREASE FOR FISCAL YEAR 1992 (BPD-703-N)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395w-4; 42 USC 1395hh

CFR Citation: None

Legal Deadline: Other, Statutory, October 31, 1991.
Deadline is for an annual notice.

Abstract: This notice announces the FY 1992 performance standard rates of increase for expenditures and volume of physician services as required by section 1848(f)(1)(C) of the Act. In addition, this notice announces the CY 1992 fee schedule update as required by section 1848(d)(1)(C)(i) of the Social Security Act.

Timetable:

Action	Date	FR Cite
Notice	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AF24

1226. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY (BPD-724-F)

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395m; 42 USC 1395l; 42 USC 1395aa(a); 42 USC 1395bb(a); 42 USC 1395l(a)(2)(E); 42 USC 1395y(a)

CFR Citation: 42 CFR 405.534; 42 CFR 405.535; 42 CFR 410.1; 42 CFR 410.10; 42 CFR 411.15; 42 CFR 413.123; 42 CFR 494.50; 42 CFR 494.51; 42 CFR 494.52; 42 CFR 494.54; 42 CFR 494.56; 42 CFR 494.58; 42 CFR 494.60; 42 CFR 494.62; 42 CFR 494.64; ...

Legal Deadline: None

Abstract: This final rule will address comments received on the interim final rule that provides limited coverage for screening mammography services. Medicare regulations have been revised to set forth payment limitations and conditions for coverage of screening mammography. The conditions consist of quality standards to assure the safety and accuracy of screening mammography services performed by qualified physicians and other suppliers of these services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/90	55 FR 53510
Effective Date	01/01/91	55 FR 53510
Public Comment Period End	03/01/91	55 FR 53510
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: William Larson, Program Analyst, Office of Coverage and Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4639**

RIN: 0938–AF26

1227. SELF-IMPLEMENTING COVERAGE AND PAYMENT PROVISIONS OF OMNIBUS BUDGET RECONCILIATION ACT OF 1990 (BPD-725-FC)

Significance: Agency Priority

Legal Authority: PL 101-508, Sec 4006; PL 101-508, Sec 4008(g); PL 101-508, Sec 4008(m)(1); PL 101-508, Sec 4102 to 4104; PL 101-508, Sec 4107; PL 101-508, Sec 4151(a)to (c); PL 101-508, Sec 4153(b); PL 101-508, Sec 4153(d); PL 101-508, Sec 4201; PL 101-508, Sec 4203(c); PL 101-508, Sec 4204(g); PL 101-239; PL 101-234

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 410; 42 CFR 411; 42 CFR 412; 42 CFR 413; 42 CFR 414; 42 CFR 418; 42 CFR 489

Legal Deadline: None

Abstract: This final rule with comment period updates the Medicare regulations to add or conform them to certain self-implementing provisions on coverage of services and payment requirements under the Omnibus Budget Reconciliation Act of 1990. In some cases, certain self-implementing provisions of the Omnibus Budget Reconciliation Act of 1989 and the Medicare Catastrophic Coverage Repeal Act of 1989 have been included so that the OBRA '90 provisions could be accurately reflected in the regulations.

The immediate update of the regulations will remove existing conflicts between the regulations and the statute, thus preventing possible public confusion.

Timetable:

Action	Date	FR Cite
Final Rule With Comment Period	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Sue B. Brown, Director, Regulations Staff, Department of Health and Human Services, Health Care Financing Administration, Room 132, EHR, 6325 Security Boulevard, Baltimore,Maryland 21207, **301 966-4658**

RIN: 0938–AF27

1228. MEDICAID ELIGIBILITY QUALITY CONTROL (MB-032-N)

Legal Authority: PL 99-272, Sec 12301; PL 99-514, Sec 1710

CFR Citation: None

Legal Deadline: None

Abstract: This notice responds to public comments received on a final rule issued on May 31, 1990 (55 FR 22142), relating to the Department's decision not to restructure the Medicaid Eligibility Quality Control program as a result of a Congressionally required study of the quality control systems of the Aid to Families with Dependent Children program and the Medicaid program. The study was required by section 12301 of the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended by section 1710 of the Tax Reform Act of 1986. The purpose of the study was to examine how best to operate quality control systems in order to obtain information to improve the quality of administration and provide data on which to base withholding of Federal matching payments for excessive levels of erroneous State payments.

Timetable:

Action	Date	FR Cite
Notice	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Kathy Rama, Chief, Eligibility Assessment Branch, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5929**

RIN: 0938–AF36

1229. PART A PREMIUM FOR THE UNINSURED AGED FOR 1992 (OACT-037-N)

Significance: Agency Priority

Legal Authority: 42 USC 1395i-2

CFR Citation: None

Legal Deadline: Other, Statutory, September 1991.

Abstract: This notice announces the hospital insurance premium for the uninsured aged (those individuals who are not insured under the Social Security or Railroad Retirement Acts and do not otherwise meet the requirements for entitlement to Medicare's Hospital Insurance program (Part A)) for calendar year 1992. Section 1818(d) of the Social Security Act specifies the method to be used to determine this amount.

Timetable:

Action	Date	FR Cite
Notice	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara S. Klees, Director, Division of Hospital Insurance, Department of Health and Human Services, Health Care Financing Administration, Room M1, 1705 Whitehead Rd. Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6388**

RIN: 0938–AF37

1230. MONTHLY ACTUARIAL RATES AND MONTHLY SUPPLEMENTAL INSURANCE PREMIUM RATE FOR 1992 (OACT-038-N)

Significance: Agency Priority

Legal Authority: 42 USC 1395r

CFR Citation: None

Legal Deadline: Other, Statutory, September 1991.

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Insurance (SMI) program for the 12 months beginning January 1, 1992. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1992.

Timetable:

Action	Date	FR Cite
Notice	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carter Warfield, Director, Division of Supplementary Medical Insurance, Department of Health and Human Services, Health Care Financing Administration, Room M-1, 1705 Whitehead Rd. Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6396**

RIN: 0938–AF38

1231. INPATIENT HOSPITAL DEDUCTIBLE AND HOSPITAL AND SKILLED NURSING FACILITY COINSURANCE AMOUNTS FOR 1992 (OACT-039-N)

Significance: Agency Priority

Legal Authority: 42 USC 1395e

CFR Citation: None

Legal Deadline: Other, Statutory, September 15, 1991.

Abstract: This notice announces the inpatient hospital deductible for calendar year 1992 under Medicare's hospital insurance program. In addition, this notice announces both the hospital and skilled nursing facility coinsurance amounts for 1992. The Medicare statute specifies the formula that is used to determine these amounts.

Timetable:

Action	Date	FR Cite
Notice	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara S. Klees, Director, Division of Hospital Insurance, Department of Health and Human Services, Health Care Financing Administration, Room M-1, 1705 Whitehead Rd. Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6388**

RIN: 0938–AF39

1232. MEDICAID DRUG REBATE PROGRAM (MB-046-IFC)

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a); 42 USC 1396b(i); 42 USC 1396r-8; 42 USC 1396b(a)

CFR Citation: 42 CFR 447

Legal Deadline: None

Abstract: This rule would incorporate into our regulations the provisions of section 4401 of the Omnibus Budget Reconciliation Act of 1990 which concern reimbursement for prescribed drugs. Section 4401 amended title XIX of the Social Security Act to add specific requirements for payment for covered outpatient drugs. In general, the requirements concern: denial of Federal technical participation unless rebate agreements and drug use review are in effect; prohibiting State plan drug access limitations for drugs covered

under a rebate agreement; and the content of the rebate agreements. The drug rebate agreement was previously published in the Federal Register on February 21, 1991 (56 FR 7049).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Larry Reed, Chief, Non-Institutional Payment Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 200 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-0830**

RIN: 0938–AF42

1233. ● UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES EFFECTIVE OCTOBER 1, 1991 AND ADDITIONS TO AND DELETIONS FROM THE CURRENT LIST OF COVERED SURGICAL PROCEDURES (BPD-710-NC)

Significance: Agency Priority

Legal Authority: 42 USC 1395l(i); 42 USC 1395k(a)(2)

CFR Citation: 42 CFR 416.120; 42 CFR 416.130

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This notice implements section 1833(i)(2)(B) of the Social Security Act that requires the payment rates for ambulatory surgical center services be reviewed and updated every year. This notice also announces additions to and deletions from the current list of surgical procedures for which facility services are covered when the procedures are performed in an ambulatory surgical center. Section 1833(i)(1) requires the list of procedures to be reviewed and updated at least every two years.

Timetable:

Action	Date	FR Cite
Notice with Comment Period	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AF48

1234. ● PAYMENT FOR CUSTOMIZED WHEELCHAIRS (BPD-730-IFC)

Significance: Agency Priority

Legal Authority: 42 USC 1395m; 42 USC 1302

CFR Citation: 42 CFR 414.224

Legal Deadline: None

Abstract: This interim final rule establishes criteria to be applied in determinations whether a wheelchair qualifies for treatment as a customized item for payment purposes. Section 4152(c)(4)(B) of the Omnibus Budget Reconciliation Act of 1990 established a broad definition, effective for items furnished on or after January 1, 1992, that could have the effect of encompassing many more items than are presently being determined to be "customized" for payment purposes. However, that section also provides that the statutory criteria will not become effective if the Secretary develops specific criteria prior to January 1, 1992, for the treatment of wheelchairs as customized items for purposes of Medicare payment.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room I-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AF49

1235. ● MEDICARE AND MEDICAID PROGRAMS; ADVANCE DIRECTIVES (BPD-718-IFC)

Significance: Agency Priority

Legal Authority: 42 USC 1395cc; 42 USC 1302

CFR Citation: 42 CFR 417.436; 42 CFR 417.801; 42 CFR 431.20; 42 CFR 431.107; 42 CFR 434.28; 42 CFR 483.10; 42 CFR 484.10; 42 CFR 489.10; 42 CFR 489.100; 42 CFR 489.104; 42 CFR 498.3

Legal Deadline: None

Abstract: These interim rules amend the Medicare and Medicaid regulations governing provider agreements and contracts to establish requirements for States, hospitals, nursing facilities, skilled nursing facilities, providers of home health care or personal care services, hospice programs and prepaid health plans concerning advance directives. An advance directive is a written instruction, such as a living will or durable power of attorney for health care, recognized under State law, relating to the provision of health care when an individual's condition makes him or her unable to express his or her wishes. The intent of these provisions is to enhance an individual's control over medical treatment decisions. These rules implement sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment Period	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AF50

1236. ● DURABLE MEDICAL EQUIPMENT (DME) MEDICAL NECESSITY FORMS (BPD-734-FC)

Legal Authority: 42 USC 1395m(a); 42 USC 1302

CFR Citation: 42 CFR 424.24; 42 CFR 410.38

Legal Deadline: None

Abstract: Section 4152(f) of the Omnibus Budget Reconciliation Act of 1990 prohibits DME suppliers from

distributing to physicians or beneficiaries any completed or partially completed forms or other documents required by the Secretary to show that a covered item is medically necessary. These regulations set forth the limitations regarding the information which a supplier of DME may provide to a physician or beneficiary.

Timetable:

Action	Date	FR Cite
Final Rule With Comment	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Israel Brauner, Program Analyst, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4640**

RIN: 0938–AF51

1237. ● INJECTABLES FOR OSTEOPOROSIS (BPD-735-FC)

Legal Authority: 42 USC 1395x(s)(2)

CFR Citation: 42 CFR 410

Legal Deadline: None

Abstract: This final rule with comment period implements provisions of section 4156 of the Omnibus Budget Reconciliation Act of 1990. Under this provision, Medicare will provide limited coverage of injectable drugs for treatment of patients with postmenopausal osteoporosis. This rule will specify the conditions which a beneficiary must meet to be eligible for coverage under this provision.

Timetable:

Action	Date	FR Cite
Final Rule With Comment	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Medical Services Coverage Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AF52

1238. ● MEDICARE COVERAGE OF EPO FOR HOME USE BY HOME DIALYSIS PATIENTS (BPD-737-F)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395x(s)(2)(P); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 413; 42 CFR 414

Legal Deadline: None

Abstract: This rule provides for Medicare coverage of the drug erythropoietin (EPO) when used at home by ESRD patients who dialyze at home. This makes it more convenient for home dialysis patients, who previously had to go to a dialysis facility or a physician's office to have the drug administered. The rule establishes requirements to ensure that only patients found capable of home use of the drug are approved for it, and that those patients are properly monitored during home use of the drug. Section 4201(d)(1)(C) of OBRA 90 provides for Medicare coverage for EPO effective July 1, 1991, subject to methods and standards established by the Secretary in regulations for the safe and effective use of the drug.

Timetable:

Action	Date	FR Cite
Effective Date	09/04/91	
Interim Final Rule With Comment Period	09/04/91	56 FR 43706
Comment Period End	11/04/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending receipt and analysis of public comments.

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AF54

1239. ● CONTINUOUS USE OF DURABLE MEDICAL EQUIPMENT (BPD-742-IFC)

Significance: Agency Priority

Legal Authority: 42 USC 1395

CFR Citation: 42 CFR 414

Legal Deadline: Final, Judicial, July 30, 1991.

Abstract: Section 1834(a)(7)(A) of the Social Security Act requires that the Secretary determine the meaning of the word "continuous" as it is used in defining a period of continuous use for which we make payments for durable medical equipment. Our current policy on this issue has been in effect under manual issuances since January 1, 1989, but it has not been published as a regulation. On May 31 1991, the U.S. District Court for Puerto Rico in Medics, Inc. et al. v. Louis Sullivan ordered the Secretary to publish a notice and comment rulemaking document in the Federal Register that sets forth rules concerning the meaning of continuous use as it applies to the rental of durable medical equipment under Medicare. The Court also ordered publication of a final rule. This rule addresses items required by the Court order.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment Period	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: William Long, Program Analyst, Medical Services Branch, Office of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5655**

RIN: 0938–AF57

1240. ● REPORTING REQUIREMENTS FOR FINANCIAL RELATIONSHIPS BETWEEN PHYSICIANS AND HEALTH CARE ENTITIES THAT FURNISH SELECTED ITEMS AND SERVICES (BPO-100-FC)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395nn(f)

CFR Citation: 42 CFR 411.1; 42 CFR 411.350; 42 CFR 411.351; 42 CFR 411.361; 42 CFR 411.363; 42 CFR 411.365

Legal Deadline: None

Abstract: This rule requires clinical laboratories and certain other entities to provide HCFA with information pertaining to their financial relationship with physicians and members of a physician's immediate family as required by section 1877(f) of the Social Security Act. The statute requires that this information be submitted by October 1, 1991.

Timetable:

Action	Date	FR Cite
Final Rule With Comment Period	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Debra Beals, Chief, Review Branch, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 204-L, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-3356**

RIN: 0938–AF58

1241. ● EXEMPTION OF LOW INCOME PREGNANT WOMEN FROM ELIGIBILITY CONDITION OF ESTABLISHING PATERNITY AND SEEKING SUPPORT (MB-048-FC)

Legal Authority: 42 USC 1396k(a)(1)(B)

CFR Citation: 42 CFR 433.145; 42 CFR 433.147; 42 CFR 435.604; 42 CFR 436.604

Legal Deadline: None

Abstract: As a condition of eligibility for Medicaid, every applicant must agree to cooperate in establishing the paternity of children born out of wedlock, and in obtaining medical payments and support. This rule modifies the regulations to incorporate a provision of section 4606 of Pub.L. 101-508, which provides an exemption to this condition for pregnant women who qualify for Medicaid under special eligibility requirements for low income pregnant women.

Timetable:

Action	Date	FR Cite
Final Rule With Comment Period	03/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert Nakielny, Eligibility Assessment and Waivers Branch, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4466**

RIN: 0938–AF65

1242. ● COMMUNITY SUPPORTED LIVING ARRANGEMENTS SERVICES (MB-049-IFC)

Significance: Agency Priority

Legal Authority: 42 USC 1396d; 42 USC 1302; 42 USC 1396u(h)(1)

CFR Citation: 42 CFR 441.355; 42 CFR 441.357; 42 CFR 441.359

Legal Deadline: Final, Statutory, October 1, 1992. Other, Statutory, July 1, 1991.
Other deadline is for an interim final rule.

Abstract: These interim final rules specify minimum protection requirements that must be met in order for a State to be eligible to provide optional community supported living arrangement services to individuals with developmental disabilities as defined in section 1930(b) of the Social Security Act. These rules implement section 1930(h)(l)(B) of the Social Security Act, as added by section 4712 of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/24/91	56 FR 48112
Interim Final Rule Comment Period End	11/25/91	56 FR 48112
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending receipt and analysis of public comments.

Agency Contact: Robert Wardwell, Chief, Home and Community Based Waivers Branch, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5659**

RIN: 0938–AF66

1243. ● MEDICAID DRUG USE REVIEW PROGRAM AND ELECTRONIC CLAIMS MANAGEMENT SYSTEM FOR OUTPATIENT DRUG CLAIMS (MB-050-IFC)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396r-8

CFR Citation: 42 CFR 456

Legal Deadline: None

Abstract: This interim final rule implements sections 1927(g) and (h) of the Social Security Act as established by the Omnibus Budget Reconciliation Act of 1990 (Pub.L. 101-508). It prescribes requirements for an outpatient drug use review program that includes both prospective drug review and retrospective drug use review. It also contains requirements for State drug use review boards and requirements of a point-of-sale electronic claims management system for processing claims for outpatient drugs.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment Period	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Christopher Howe, Branch Chief, Systems Performance Branch, Department of Health and Human Services, Health Care Financing Administration, Room 2-J-2 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-3276**

RIN: 0938–AF67

1244. ● MEDICAID: OUTSTATION INTAKE LOCATIONS FOR CERTAIN LOW-INCOME PREGNANT WOMEN, INFANTS AND CHILDREN (MB-052-IFC)

Legal Authority: 42 USC 1396a(a)(55); 42 USC 1302

CFR Citation: 42 CFR 435.901; 42 CFR 435.902; 42 CFR 435.903; 42 CFR 435.904; 42 CFR 435.907

Legal Deadline: None

Abstract: This interim final rule interprets a statutory requirement that State Medicaid agencies must provide for receipt and initial processing of

Medicaid applications filed by certain low-income pregnant women, infants, and children at locations which are other than those used for receipt and processing of Aid to Families with Dependent Children (AFDC) applications. The statutory requirement also provides that the application form for these individuals must not be the AFDC application form.

The rule is based on a new section 1902(a)(55) of the Social Security Act as added by section 4602 of the Omnibus Budget Reconciliation Act of 1990, Pub.L. 101-508.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment	05/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert Tomlinson, Division of Eligibility Policy, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4463**

RIN: 0938–AF69

1245. ● HOME AND COMMUNITY-BASED CARE AS AN OPTIONAL SERVICE (MB-053-IFC)

Significance: Agency Priority

Legal Authority: 42 USC 1396d(a); 42 USC 1302

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This interim final rule would allow States to choose to provide home and community care for functionally disabled elderly as a State plan option. Rather than imposing a cost-neutrality component, as is the case in home and community based care waiver programs under section 1915 of the Social Security Act, this rule imposes two cost "caps" which are applied independently. One cap prohibits States from spending more than 50 percent of the amount Medicare would pay for certain nursing facility care, the second cap is an aggregate limit on the amount of Federal funding. This rule would implement section 4711 of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Comment Period	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Under development.

Agency Contact: Mary Jean Duckett, Chief, Home and Community Based Waivers Branch, Department of Health and Human Services, Health Care Financing Administration, Room 273 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5640**

RIN: 0938–AF70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

1246. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE (BPD-368-F)

Significance: Agency Priority

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.128

Completed:

Reason	Date	FR Cite
Withdrawn - rulemaking affected by Supreme Court decision	08/01/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Barbara Wynn, 301 966-4529

RIN: 0938–AC40

1247. REQUIREMENTS FOR LONG TERM CARE FACILITIES (BPD-396-F)

Significance: Agency Priority

CFR Citation: 42 CFR 442.1; 42 CFR 442.30; 42 CFR 442.100; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442.300 to 442.346; 42 CFR 442.250 to 442.254; 42 CFR 483.1 to 483.75

Completed:

Reason	Date	FR Cite
Final Action	09/26/91	56 FR 48826
Final Action Effective	04/01/92	56 FR 48826

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State

Agency Contact: Bill Ullman, 301 966-5667

RIN: 0938–AD12

1248. RECOGNITION OF ACCREDITING ORGANIZATIONS FOR HOME HEALTH AGENCY PARTICIPATION (BPD-413-PN)

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Merged with RINs 0938-AF55 and 0938-AF53	07/01/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: John Thomas, 301 966-4623

RIN: 0938–AD13

1249. EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS (BPD-422-F)

CFR Citation: 42 CFR 417.413; 42 CFR 417.428; 42 CFR 417.432; 42 CFR 417.436; 42 CFR 417.446; 42 CFR 417.448; 42 CFR 417.460; 42 CFR 417.640; 42 CFR 417.494; 42 CFR 417 444, 42 CFR 417.597

Completed:

Reason	Date	FR Cite
Final Action	09/13/91	56 FR 46562
Final Action Effective	10/15/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Joan Mahanes, 301 966-4642

RIN: 0938–AD14

1250. HOME HEALTH AGENCIES: CONDITIONS OF PARTICIPATION AND REDUCTION IN RECORDKEEPING REQUIREMENTS (BPD-476-F)

CFR Citation: 42 CFR 484

Completed:

Reason	Date	FR Cite
Final Action	07/18/91	56 FR 32967
Final Action Effective	08/19/91	56 FR 32967

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, 301 966-4607

RIN: 0938–AD45

1251. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1989 (BPD-464-FNC)

Significance: Agency Priority

CFR Citation: 42 CFR 413.30

Completed:

Reason	Date	FR Cite
Final Action	04/01/91	56 FR 13317
Final Action Effective	10/01/89	56 FR 13317

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, 301 966-4513

RIN: 0938–AD48

1252. FEE SCHEDULES FOR RADIOLOGIST SERVICES (BPD-478-F)

Significance: Agency Priority

CFR Citation: 42 CFR 405.501; 42 CFR 405.520; 42 CFR 405.532; 42 CFR 405.533; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.554; 42 CFR 405.555

Completed:

Reason	Date	FR Cite
Merged with RIN 0938-AE91	06/05/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, 301 966-4497

RIN: 0938–AD62

1253. CONFORMING AMENDMENTS RESULTING FROM THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987 (BPD-484-FC)

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 413; 42 CFR 416; 42 CFR 417; 42 CFR 424; 42 CFR 430; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; ...

Completed:

Reason	Date	FR Cite
Final Action	04/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Luisa V. Iglesias, 202 245-0383

RIN: 0938–AD92

1254. GRACE PERIOD AND TERMINATION FOR NON-PAYMENT OF SUPPLEMENTARY MEDICAL INSURANCE (PART B) PREMIUMS FOR INSURED PERSONS (BPO-78-F)

CFR Citation: 42 CFR 408.8; 42 CFR 408.63; 42 CFR 408.47; 42 CFR 408.50; 42 CFR 408.1; 42 CFR 408.2; 42 CFR 408.6; 42 CFR 408.10

Completed:

Reason	Date	FR Cite
Final Action	09/24/91	56 FR 48110
Final Action Effective	10/24/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Boerschel, 301 966-5941

RIN: 0938–AD97

1255. WITHDRAWAL OF COVERAGE OF EXTRACRANIAL-INTRACRANIAL ARTERIAL BYPASS SURGERY FOR THE TREATMENT OR PREVENTION OF STROKE (BPD-622-FN)

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	02/27/91	56 FR 8206
Final Action Effective	02/27/91	56 FR 8206

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Della Vecchia, 301 966-5316

RIN: 0938–AE11

1256. NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAMS (BPD-662-F)

Significance: Regulatory Program

CFR Citation: 42 CFR 431; 42 CFR 483; 42 CFR 433

Completed:

Reason	Date	FR Cite
Final Action	09/26/91	56 FR 48880
Final Action Effective	04/01/92	56 FR 48880

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Martha Kuespert, 301 966-1782

RIN: 0938–AE50

1257. PAYMENT FOR EPOETIN (EPO) FURNISHED TO ESRD PATIENTS (BPD-652-IFC)

CFR Citation: 42 CFR 410.50(c); 42 CFR 410.50(a); 42 CFR 413.170(c)(5)

Completed:

Reason	Date	FR Cite
Merged with RIN 0938-AF54	07/01/91	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Bernadette Schumaker, 301 966-4567

RIN: 0938–AE52

1258. CAPITAL PAYMENTS UNDER THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM (BPD-681-F)

Significance: Regulatory Program

CFR Citation: 42 CFR 412.2(c); 42 CFR 412.1; 42 CFR 412.63; 42 CFR 412.65; 42 CFR 412.67(d); 42 CFR 412.68; 42 CFR 412.82; 42 CFR 412.84; 42 CFR 412.92; 42

CFR 412.106; 42 CFR 412.113(a); 42 CFR 412.118; 42 CFR 412.214; 42 CFR 413.5; 42 CFR 413.130 to 154; ...

Completed:

Reason	Date	FR Cite
Final Action	08/30/91	56 FR 43358
Final Action Effective	10/01/91	56 FR 43358

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Wynn, 301 966-4536

RIN: 0938–AE59

1259. MONTHLY ACTUARIAL RATES AND SUPPLEMENTARY MEDICAL INSURANCE PREMIUM RATE BEGINNING JANUARY 1, 1991 (OACT-35-N)

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	02/27/91	56 FR 8208
Final Action Effective	01/01/91	56 FR 8208

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carter Warfield, 301 966-6396

RIN: 0938–AE67

1260. NATIONAL STANDARDIZATION OF "GLOBAL SURGERY" POLICY (BPD-698-FN)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Merged with RIN 0938-AE91	06/05/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terrence Kay, 301 966-4494

RIN: 0938–AE85

1261. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1992 RATES (BPD-711-P)

Significance: Regulatory Program

CFR Citation: 42 CFR 412; 42 CFR 413

Completed:

Reason	Date	FR Cite
Final Action	08/30/91	56 FR 43196
Final Action Effective	10/01/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Agency Contact: Barbara Wynn, 301 966-4529

RIN: 0938–AE90

1262. PROPOSED ADDITIONS TO AND DELETIONS FROM THE CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS (BPD-623-FN)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Merged with RIN 0938-AF48	07/30/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne Marie Hummel, 301 966-4637

RIN: 0938–AE95

1263. CRITERIA FOR MEDICARE COVERAGE OF ADULT LIVER TRANSPLANTS (BPD-648-FN)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	04/12/91	56 FR 15006
Final Action Effective	04/11/91	56 FR 15006

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vilis Kilpe, M.D., 301 966-9365

RIN: 0938–AE96

1264. MEDICARE GEOGRAPHICAL CLASSIFICATION REVIEW BOARD: PROCEDURES AND GUIDELINES (BPD-684-FC)

Significance: Agency Priority

CFR Citation: 42 CFR 412

Completed:

Reason	Date	FR Cite
Final Action	06/04/91	56 FR 25458
Final Action Effective	06/04/91	56 FR 25458

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara Wynn, 301 966-4529

RIN: 0938–AF19

1265. CHANGES TO THE END-STAGE RENAL DISEASE (ESRD) PAYMENT METHODOLOGY AND PROPOSED COMPOSITE PAYMENT RATES FOR OUTPATIENT MAINTENANCE DIALYSIS SERVICES (BPD-624-P)

Significance: Agency Priority

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 413

Completed:

Reason	Date	FR Cite
Withdrawn due to OBRA '90 provisions.	07/24/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Bernadette Schumaker, 301 966-4568

RIN: 0938–AF20

1266. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1991 (BPD-716-N)

Significance: Agency Priority

CFR Citation: 42 CFR 413.30

Completed:

Reason	Date	FR Cite
Withdrawn	07/17/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Goeller, 301 966-4513

RIN: 0938–AF23

HHS—HCFA

Completed Actions

1267. CHANGES CONCERNING INTEREST RATES CHARGED ON OVERPAYMENTS AND UNDERPAYMENTS (BPO-096-F)

CFR Citation: 42 CFR 405.376

Completed:

Reason	Date	FR Cite
Final Action	07/10/91	
Final Action Effective	09/08/91	56 FR 31332

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Krieger, 301 966-7518

RIN: 0938–AF29

1268. DATA MATCH REPORTING REQUIREMENTS (BPO-098-GN)

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	07/12/91	56 FR 31952
Final Action Effective	07/12/91	56 FR 31952

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Marc Thomas, 301 966-7154

RIN: 0938–AF30

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Administration for Children and Families (ACF)

1269. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20; PL 100-485, Sec 303(e)

CFR Citation: 42 CFR 435; 42 CFR 436; 45 CFR 233

Legal Deadline: None

Abstract: This NPRM rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10, the recoupment of overpayment, or because the payment is determined to be zero as a result of rounding.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 401-9289

RIN: 0970–AA07

1270. REVISIONS TO AUDIT REGULATIONS AS A RESULT OF THE CHILD SUPPORT PROVISIONS OF THE FAMILY SUPPORT ACT OF 1988

Significance: Agency Priority

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 301; 45 CFR 305

Legal Deadline: None

Abstract: This regulation revises existing audit procedures as a result of changes to program regulations to implement the child support provisions of the Family Support Act of 1988. These changes establish timeframes and standards for providing child support enforcement services, and require use of guidelines to establish support orders among other things. Audit regulations are being revised for consistency with new program requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Betsy Matheson, Director, Policy and Planning Division, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 401-9386

RIN: 0970–AA74

1271. EMERGENCY ASSISTANCE

Significance: Agency Priority

Legal Authority: PL 101-508; PL 101-239; PL 100-628; PL 100-203

CFR Citation: 45 CFR 233.120

Legal Deadline: None

Abstract: This regulation will prohibit reimbursement under the Emergency Assistance Program for assistance for periods beyond 30 days in a 12-month period while:

--Continuing to allow use of emergency assistance funds to prevent evictions and utility cutoffs by paying past due rent and utility costs;

--Assisting homeless families to secure permanent housing by covering the first month's rent and security deposit.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for

Children and Families, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 401-9289

RIN: 0970–AA84

1272. SAFEGUARDING INFORMATION; FEDERAL INCOME TAX REFUND OFFSET

Significance: Agency Priority

Legal Authority: 42 USC 664

CFR Citation: 45 CFR 301.1; 45 CFR 303.21; 45 CFR 303.72

Legal Deadline: None

Abstract: This regulation implements section 5011 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508), extending the Federal Income Tax Refund Offset process for non-AFDC families in three ways: 1) by making the provision permanent in the statute; 2) by clarifying that spousal support in the same order may be collected; and, 3) by allowing collection of support for certain adult disabled children. In addition, this proposed rule would permit the disclosure of information to the appropriate agency with respect to known or suspected instances of child abuse.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Lourdes Henry, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 401-5440

RIN: 0970–AA88

1273. ● REQUIRE RECOUPMENT OF OVERPAYMENTS FROM CURRENT RECIPIENTS

Significance: Agency Priority

Legal Authority: 42 USC 602; 42 USC 606; 42 USC 607

CFR Citation: 45 CFR 233.20(a)(13)(i)(A)(1); 45 CFR 233.20(a)(13)(i)(A)(2); 45 CFR 233.20(a)(13)(i)(B); 45 CFR 233.20(a)(13)(i)(E)(3)

Legal Deadline: None

Abstract: 1) Requires States to use recoupment (grant reduction) to collect outstanding overpayments from current recipients; 2) permits States to recoup above the 10% recoupment limit upon recipients' written request; and, 3) shortens the time period for States to initiate a specific recovery action. These actions would provide for prompt recovery of AFDC overpayments, increase overpayment collections thereby enhancing the fiscal integrity of the AFDC program.

Timetable:

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38094
NPRM Comment Period End	10/11/91	
Final Action	10/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 401-9289

RIN: 0970–AA94

1274. ● CHILD SUPPORT RELATED CHANGES TO THE AFDC PROGRAM

Legal Authority: 42 USC 602(g)(vi)(II); 42 USC 602(a)(26); 42 USC 602(a)(44); 42 USC 602(a)(11); 42 USC 603; 42 USC 1302

CFR Citation: 45 CFR 232; 45 CFR 235; 45 CFR 256

Legal Deadline: None

Abstract: This regulation will: (1) Establish minimum sanction timeframes for failure to cooperate in establishing paternity and obtaining child support; (2) deny transitional child care (TCC) benefits to a family when the caretaker relative fails to cooperate with the State in establishing and enforcing child support obligations and extend the good cause exemption to include TCC recipients; and (3) require the State IV-A agency to promptly provide information to the State IV-D agency for any child born out-of-wedlock for whom paternity has not been established.

Timetable:

Action	Date	FR Cite
NPRM	03/16/92	
NPRM Comment Period End	05/15/92	
Final Action	02/15/93	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 401-9289

RIN: 0970–AA96

1275. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 627

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: None

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act. The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	06/30/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This action was previously reported under RIN 0980-AA08.

Agency Contact: Jeff Rosenberg, Special Assistant to the Commissioner, Admin. for Children, Youth, and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0347

RIN: 0970–AA97

1276. HEAD START APPEALS PROCESS

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1303

Legal Deadline: None

Abstract: The NPRM will propose revisions to current procedures for appeals from Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process and reduce costs.

Timetable:

Action	Date	FR Cite
NPRM	12/31/91	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA20.

Agency Contact: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, **202 245-0569**

RIN: 0970–AB00

1277. REQUIREMENTS APPLICABLE TO TITLE IV-E FOSTER CARE AND TITLE IV-B CHILD WELFARE SERVICES

Legal Authority: 42 USC 670 et seq; 42 USC 620 et seq

CFR Citation: 45 CFR 1356; 45 CFR 1357

Legal Deadline: None

Abstract: The Department plans to issue a Notice of Proposed Rulemaking regarding: (1) regulatory changes related to the judicial determination requirement for reasonable efforts to prevent removal and to reunify the foster child with his parents; (2) a limitation on the documentation used to verify title IV-E eligibility and State compliance with section 427 of the Social Security Act; and (3) a regulatory change from current policy regarding what constitutes a child's home/foster home for the purpose of title IV-E eligibility which will provide for equitable treatment of relative and non-relative foster care providers.

Timetable:

Action	Date	FR Cite
NPRM	12/31/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This action was previously reported under RIN 0980-AA44.

Agency Contact: Daniel H. Lewis, Acting Associate Commissioner, Admin. for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, **202 245-0618**

RIN: 0970–AB07

1278. RUNAWAY AND HOMELESS YOUTH PROGRAM

Legal Authority: 42 USC 5701 et seq

CFR Citation: 45 CFR 1351

Legal Deadline: None

Abstract: This NPRM will propose a revision of the existing definition of "temporary shelter" to increase the maximum number of days a runaway or homeless youth may receive continuous shelter from an entity receiving a Basic Center grant under Part A of the Runaway and Homeless Youth Act.

Timetable:

Action	Date	FR Cite
NPRM	12/30/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA45.

Agency Contact: Carol Behrer, Associate Commissioner, Admin. for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, **202 245-0102**

RIN: 0970–AB08

1279. NONRECURRING EXPENSES OF ADOPTION-TECHNICAL AMENDMENT

Legal Authority: 42 USC 670

CFR Citation: 45 CFR 1356

Legal Deadline: None

Abstract: A technical amendment will delete unnecessary procedural restrictions and deadlines while retaining statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/31/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This action was previously reported under RIN 0980-AA46.

Agency Contact: Daniel H. Lewis, Acting Associate Commissioner for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, **202 245-0618**

RIN: 0970–AB09

1280. TITLE IV-E ADMINISTRATIVE COSTS

Significance: Agency Priority

Legal Authority: 42 USC 670

CFR Citation: 45 CFR 1356

Legal Deadline: None

Abstract: This NPRM will propose uniform definitions and new requirements states must meet in claiming reimbursement for administrative costs under the foster care and adoption assistance programs (Title IV-E of the Social Security Act).

Timetable:

Action	Date	FR Cite
NPRM	09/30/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This action was previously reported under RIN 0980-AA47.

Agency Contact: Daniel H. Lewis, Acting Associate Commissioner for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, **202 245-0618**

RIN: 0970–AB10

1281. AMENDMENTS TO DEVELOPMENTAL DISABILITIES RULES

Legal Authority: 42 USC 6000 et seq

HHS—ACF

Proposed Rule Stage

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: NPRM, Judicial, April 29, 1991.

Abstract: This NPRM will propose to update current rules with clarifications and new requirements to implement recent changes in the Developmental Disabilities Assistance and Bill of Rights Act (Public Law 101-496).

Timetable:

Action	Date	FR Cite
NPRM	03/31/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This action was previously reported under RIN 0980-AA48.

Agency Contact: Will Wolstein, Deputy Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, Administration for Children and Families, 200 Independence Avenue, SW., Room 329D, Washington, DC 20201, 202 245-2904

RIN: 0970–AB11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Administration for Children and Families (ACF)

Final Rule Stage

1282. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 233.36; 45 CFR 237.50; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35

Legal Deadline: None

Abstract: The final regulations will clarify provisions first published in the Interim Final Rules implementing the Deficit Reduction Act of 1984 and as clarified by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	11/01/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 401-9289

RIN: 0970–AA06

1283. IMMEDIATE WAGE WITHHOLDING, REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS, AND MONTHLY NOTICE OF SUPPORT COLLECTIONS

Significance: Agency Priority

Legal Authority: 42 USC 654(5); 42 USC 666

CFR Citation: 45 CFR 302.54; 45 CFR 302.70; 45 CFR 303.4; 45 CFR 303.8(proposed); 45 CFR 303.100

Legal Deadline: None

Abstract: This regulation implements certain provisions of the Family Support Act of 1988 (P.L. 100-485). It requires States: (1) by November 1990, to require immediate income withholding in all cases receiving services under title IV-D of the Social Security Act with new or modified orders unless there is an alternative arrangement; (2) to have a plan in effect by October 13, 1990 for review and adjustment of child support orders, as appropriate, in accordance with support guidelines; and (3) to send monthly as opposed to annual notices of the amount of support collected to AFDC families, effective January 1, 1993.

Timetable:

Action	Date	FR Cite
NPRM	08/15/90	55 FR 33414
NPRM Comment Period End	10/15/90	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Craig Hathaway, Policy Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 401-5367

RIN: 0970–AA63

1284. RELATED AFDC AMENDMENTS UNDER THE FAMILY SUPPORT ACT OF 1988

Legal Authority: PL 100-485, Sec 401(a); PL 100-485, Sec 402; PL 100-485, Sec 403; PL 100-485, Sec 601; PL 100-485, Sec 604(a)(3); PL 101-508, Sec 5061; PL 101-508, Sec 5062; PL 101-508, Sec 11115

CFR Citation: 45 CFR 201.1(g); 45 CFR 232.2; 45 CFR 233.20(a)(3)(xiii); 45 CFR 233.20(a)(6)(xi); 45 CFR 233.100

Legal Deadline: None

Abstract: Would make the following changes required by the Family Support Act: (1) Require all States to provide benefits for families with unemployed parents and authorize States to time-limit benefits within certain constraints; (2) Increase the standard work expense disregard to $90; (3) Increase the limit of the dependent care disregard to $175 ($200 for a child under 2); (4) Disregard earned income tax credit payments; (5) Allow States to require as a condition of eligibility that minor mothers who have never married live in a place of residence maintained by a parent, legal guardian or other adult-supervised living arrangement; (6) Add American Samoa to the jurisdictions authorized to develop and operate an AFDC program (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34294
NPRM Comment Period End	10/22/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: (7) Make States responsible for

assuring that benefits and services under IV-A, IV-D, and IV-F are furnished in an integrated manner and reinforce the role and responsibility of the State in obtaining the cooperation of the applicant/recipient in the establishment of paternity and the enforcement of child support obligations.

It also implements three sections of the Omnibus Budget Reconciliation Act of 1990 (PL 101-508) which made clarifying or technical changes to: (1) the penalties applying to AFDC-UP cases cases, (2) Credit for "quarters of work" based on prior WIN or CWEP participation, and (3) exclusion of EITC payments under the 185 percent gross income test.

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, **202 401-9289**

RIN: 0970–AA69

1285. DISREGARDS OF INCOME AND RESOURCES

Legal Authority: PL 100-50; PL 100-707; PL 100-383; PL 101-201; PL 101-239

CFR Citation: 45 CFR 233.20(a)(4)

Legal Deadline: None

Abstract: Would add the following income and resource disregards to the regulations: (1) Disregard of Bona Fide Loans; (2) Disregard of Student Financial Assistance under title IV of the Higher Education Act or under Bureau of Indian Affairs Student Assistance Programs that is made available for attendance costs; (3) Disregard of Compensation to individuals of Japanese ancestry, and residents of the Aleutian and Pribilof Islands who were interned during World War II; (4) Disregard of Federal major disaster and emergency assistance under the Disaster Relief Act, as amended; and (5) Disregard of Agent Orange Payments.

Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32152
NPRM Comment Period End	09/13/91	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, **202 401-9289**

RIN: 0970–AA70

1286. OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-203

CFR Citation: 45 CFR 233.20(a)(3)(x); 45 CFR 233.53; 45 CFR 235.112

Legal Deadline: NPRM, Statutory, April 1, 1988.
The statutory effective date of the optional AFDC fraud control program is April 1, 1988.

Abstract: (1) Permanently extends the optional disregard of certain in-kind assistance in determining eligibility for and the amount of AFDC. (2) Authorizes States to establish an optional fraud control program. (3) Provides that a child whose support and maintenance costs are covered in the foster care of his or her minor parent may not be regarded as a member of an AFDC family.

Timetable:

Action	Date	FR Cite
NPRM	05/07/90	55 FR 18912
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, **202 401-9289**

RIN: 0970–AA75

1287. FEES FOR USE OF THE FEDERAL PARENT LOCATOR SERVICE IN NON-AFDC CASES

Significance: Agency Priority

Legal Authority: 42 USC 653

CFR Citation: 45 CFR 303.70

Legal Deadline: None

Abstract: This regulation requires State IV-D agencies to charge individuals not receiving aid to families with dependent children (AFDC), Medicaid or title IV-E foster care services a fee for use of the Federal Parent Locator Service.

Timetable:

Action	Date	FR Cite
NPRM	11/15/90	55 FR 47777
NPRM Comment Period End	01/14/91	55 FR 47777
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew J. Hagan, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-5375**

RIN: 0970–AA78

1288. MANDATORY AUTOMATED CHILD SUPPORT ENFORCEMENT SYSTEMS

Significance: Agency Priority

Legal Authority: 42 USC 654; 42 USC 652; 42 USC 655

CFR Citation: 45 CFR 307

Legal Deadline: None

Abstract: This regulation implements Section 123 of the Family Support Act of 1988 (P.L. 100-485) under which, by October 1, 1991, every State which does not have a statewide automated child support system in effect must submit an advance planning document to the Secretary of HHS. By October 1, 1995, every State must have an approved system in effect. On September 30, 1995, 90% Federal funding for automated systems is repealed.

Timetable:

Action	Date	FR Cite
NPRM	05/14/91	56 FR 22130
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Rosalie Ryan, Director, Division of State Child Support, Enforcement Systems, Department of Health and Human Services, Administration for Children

and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-9364**

RIN: 0970–AA80

1289. COMPUTER MATCHING AND PRIVACY PROTECTION ACT PROVISIONS

Significance: Agency Priority

Legal Authority: PL 100-503; PL 101-508

CFR Citation: 45 CFR 205.56; 45 CFR 205.58

Legal Deadline: Other, Statutory, January 1, 1990.
The statutory effective date is 1/1/90 (extended by enactment of PL 101-56). (PL 101-58 upon completion of certain administrative actions)

Abstract: Requires States to: (1) Independently verify information obtained in computer matching programs. (2) Provide an advance notice of ten (10) days to an individual before imposing any adverse action or actions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, **202 401-9289**

RIN: 0970–AA81

1290. IMPLEMENTATION OF QUALITY CONTROL PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1989

Legal Authority: PL 101-239

CFR Citation: 45 CFR 205.40; 45 CFR 205.41; 45 CFR 205.42; 45 CFR 205.43; 45 CFR 205.44

Legal Deadline: None
No legal deadline but new Quality Control system must be in operation by October 1, 1990.

Abstract: Will implement Quality Control provisions of PL 101-239 by specifying how the Quality Control process is to be carried out by the interested State agencies. This includes sample size and selection requirements; case review standards; disposition requirements; data input and reporting time deadlines; difference resolution process; payment error rate and disallowance computation; notification and appeal procedures and deadlines; and sundry pertinent issues.

Timetable:

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27709
NPRM Comment Period End	08/16/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sean Hurley, Director, Division of Quality Control, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, **202 401-9296**

RIN: 0970–AA82

1291. PROHIBITION OF FEDERAL FUNDING OF GUARDIAN AD LITEM FEES

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 304

Legal Deadline: None

Abstract: This regulation will clarify that Federal funding of guardian ad litem fees in child support cases is prohibited.

Timetable:

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27723
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marilyn R. Cohen, Policy Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-5366**

RIN: 0970–AA86

1292. TIMEFRAMES FOR PAYING SUPPORT COLLECTIONS TO AFDC FAMILIES

Significance: Agency Priority

Legal Authority: 42 USC 652(i)

CFR Citation: 45 CFR 232.20; 45 CFR 302.32

Legal Deadline: None

Abstract: This proposed rule revises the timeframes for distributing the child support collections to families receiving Aid to Families with Dependent Children (AFDC) and certain collections in title IV-E foster care cases contained in 45 CFR 302.32(f).

Timetable:

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42581
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Lourdes Henry, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-5440**

RIN: 0970–AA87

1293. AT-RISK CHILD CARE

Significance: Regulatory Program

Legal Authority: PL 101-508, Sec 5081

CFR Citation: 45 CFR 255.4; 45 CFR 257

Legal Deadline: None

Abstract: The regulation implements section 5081 of OBRA 1990 which provides States with the option to provide child care to low income families who: are not receiving AFDC, need such care in order to work, and would otherwise be at risk of becoming eligible for AFDC.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 29054
NPRM Comment Period End	08/23/91	56 FR 29054
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mary Ann Higgins, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-9326**

RIN: 0970–AA90

1294. REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

Significance: Agency Priority

Legal Authority: 42 USC 666

CFR Citation: 45 CFR 302.70; 45 CFR 303.7; 45 CFR 303.8

Legal Deadline: None

Abstract: This regulation implements certain provisions of the Family Support Act of 1988(P. L. 100-485). It requires States to review child support orders in IV-D cases beginning October 13, 1993, at least every 36 months, and adjust, as appropriate, child support orders in accordance with child support guidelines.

Timetable:

Action	Date	FR Cite
NPRM	08/15/90	55 FR 33414
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Marianne C. Upton, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-5373**

RIN: 0970–AA91

1295. CHILD CARE AND DEVELOPMENT BLOCK GRANT

Significance: Regulatory Program

Legal Authority: PL 101-508

CFR Citation: 45 CFR 98; 45 CFR 99

Legal Deadline: None

Abstract: To provide financial assistance to low income working families to help them find and afford quality child care services. To provide funds for grants and contracts to providers of early childhood development and before and after-school services and for activities to improve the availability and quality of child care.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/91	56 FR 26194
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Mark Ragan, Director, Child Care Task Force, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-9326**

RIN: 0970–AA92

1296. ● ESSENTIAL PERSONS

Legal Authority: 42 USC 402(a)(7)

CFR Citation: 45 CFR 233.20(a)(2)(vi)

Legal Deadline: None

Abstract: The final rule rescinds the current regulation on essential persons which restricts the categories of individuals who may be considered in the State Plan as Essential Persons and replaces the current regulation with an earlier version which restores the authority of states to make this determination.

Timetable:

Action	Date	FR Cite
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-9289**

RIN: 0970–AA93

1297. ● EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM

Legal Authority: 42 USC 11302 (101 Stat.485); 42 USC 11461; 42 USC 11462; 42 USC 11463; 42 USC 11464; 42 USC 11472

CFR Citation: 45 CFR 1080

Legal Deadline: None

Abstract: These Interim Final Rules with request for comments would: 1) Permit the State to use up to 5% of its allocated funds to defray State administrative costs; 2) Provide that not more than 50% of the program funds may be used for renovations of buildings that provide services to the homeless; and, 3) Allow program funds to be used for the provision of, or referral to, violence counseling for homeless children and individuals, and for associated training of staff working with the homeless.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joseph R. Carroll, Director, EHP, Office of Community Services, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, **202 401-9354**

RIN: 0970–AA95

1298. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1302

Legal Deadline: None

Abstract: The current rule applies primarily to the initial selection of a grantee. The final rule will better accommodate a wider variety of competitive situations and add new criteria to address the selection of new grantees.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39018
NPRM Comment Period End	11/21/89	
Final Action	03/31/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA17.

Agency Contact: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and

Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0970–AA98

1299. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None

Abstract: The final rule will amend existing regulations related to program design to specify class size, hours of operation, and program options such as center-based and home-based Head Start services. The final rule will also include, in a new Part, the requirements for home-based Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	12/08/88	53 FR 49565
NPRM Comment Period End	02/21/89	
Final Action	12/31/91	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA18.

Agency Contact: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0970–AA99

1300. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO CHILDREN WITH DISABILITIES

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1304; 45 CFR 1305; 45 CFR 1308

Legal Deadline: None

Abstract: The final rule will establish a new part 1308 setting forth performance standards that must be used in providing Head Start services to children with disabilities.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41088
NPRM Comment Period End	01/19/89	53 FR 47235
Final Action	06/30/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA21.

Agency Contact: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0970–AB01

1301. HEAD START RECRUITMENT, SELECTION, AND ENROLLMENT OF CHILDREN

Significance: Regulatory Program

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1305

Legal Deadline: None

Abstract: In this final rule, the Head Start Bureau will amend existing regulations governing recruitment, selection, and enrollment of children.

Timetable:

Action	Date	FR Cite
NPRM	07/23/90	55 FR 29970
NPRM Comment Period End	10/22/90	55 FR 29970
Final Action	03/31/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA27.

Agency Contact: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0970–AB02

1302. HEAD START GRANTS ADMINISTRATION

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1301

Legal Deadline: None

Abstract: The Head Start Bureau will provide additional clarification to Head Start programs in meeting the requirement that the costs of developing and administering a Head Start program not exceed 15 percent of total costs. The rule will also clarify that training and technical assistance funds awarded to a grantee are included in the total costs of the program and must be matched at the 20 percent match rate as required by statute.

Timetable:

Action	Date	FR Cite
NPRM	10/25/90	55 FR 42997
NPRM Comment Period End	12/24/90	55 FR 42997
Final Action	03/31/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA32.

Agency Contact: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0970–AB03

1303. HEAD START PERFORMANCE STANDARDS FOR INFANTS, TODDLERS, AND PREGNANT WOMEN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1307

Legal Deadline: None

Abstract: The final rule will establish a new Part 1307 setting forth performance standards that must be used in providing Head Start services to infants, toddlers and pregnant women.

Timetable:

Action	Date	FR Cite
NPRM	06/19/90	55 FR 24899
NPRM Comment Period End	08/20/90	55 FR 24899
Final Action	03/31/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA33.

Agency Contact: Douglas Klafehn, Deputy Associate Commissioner, Head

Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, **202 245-0569**

RIN: 0970–AB04

1304. ADOPTION AND FOSTER CARE INFORMATION

Significance: Regulatory Program

Legal Authority: 42 USC 679

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: Final, Statutory, December 31, 1988.

Abstract: Section 479 of the Social Security Act requires the Secretary to publish regulations to collect data relating to foster care and adoption in the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/27/90	55 FR 39540
NPRM Comment Period End	12/26/90	55 FR 39540
Final Action	12/31/91	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This action was previously reported under RIN 0980-AA35.

Agency Contact: Daniel H. Lewis, Acting Associate Commissioner for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, **202 245-0618**

RIN: 0970–AB05

1305. SOCIAL SERVICES BLOCK GRANT INFORMATION COLLECTION

Legal Authority: 42 USC 1397 to 1397e

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: The final rule will specify procedures and uniform definitions of services for use by States in preparing their annual reports to the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	04/05/90	55 FR 12678
NPRM Comment Period End	06/04/90	55 FR 12678
Final Action	03/31/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This action was previously reported under RIN 0980-AA42.

Agency Contact: Janet Hartnett, Department of Health and Human Services, Administration for Children and Families, 200 Independence Avenue, SW., Room 312-F, Washington, DC 20201, **202 245-7027**

RIN: 0970–AB06

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Completed Actions

Administration for Children and Families (ACF)

1306. ALIEN VERIFICATION PROCEDURES FOR AFDC, STATE ADMINISTERED ADULT ASSISTANCE AND MEDICAID PROGRAMS; NOTICE OF PROPOSED RULEMAKING

Significance: Agency Priority

CFR Citation: 42 CFR 431; 42 CFR 433; 45 CFR 435; 42 CFR 436; 45 CFR 095; 45 CFR 205; 45 CFR 233

Completed:

Reason	Date	FR Cite
Withdrawn	03/18/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mack Storrs, **202 401-9289**

RIN: 0970–AA41

1307. EXCLUSION OF INDIAN TRUST FUNDS AND ALASKA NATIVE CLAIMS SETTLEMENT ACT DISTRIBUTIONS

CFR Citation: 45 CFR 233.20(a)(4)(ii)(n); 45 CFR 233.20(a)(4)(ii)(o); 45 CFR 233.20(a)(4)(ii)(e); 45 CFR 233.20(a)(4)(ii)(k)

Completed:

Reason	Date	FR Cite
Final Action	06/14/91	56 FR 27419

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mack Storrs, **202 401-9289**

RIN: 0970–AA47

1308. $50 DISREGARD, PATERNITY ESTABLISHMENT AND MANDATORY GUIDELINES

Significance: Agency Priority

CFR Citation: 45 CFR 302.50; 45 CFR 302.51; 45 CFR 302.53; 45 CFR 302.56; 45 CFR 302.70; 45 CFR 303.5; 45 CFR 303.7; 45 CFR 303.100; 45 CFR 304.20

Completed:

Reason	Date	FR Cite
Final Action	05/15/91	56 FR 22335
Final Action Effective	05/15/91	56 FR 22335

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Craig Hathaway, 202 **401-5367**

RIN: 0970–AA64

1309. AMENDMENTS TO THE STATE LEGALIZATION IMPACT ASSISTANCE GRANT (SLIAG) REGULATION

Significance: Agency Priority

CFR Citation: 45 CFR 402.2; 45 CFR 402.10; 45 CFR 402.11; 45 CFR 402.20; 45 CFR 402.24; 45 CFR 402.26; 45 CFR 402.33

Completed:

Reason	Date	FR Cite
Final Action	04/30/91	56 FR 19806

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: David B. Smith, 202 **401-9255**

RIN: 0970–AA73

1310. AMENDMENTS TO THE STATE LEGALIZATION IMPACT ASSISTANCE GRANT (SLIAG) REGULATION

CFR Citation: 45 CFR 402.1; 45 CFR 402.2; 45 CFR 402.10; 45 CFR 402.11; 45 CFR 402.12; 45 CFR 402.21; 45 CFR 402.22; 45 CFR 402.31; 45 CFR 402.32; 45 CFR 402.41; 45 CFR 402.43; 45 CFR 402.44; 45 CFR 402.45; 45 CFR 402.51

Completed:

Reason	Date	FR Cite
Final Action	05/07/91	56 FR 21238

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: David B. Smith, 202 401-9255

RIN: 0970–AA79

1311. LIMITATIONS ON FEDERAL FUNDING AND SOURCES OF STATE'S SHARE UNDER THE IV-A, IV-D AND IV-F PROGRAMS

CFR Citation: 45 CFR 205.130; 45 CFR 235.66; 45 CFR 250.73; 45 CFR 304.23; 45 CFR 304.30

Completed:

Reason	Date	FR Cite
Withdrawn	08/22/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marilyn R. Cohen, 202 401-5366

RIN: 0970–AA89

1312. CONSOLIDATED GRANTS TO INSULAR AREAS

CFR Citation: 45 CFR 97

Completed:

Reason	Date	FR Cite
Final Action	08/13/91	56 FR 38345
Final Action Effective	10/15/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jim Mason, 202 245-6036

RIN: 0970–AB12

[FR Doc. 91-22435 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-91-3310; FR-3128]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291 "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated, which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410, (202) 708-3055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated, which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive order or by the Act, which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency" subject to certain exceptions. The agenda published below concentrates upon regulatory material contained or expected to be contained in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for coordination in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Housing and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. If, within that period, either committee notifies the Secretary that it intends to review any rule or regulation which appears on the agenda, the Secretary must submit to both committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days before it is published for comment. The semiannual agenda published today is the agenda transmitted to the committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publication or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Government National Mortgage Association; and Office of Administration.

Dated: August 21, 1991.

Frank Keating,

General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1313	00 CFR Not yet determined National Homeownership Trust Demonstration Program (S-13-91; FR-3032)	2501-AB15
1314	24 CFR 0 Standards of Conduct (S-1-91; FR-2911)	2501-AB18
1315	00 CFR Not yet determined Preference for Native Hawaiians on Hawaiian Homelands under certain HUD Programs (S-26-91; FR-3127)	2501-AB31

HUD

Office of the Secretary—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1316	24 CFR 1 Deferral of Funding under Section 504 and Title VI Regulations (S-10-90; FR-2825)	2501-AB17
1317	24 CFR 10.1 Rulemaking Policies and Procedures—Public Comment Periods (S-23-91; FR-3115)	2501-AB27
1318	24 CFR 17 Administrative Claims - Disallowed Costs Provisions (S-11-90; FR-2861)	2501-AA97
1319	24 CFR 24 Government Debarment and Suspension and Governmentwide Requirements for a Drug-Free Workplace (S-18-91; FR-3065)	2501-AB24
1320	24 CFR 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures (S-27-91; FR-3061)	2501-AB23
1321	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30
1322	24 CFR 50.1 Changes in HUD Systems for Approval of Subdivisions (S-22-91; FR-3095)	2501-AB25
1323	24 CFR 58 Environmental Review Procedures for the CDBG, Homeless Assistance, Rental Rehab, and Housing Development Development Grant Programs (S-6-84; FR-1965)	2501-AA25
1324	24 CFR 81 Regulations Implementing the Authority of the Secretary of DHUD Over the Conduct of the Secondary Market Operations of the Federal Mortgage Assoc. (S-13-90; FR-2895)	2501-AA99
1325	24 CFR 95 Nepotism Restrictions Applicable to HUD Grantees (S-19-91; FR-3075)	2501-AB29
1326	24 CFR 570.602 Section 109 Rule—Proposed Amendments to 24 CFR 570.602 (CPD-13-91; FR-3079)	2501-AB32
1327	24 CFR 882.219 Preference Rules (S-32-91; FR-3122)	2501-AB35

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1328	24 CFR 87 Prohibition on Use of Federal Funds for Lobbying; Requirements for Disclosure Statements (S-1-90; FR-2719)	2501-AA92
1329	00 CFR Not yet determined HOPE for Elderly Independence Program - Program Guidelines (S-7-91; FR-2957)	2501-AB05
1330	00 CFR Not yet determined HOPE for Multifamily Housing (HOPE 2) (S-5-91; FR-2967)	2501-AB08
1331	00 CFR Not yet determined HOPE for Single Family Homes (HOPE 3) (S-6-91; FR-2968)	2501-AB09
1332	00 CFR Not yet determined HOPE for Public and Indian Housing Homeownership (HOPE 1) S-3-91; FR-2966)	2501-AB10
1333	00 CFR Not yet determined Shelter Plus Care Program (S-13-91; FR-2877)	2501-AB11
1334	24 CFR 70 Davis-Bacon Volunteers (Sec. 955) (S-30-91; FR-2995)	2501-AB33
1335	24 CFR 700 Revised Congregate Program (Sec. 802) (S-31-91; FR-2990)	2501-AB34
1336	24 CFR 9.101 Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by HUD (S-9-91; FR-2163)	2501-AB04
1337	24 CFR 17, subpart C Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR-1644)	2501-AA55
1338	24 CFR 20.3 Board of Contract Appeals (S-24-91; FR-3120)	2501-AB28
1339	24 CFR 25 Mortgagee Review Board (S-8-90; FR-2801)	2501-AB01
1340	24 CFR 45 Implementation of OMB Circular A-133, "Audit of Institutions of Higher Education and Other Nonprofit Institutions" (S-8-91; FR-2594)	2501-AB19
1341	24 CFR 55 Procedure for Floodplain Management and the Protection of Wetlands; Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
1342	24 CFR 86 Requirements Governing the Lobbying of HUD Personnel; Section 112 of the Reform Act (S-21-91; FR-3110)	2501-AB26
1343	24 CFR 91 Comprehensive Housing Affordability Strategy (CHAS) - (S-15-91; FR-2932)	2501-AB13
1344	24 CFR 92 HOME Investment in Affordable Housing Program (S-16-91); FR-2937)	2501-AB12
1345	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-87; FR-2383 (formerly FR-1588))	2501-AA63
1346	24 CFR 203 HOPE Grant Programs; Interim Regulations Related to the HOPE Programs (S-4-91; FR-2965)	2501-AB06
1347	24 CFR 203.1-9 Mortgage Approval Reform and Direct Endorsement Expansion (S-17-91; FR-2854)	2501-AB16
1348	24 CFR 215 Exclusion from Income of Earned Income Tax Credit (S-12-91; FR-3025)	2501-AB20
1349	24 CFR 248 Prepayment of a HUD-Insured Mortgage by an Owner of Low Income Housing (S-10-91; FR-2978)	2501-AB14
1350	24 CFR 570 Technical Rule to Add Reference to CHAS to Existing Regulations (S-11-91; FR-2970)	2501-AB21
1351	24 CFR 581 Procedures to Make Property Available under Title V of the Stewart B. McKinney Homeless Assistance Act (S-8-89; FR-2620)	2501-AA87
1352	24 CFR 813 Definition of Income Limits (S-25-11; FR-3072)	2501-AB30

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Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1353	24 CFR 86 Reforms to Department of Housing and Urban Development—Registration of Consultants (S-3-90; FR-2732) REFORM ACT	2501-AA93
1354	24 CFR 4 Prohibition of Advance Disclosure of Funding Decisions (S-9-90; FR-2805)	2501-AB02
1355	24 CFR 30 Civil Money Penalties for Prohibited Acts, FHA Operations (S-7-90; FR-2734) REFORM ACT	2501-AA90
1356	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
1357	24 CFR 49 Eligibility of Aliens for Certain CDBG Programs and Other Programs (S-12-90; FR-2894)	2501-AA98
1358	24 CFR 50 Protection Enhancement of Environmental Quality; Coastal Barrier Resources System (S-20-91; FR-3050)	2501-AB22
1359	24 CFR 570 Historically Black Colleges and Universities Special Purpose Grants (S-6-90; FR-2794)	2501-AA96

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1360	24 CFR 3282 Manufactured Home Procedures and Enforcement Regulation; Request for Comment and Suggestions for Public Changes (H-27-91; FR-2985)	2502-AF42
1361	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations (H-42-91; FR-3123)	2502-AF56

Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1362	24 CFR 245 Tenant Participation in Multifamily Projects (H-11-88; FR-2451) 1987 HCD Act	2502-AE35
1363	00 CFR Not yet determined Pre-Foreclosure Sale Option (H-12-89; FR-2682)	2502-AE72
1364	00 CFR Not yet determined Pre-Foreclosure Sale Demonstration Program (H-22-91; FR-2714)	2502-AF30
1365	24 CFR 882 Section 8 Moderate Rehabilitation (H-11-91; FR-2976)	2502-AF35
1366	00 CFR Not yet determined Income Eligibility for Tenancy in New Construction Units (H-20-91; FR-3030)	2502-AF41
1367	00 CFR Not yet determined Service Coordinators in Section 202/8 Housing (H-39-91; FR-3107)	2502-AF53
1368	24 CFR 200 Mortgage Assumability and Release Requirements (H-28-90; FR-2867)	2502-AF07
1369	24 CFR 200 Appraisals; Home Inspections (H-16-91; FR-3027)	2502-AF25
1370	24 CFR 200.925 Minimum Property Standards and Housing Quality Standards for Seismic Safety (H-18-91; FR-3028)	2502-AF26
1371	24 CFR 200.935 HUD Building Product Standards and Certification Program for Polystyrene Foam Insulation Board, Use of Materials Bulletin, UMB 71b (H-43-91; FR-3124)	2502-AF57
1372	24 CFR 200.935 HUD Building Product Standards and Certification Program for Carpet Cushion, Use of Materials Bulletin 72b (H-44-91; FR-3125)	2502-AF58
1373	24 CFR 200 Seismic Safety—Earthquake Hazard Reduction (H-45-91; FR-3130)	2502-AF60
1374	24 CFR 214 Housing Counseling Activities (H-9-90; FR-2753)	2502-AE92
1375	24 CFR 203.43i(a) Hawaiian Homelands—FHA Insurance for Rehabilitation Loans (H-29-90; FR-2869)	2502-AF08
1376	24 CFR 203 Nondiscrimination on Basis of Mortgage Charge Notes by Mortgagees on the Basis of Geographical Area (H-14-91; FR-3021)	2502-AF29
1377	24 CFR 203 Single Family Insurance—Secondary Homes (H-17-91; FR-2981)	2502-AF37
1378	24 CFR 203.390 Amendment to Waiver of Title (H-37-91; FR-3103)	2502-AF51
1379	24 CFR 203.18b(a) Mortgage Limits for High Cost Area (H-40-91; FR-3121)	2502-AF54
1380	24 CFR 203 Electronic Submission of Up-Front Mortgage Insurance Premiums (H-46-91; FR-3131)	2502-AF61
1381	24 CFR 206 Home Equity Conversion Mortgage Insurance Demonstration (H-7-91; FR-2958)	2502-AF32
1382	24 CFR 207.4(f) Section 223(d) Operating Loss Loan Insurance (H-35-90; FR-2892)	2502-AF14
1383	24 CFR 232 Mortgage Insurance for Nursing Homes, Intermediate Care Facilities, and Board and Care Homes; Insurance of Mortgages Covering Existing Projects (H-31-91; FR-3083)	2502-AF47
1384	24 CFR 236 Rent Changes in Section 236 and 221 Projects (H-12-91; FR-2977)	2502-AF39
1385	24 CFR 247.3(c) Tenant Protection (H-38-91; FR-3105)	2502-AF52
1386	24 CFR 251 GNMA Request for Full Insurance on Coinsurance Loans (H-19-91; FR-2951)	2502-AF34
1387	24 CFR 290 HUD-Owned and HUD-Held Multifamily Projects—Management and Disposition Including Provision of Section 8 Assistance for Projects at Foreclosure (H-3-86; FR-2158)	2502-AD43
1388	24 CFR 290 Auction of FHA Multifamily Mortgages (H-6-91; FR-3009)	2502-AF27
1389	24 CFR 880 Drug-Related Rent Adjustments (H-8-91; FR-2960)	2502-AF33
1390	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294)	2502-AD91

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Office of Housing—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1391	24 CFR 882 Section 8 Rental Voucher Program and Rental Certificate and Moderate Rehabilitation Program - Assistance for PHA-Owned Units (H-28-91; FR-3053)	2502-AF43
1392	24 CFR 882.109 Section 8 Housing Quality Standards; Smoke Detectors (H-33-91; FR-3081)	2502-AF59
1393	24 CFR 888 Annual Rent Adjustments for Section 8 Assisted Housing; Comparability Studies (H-22-90; FR-2822)	2502-AF01
1394	24 CFR 3280 Changes to the Manufactured Home Construction and Safety Standards from the CABO and MHCSS Committees, Departmental Staff and Others (H-4-89; FR-2622)	2502-AE66
1395	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278)	2502-AD60
1396	24 CFR 3500 RESPA, Sec. 10 - Notice Regarding Escrow Account (H-24-91; FR-2955)	2502-AF24

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1397	00 CFR Not yet determined Family Self-Sufficiency Program (H-25-91; FR-2961)	2502-AF21
1398	24 CFR 200 Changes to the Minimum Property Standards (H-40-88; FR-2599)	2502-AE64
1399	24 CFR 200.926d(f) Single Family Development Acceptance of Individual Residential Water Purification Equipment (H-25-90; FR-2855)	2502-AF04
1400	24 CFR 200 Multifamily Participation Review Committee (H-45-91; FR-3086)	2502-AF46
1401	24 CFR 201 Reform of the Title I Loan Insurance Program (H-5-89; FR-2623)	2502-AE67
1402	24 CFR 201 Increased Maximum Loan Amounts & Transfer Property Improvement Loans Insured under Title I of the NHA (H-34-91; FR-3087)	2502-AF48
1403	24 CFR 203 Removal of Codified Language for Inactive Temporary Mortgage Assistance Payments Program (H-18-90; FR-2791)	2502-AE99
1404	24 CFR 203 Single Family Servicing; Miscellaneous Amendments (H-23-90; FR-2853)	2502-AF02
1405	24 CFR 203 Single Family FHA-Mortgage Insurance Premium (H-2-91; FR-2936)	2502-AF17
1406	24 CFR 203 Minimum Mortgagor Equity Applicable to Most FHA Single Family Mortgagors (H-3-91; FR-2939)	2502-AF18
1407	24 CFR 208 Computer Automation of Required Data for Certification and Recertifications Subsidy Billing Procedures for Certain Multifamily Subsidized Projects (H-2-88; FR-2421)	2502-AE26
1408	24 CFR 210 Amendments to Participation Review Committee Procedures (H-2-90; FR-2708)	2502-AE83
1409	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
1410	24 CFR 219 Flexible Subsidy Program: Capital Improvement Loans (H-34-88; FR-2541)	2502-AE55
1411	24 CFR 248 Guidelines for Determining Appraisals of Preservation Value Under the Low Income Housing Preservation and Resident Home Ownership Act of 1990 (H-32-91; FR-3074)	2502-AF45
1412	24 CFR 811 Low-Income Term (H-35-91; FR-3046)	2502-AF50
1413	24 CFR 880.204 Section 8 Housing Assistance Payments Program and New Construction (H-31-90; FR-2888)	2502-AF10
1414	24 CFR 882 Amendments to Part 882, 887; Additional Grounds for Termination of Section 8 Assistance under the Family Self-Sufficiency Program (H-36-91; FR-3098)	2502-AF49
1415	24 CFR 885 Management Rules for Existing Projects for the Elderly (H-34-83; FR-1761)	2502-AC03
1416	24 CFR 885 Supportive Housing for the Elderly (H-9-91; FR-2956)	2502-AF19
1417	24 CFR 890 Supportive Housing for Persons with Disabilities (H-10-91; FR-2974)	2502-AF20
1418	24 CFR 3282.307(b) Manufactured Home Safety Standards—Monitoring Inspection Fee (H-2-89; FR-2613)	2502-AE65
1419	24 CFR 3283 Revision of HUD's Procedure for Promulgating an Up-to-Date List of State Administrative Agencies (H-29-91; FR-3059)	2502-AF44
1420	24 CFR 3500 Real Estate Settlement Procedures Act—Controlled Business Provisions and Miscellaneous Amendments; (H-45-84; FR-1942)	2502-AC09

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1421	00 CFR Not yet determined Format for Disclosure Statements to be Provided Mortgagors Regarding the Accrual of any Interest on a Mortgage After the Date of Prepayment (H-23-91; FR-2963)	2502-AF22
1422	00 CFR Not yet determined Revised Congregate Program (Sec. 802) (S-31-91; FR-2990)	2502-AF36
1423	24 CFR 200 Implementation of Section 235(r) of the National Housing Act (H-21-91; FR-2739)	2502-AF38
1424	24 CFR 200 Information on Early FHA Mortgage Defaults (H-13-91; FR-3020)	2502-AF40
1425	24 CFR 203 Single Family Property Disposition Sales Procedure (H-14-89; FR-2683)	2502-AE75

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Office of Housing—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1426	24 CFR 203 Amendment to Mutual Mortgage Insurance and Rehabilitation Loans for Rental Properties (H-3-90; FR-2713)	2502-AE84
1427	24 CFR 203 Retroactive Insurance Endorsement (H-17-90; FR-2780)	2502-AE91
1428	24 CFR 203.43(c) Refinancing FHA-Insured Mortgages (H-16-90; FR-2777)	2502-AE98
1429	24 CFR 203 Implementation of Certain Provisions of Cranston-Gonzalez National Affordable Housing Act Relating to FHA Mortgage Insurance (H-1-91; FR-2935)	2502-AF16
1430	24 CFR 207 Termination of Retirement Service Center Program (H-26-90; FR-2857)	2502-AF05
1431	24 CFR 207 Debenture Lock Agreements for Payment of FHA Insurance Claims (H-4-91; FR-2949)	2502-AF28
1432	24 CFR 221 Amendments to Multifamily Mortgage Insurance Regs—Single Room Occupancy Facilities (SROs)—(H-13-90; FR-2774)	2502-AE95
1433	24 CFR 232 Refinancing Secretary-Held Mortgages covering Nursing Homes (H-11-90; FR-2752)	2502-AE94
1434	24 CFR 241 Supplemental Loan Program for Multifamily Projects (H-34-90; FR-2891)	2502-AF13
1435	24 CFR 291 Single Family Property Disposition for the Homeless Initiative (H-20-89; FR-2704)	2502-AE80
1436	24 CFR 880 Administrative Instructions Covering Voluntary Terminations (Opt-Out) of Existing Section 8 Contracts and Expiring Loan Management Set-Aside (LMSA) Contracts (H-17-89; FR-2689)	2502-AE79
1437	24 CFR 880 Fair Market Rents (FMRs) for New Construction & Substantial Rehab D/A to Regional Administrator, Change in Methodology for Preparation of Annual Revision (H-5-91; FR-2950)	2502-AF31
1438	24 CFR 885.415 Loans for Housing for the Elderly or Handicapped Davis-Bacon Wage Rate (H-6-89; FR-2589)	2502-AE69
1439	24 CFR 888 Section 8 Rent Adjustment; Retroactive Housing Assistance Payments (H-8-90; FR-2745)	2502-AE81
1440	24 CFR 888.103(b) Section 8 Housing Assistance Program Payments Program—Fair Market Rents and Contract Rent Automatic Annual Adjustment (H-33-90; FR-2890)	2502-AF12

Office of Community Planning and Development—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1441	00 CFR Not yet determined HOPE for Single Family Homes—Amendments to Guidelines —Guidelines for Planning Grants (CPD-15-91; FR-3116)	2506-AB29

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1442	24 CFR 570 Architectural Barriers Act—Applicability to CDBG Activities (CPD-8-90; FR-2820)	2506-AB04
1443	24 CFR 570 Miscellaneous Amendments (CPD-5-90; FR-2772)	2506-AB01
1444	24 CFR 570.202 Correction of Health and Safety Violations in Rehabilitated Residential Properties Assisted with Community Development Block Grant Funds (CPD-10-90; FR-2874)	2506-AB06
1445	24 CFR 570.420 to 570.438 Community Development Block Grants: Small Cities Program (CPD-15-90; FR-2879)	2506-AB11
1446	24 CFR 570 Community Development Block Grants—Disposition of Property Below Market Value (CPD-3-91; FR-2999)	2506-AB15
1447	24 CFR 570 Community Development Block Grants—Project (CPD-4-91; FR-3000)	2506-AB16
1448	24 CFR 570 Community Development Block Grant—Entitlement Program—CD Plan (CPD-7-91; FR-3007)	2506-AB19
1449	24 CFR 570 Prevention of Discrimination Based on Alienage in the Provision of CDBG-Funded Public Services (Alien IV) (CPD-19-90; FR-2913)	2506-AB25
1450	24 CFR 570 CDBG Funded Code Enforcement (CPD-2-91; FR-2943)	2506-AB26
1451	24 CFR 576 Emergency Shelter Grants Program (CPD-5-91; FR-3005)	2506-AB17
1452	24 CFR 577 Supportive Housing Demonstration Program (CPD-14-90; FR-2878)	2506-AB10
1453	24 CFR 579 Supplemental Assistance for Facilities to Assist the Homeless (CPD-6-91; FR-3006)	2506-AB18
1454	24 CFR 596 Revisions to HUD Enterprise Zone Regulations (CPD-7-89; FR-2692)	2506-AB00

HUD

Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1455	24 CFR 570.201 Inclusion of Program Income in CDBG Calculations of Public Service Spending CAP (CPD-18-91; FR-2905)	2506-AB24
1456	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
1457	24 CFR 570 Miscellaneous Revisions of Part 570 - 1987 HCD Act (CPD-5-88; FR-2496)	2506-AA84
1458	24 CFR 570 Community Development Block Grant Entitlement Program—Miscellaneous Affordability Act Changes (CPD-8-91; FR-3008)	2506-AB20
1459	24 CFR 570, subpart M Community Development Loan Guarantees (CPD-9-91; FR-2959)	2506-AB21
1460	24 CFR 570 Technical Assistance Special Purpose Grants (CPD-12-91; FR-3049)	2506-AB27
1461	24 CFR 570 Presidentially Declared Major Disasters & Emergency Under the Robert T. Stafford Disaster Relief & Emergency Assistance— (CPD-16-91; FR-3119)	2506-AB30
1462	24 CFR 571 Community Development Block Grants for Indian Tribes and Alaskan Native Villages (CPD-16-90; FR-2880)	2506-AB12

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1463	00 CFR None Urban Homesteading (CPD-10-91; FR-2975)	2506-AB23
1464	00 CFR Not yet determined Guidelines for Designation of Consortia in the HOME Investment Partnerships Program (CPD-14-91; FR-3091)	2506-AB28
1465	24 CFR 570 Community Development Technical Assistance Program (CPD-1-89; FR-2616)	2506-AA90
1466	24 CFR 570.602 Section 109 Rule—Proposed Amendments to 24 CFR 570.602 (CPD-13-91; FR-3079)	2506-AB14
1467	24 CFR 577 Supportive Housing Demonstration; SAFAH (CPD-11-91; FR-3026)	2506-AB22
1468	24 CFR 590 Urban Homesteading Projects RTC—HUD (CPD-7-90; FR-2808)	2506-AB05

Government National Mortgage Association—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1469	24 CFR 390.3 Revisions to GNMA Issuer Net Worth Requirements (GNMA-1-90; FR-2908)	2503-AA07
1470	24 CFR 400 Guaranty of Real Estate Mortgage Investment Conduits (GNMA-2-91; FR-3004)	2503-AA09

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1471	24 CFR 6 Nondiscrimination in Programs and Activities Receiving Assistance Under Title I of the HCD Act of 1974 (FHEO-5-91; FR-3117)	2529-AA55
1472	24 CFR 91.15(j) - CHAS—Affirmatively Furthering Fair Housing (FHEO-6-91; FR-3118)	2529-AA54
1473	24 CFR 115 Certification of Substantial Equivalency Agencies (FHEO-1-91; FR-3019)	2529-AA50
1474	24 CFR 125 Fair Housing Initiatives Program: Program Description and Eligibility Criteria (FHEO-2-90; FR-2884)	2529-AA45
1475	24 CFR 112 Fair Housing Affirmative Administration of Programs Relating to Housing and Urban Development (FHEO-3-90; FR-2885)	2529-AA46
1476	24 CFR 125 FHIP Amendments (FHEO-4-91; FR-3070)	2529-AA53
1477	24 CFR 135.12 Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects (FHEO-6-90; FR-2898)	2529-AA49

HUD

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1478	24 CFR 735 Conforming Amendments to HUD Rules To Comply With Section 504 of the Rehabilitation Act and Other Authorities (FHEO-3-88; FR-2531)	2529-AA38

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1479	24 CFR 100.205 Amendments to Fair Housing Regulations; Extension of Building Permit Deadline (FR-3043; FHEO-2-91)	2529-AA51
1480	24 CFR 108 Compliance Procedures for Affirmative Fair Housing Marketing (AFHM) (FHEO-5-90; FR-2887)	2529-AA48
1481	24 CFR 111 Conforming Amendment to the Final Rule of the Fair Housing Assistance Program (FHEO-3-91; FR-2926)	2529-AA52
1482	24 CFR 200, Subpart M Subpart M—Affirmative Fair Housing Marketing (AFHM) (FHEO-4-90; FR-2886)	2529-AA47

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1483	48 CFR 24 HUD Acquisition Regulation (ADM-2-88; FR-2473)	2535-AA16
1484	48 CFR 24 Revisions to HUDAR to Reflect Changes in GNMA Procurement Procedures (ADM-3-88; FR2535)	2535-AA17
1485	24 CFR 85 Implementation of Revised OMB Circular A-102 Grants and Cooperative Agreements to State and Local Governments (ADM-2-91; FR-3129)	2535-AA19

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1486	24 CFR 29 OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements With Universities, Hospitals and Other Nonprofit Organizations (ADM-1-87; FR-2376)	2535-AA15
1487	24 CFR 85 Competitive Proposal Requirements for Grants and Cooperative Agreement to State, Local and Federally Recognized Indian Tribal Governments (ADM-1-91; FR-3015)	2535-AA18

Office of the Inspector General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1488	24 CFR 2000 Revision of Regulations Governing the Inspector General (IG-1-91; FR-3096)	2508-AA06

Office of Public and Indian Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1489	24 CFR 904 Turnkey III re: PHA Financing & Subordination (P-6-90; FR-2819)	2577-AA85
1490	24 CFR 960 Resident Selection Preferences (P-14-91; FR-3034)	2577-AB04

HUD

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1491	00 CFR Not yet determined Income Eligibility for Public Housing (P-2-91; FR-2979)	2577-AA93
1492	24 CFR 963 Public Housing—Contracting with Resident-Owner Businesses (P-7-90; FR-2856)	2577-AA86
1493	24 CFR 905 Section 5(h) Homeownership Program (P-5-90; FR-2810)	2577-AA90
1494	24 CFR 905 Waiver of Matching Fund Requirements in Housing Programs for IHAs not Receiving CDBG Funds (P-15-91; FR-3022)	2577-AB05
1495	24 CFR 912 Definition Amendments (P-5-91; FR-3029)	2577-AA96
1496	24 CFR 0913 Public and Indian Housing; Ceiling Rents (P-2-89; FR-2529) 1987 HCD Act	2577-AA57
1497	24 CFR 913 Maximum Annual Limitation on Rental Increases Resulting from Employment; Amendments to Definitions of Income, Adjusted Income (P-4-91; FR-2973)	2577-AA95
1498	24 CFR 920 HUD Prevailing Wage Rate Requirements for Maintenance and Technical Employees Working on PIH Developments (P-10-88; FR-2211)	2577-AA68
1499	24 CFR 941 Public Housing Development—Program Amendments (P-8-90; FR-2865)	2577-AA87
1500	24 CFR 960.500 (Subpart E) Public Housing Rent Waiver for Police Officers (P-3-91; FR-2972)	2577-AA94
1501	24 CFR 961 Youth Sports (P-7-91; FR-2993)	2577-AA98
1502	24 CFR 965 Selection of Financially Responsible Insurance Provider by PHAs and IHAs (PIH-10-91; FR-3023)	2577-AB00
1503	24 CFR 970 Demolition & Disposition of Public Housing—Opportunity to Purchase by Tenant Councils, Resident Management Corporations, or Tenant Cooperatives (PIH-19-91; FR-3093)	2577-AB09
1504	24 CFR 990.102 PFS Projected Operating Income Level - Vacancy Rule (P-4-90; FR-2784)	2577-AA84
1505	24 CFR 990 Performance Funding System: Adjustment to Operating Subsidy to Reflect Air Conditioning Needs (P-9-91; FR-2971)	2577-AA99
1506	24 CFR 900 Low-Income Public Housing—Project-Based Accounting (PIH-18-91; FR-3088)	2577-AB08

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1507	24 CFR 970 Replacement Housing for Public Housing Demolition and Disposition (P-5-88; FR-2463) 1987 HCD Act	2577-AA58
1508	24 CFR Not yet determined Youth Sports Program NOFA (P-20-91; FR-3060)	2577-AB07
1509	24 CFR 751 Drug Elimination ((P-6-91; FR-2992)	2577-AA97
1510	24 CFR 901 Public Housing Management Assessment Program (PHMAP) (P-10-90; FR-2897)	2577-AA89
1511	24 CFR 905 Indian Housing Program—Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1512	24 CFR 941 Lead-Based Paint Poisoning Prevention Act—Stewart B. McKinney Homeless Assistance Amendments of 1988—Section 1088 (P-19-88; FR-2583)	2577-AA78
1513	24 CFR 960 Public Housing—Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1514	24 CFR 965, Subpart G Termination of Consolidated Supply (P-1-91; FR-2984)	2577-AA92
1515	24 CFR 968 Comprehensive Grants Program (P-8-91; FR-2980)	2577-AB06
1516	24 CFR 990 Performance Funding System Revisions (87 Act—Energy Conservation Savings, Audit Responsibilities (P-12-88; FR-2504)	2577-AA71
1517	24 CFR 990 PFS—Formal Review Process (P-11-91; FR-3024)	2577-AB01

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1518	24 CFR 203 Implementation of Percentage Limit Provisions Under Section 16 of the United Housing Act of 1937 (P-7-88; FR-2465) 1987 HCD Act	2577-AA60
1519	00 CFR None Comprehensive Improvement Assistance Program - Notice of Funding Availability (P-16-91; FR-2982)	2577-AA91
1520	00 CFR Not yet determined Davis-Bacon Volunteers (Sec. 955) (P-12-91; FR-2995)	2577-AB02
1521	24 CFR 912 Single Person Occupancy, Income Calculations, and Income Limits (P-13-91; FR-3033)	2577-AB03
1522	24 CFR 941 Public Housing Development - Technical Changes (P-2-90; FR-2782)	2577-AA82
1523	24 CFR 960 Selection of Families from the Waiting List in Assisted Housing Program (P-4-89; FR-2663)	2577-AA79

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of the Secretary (HUDSEC)

1313. NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM (S-13-91; FR-3032)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rule would establish a seven member board of director, chaired by HUD Secretary, within HUD for National Homeownership Trust, that would provide funding for down payments and limiting interest on mortgage to 6% for eligible, first-time homeowners.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur J. Reiger, Division of Policy Development, Office of Policy Development & Research, Department of Housing and Urban Development, Office of the Secretary, 202 708-1537

RIN: 2501–AB15

1314. STANDARDS OF CONDUCT (S-1-91; FR-2911)

Significance: Regulatory Program

Legal Authority: 5 USC 301; 18 USC 201 to 212

CFR Citation: 24 CFR 0

Legal Deadline: None

Abstract: Executive Order 12674 of April 12, 1989, Principles of Ethical Conduct for Government Officers and Employees, directed each agency head to ensure that the rank, responsibilities, authority, staffing and resources of Designated Agency Ethics Official are sufficient to ensure the effectiveness of the agency ethics program. In January 1990, the Secretary of HUD approved the establishment of an Office of Ethics within the Office of Administration. This rule amends 24 CFR Part 0, Standards of Conduct to re-delegate the responsibilities for coordinating and managing the Standards of Conduct program from the General Counsel to the Assistant Secretary for Administration. The rule also reorganizes the management of the Standards of Conduct Program in the Field.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Melvin Bell, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 708-3815

RIN: 2501–AB18

1315. ● PREFERENCE FOR NATIVE HAWAIIANS ON HAWAIIAN HOMELANDS UNDER CERTAIN HUD PROGRAMS (S-26-91; FR-3127)

Legal Authority: 42 USC 1437f

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Sec. 958 of the Cranston-Gonzalez National Affordable Housing Act of 1990 requires that HUD provide a preference for Native Hawaiians for certain housing assistance programs located on Hawaiian homelands. The programs affected by the new law include multifamily FHA mortgages, the program under section 202 of the U.S. Housing Act of 1959 (elderly housing), project-based section 8 assistance, and public housing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara Hunter, Chief, Procedures Branch, Office of Multifamily Housing, Department of Housing and Urban Development, Office of Housing, 202 708-0477

RIN: 2501–AB31

1316. DEFERRAL OF FUNDING UNDER SECTION 504 AND TITLE VI REGULATIONS (S-10-90; FR-2825)

Legal Authority: 29 USC 794; 42 USC 3535(d); 42 USC 5309

CFR Citation: 24 CFR 1; 24 CFR 8

Legal Deadline: None

Abstract: This proposed rule would authorize the Secretary to defer financial assistance, during the pendency of administrative proceeding, on the basis of alleged noncompliance with the regulations implementing Title VI of the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Kaplan, Director, Office of HUD Program Compliance, Department of Housing and Urban Development, Office of the Secretary, 202 708-2904

RIN: 2501–AB17

1317. ● RULEMAKING POLICIES AND PROCEDURES—PUBLIC COMMENT PERIODS (S-23-91; FR-3115)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 10.1

Legal Deadline: None

Abstract: This rule proposes a change in HUD's "rule on rules" to provide discretion in the Department, upon a showing of good cause set out in the preamble of a rule published for public comment, to limit the public comment period to fewer than the 60 days normally provided. In no case, however, could public comment be limited to less than 30 days. The rule would, where the circumstances so demanded, permit the Department to develop rules on a faster time schedule, benefitting the public and improving program administration.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Action	Date	FR Cite
Final Action	02/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Grady J. Norris, Assistant Genral Counsel for Regulations, Department of Housing and Urban Development, Office of the General Counsel, **202 708-3055**

RIN: 2501–AB27

1318. ADMINISTRATIVE CLAIMS - DISALLOWED COSTS PROVISIONS (S-11-90; FR-2861)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None

Abstract: This proposed rule would make the repayment of disallowed costs, as determined under the Departmental Audits Management System, a threshold requirement to be met in all of HUD's Discretionary Assistance Programs.

As such, this rule would provide an additional important tool for the Department to collect moneys expended for ineligible purposes under HUD programs. This is particularly true with respect to State and Local Governments, which are not subject to administrative offset under the Federal Claims Collection Act.

There is no administrative or programmatic cost under the proposal. The potential for recovering disallowed costs, by establishing such a precondition for discretionary program assistance, lies in the millions of dollars.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert S. Kenison, Associate General Counsel, Assisted Hsg. & Community Dev., Department of Housing and Urban Development, Office of the General Counsel, **202 708-0212**

RIN: 2501–AA97

1319. ● GOVERNMENT DEBARMENT AND SUSPENSION AND GOVERNMENTWIDE REQUIREMENTS FOR A DRUG-FREE WORKPLACE (S-18-91; FR-3065)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This proposed rule would amend existing 24 CFR 24.305, a part of the HUD Debarment Regulation. A recent United States District Court decision, involving an appeal of a debarment action taken by the Department, has greatly reduced the effectiveness of Section 24.305(d). The purpose of this rule is to correct the effect of the District Court's decision, and to clarify the Department's established and unchanged policy regarding causes for debarment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Emmet N. Roden, Assistant General Counsel for Inspector General and Administrative Proceedings, Department of Housing and Urban Development, Office of the General Counsel, **202 708-3200**

RIN: 2501–AB24

1320. ● LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES (S-27-91; FR-3061)

Legal Authority: 42 USC 4821 to 4846

CFR Citation: 24 CFR 35

Legal Deadline: None

Abstract: Update existing Part 35 to reflect additional knowledge of technology and abatement regarding lead-based paint in residential structures

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John T. Weicker, Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, Office of the Secretary, **202 708-1600**

RIN: 2501–AB23

1321. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None

Abstract: This rule proposes to revise the regulations that govern environmental review and decision-making by HUD staff and officials for projects under all HUD programs except for programs for which State or local governments exercise these responsibilities (under 24 CFR Part 58). The rule will take account of pertinent legislative changes, if any, to the authorizations for established programs. It will include any changes as may be required under new authorizations, including those programs of the National Affordable Housing Act of 1990 for which HUD retains environmental review responsibility. In addition, the rule will propose language to amend the current interim rules; to clarify provisions based on HUD experience with those rules; to reduce regulatory burdens and procedural details consistent with environmental laws and other authorities; and to assure policy consistency with Part 58 on matters common to both rules.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Office of Environment and Energy, Department of Housing and Urban Development, Office of Community Planning and Development, **202 708-2810**

RIN: 2501–AA30

1322. ● CHANGES IN HUD SYSTEMS FOR APPROVAL OF SUBDIVISIONS (S-22-91; FR-3095)

Legal Authority: 42 USC 1490o; 42 USC 3535d

CFR Citation: 24 CFR 50.1; 24 CFR 50.17; 24 CFR 50.19; 24 CFR 50.22; 24 CFR 50.36; 24 CFR 50.43; 24 CFR 51.201; 24 CFR 55.12; 24 CFR 200.163; 24 CFR 200.926; 24 CFR 200.926d; 24 CFR 203.12

Legal Deadline: None

Abstract: This proposed rule would eliminate the process of subjecting new residential subdivisions to prior HUD review as a prerequisite to HUD's providing mortgage insurance on home loans on newly constructed single family dwellings in a subdivision, when the loans on the dwellings are being processed under the Direct Endorsement Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/20/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 708-2700

RIN: 2501–AB25

1323. ENVIRONMENTAL REVIEW PROCEDURES FOR THE CDBG, HOMELESS ASSISTANCE, RENTAL REHAB, AND HOUSING DEVELOPMENT DEVELOPMENT GRANT PROGRAMS (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None

Abstract: This agenda item calls for a proposed rule to accomplish the following purposes. First it will implement Section 288 of the Cranston-Gonzalez National Affordable Housing Act which provides for the performance of environmental review responsibilities by States and units of local government for programs under Title II of the Act, "Investment in Affordable Housing" (HOME programs). Second, it will indicate requirements and further exemptions and categorical exclusions applicable to the following: Community Development Block Grant Program; Section 17 Rental Rehabilitation and Housing Development Programs; and programs under the Stewart B. McKinney Homeless Assistance Act, as well as the Title II HOME in the HUD Amendments of 1981, such as the State-administered programs. Third, because Congress has increased the number of programs for which State and local governments assume environmental review responsibility, and to which this rule applies, HUD will propose to change the title of this rule, from the one above to: "Environmental Review Procedures for State and Local Governments Under HUD Programs." Finally, the proposed (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/84	49 FR 23610
Interim Final Rule Effective Date	07/31/84	49 FR 23610
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: rule will include certain clarifications based on public comments HUD received on the current interim rules.

Agency Contact: Frederick D. Regetz, Office of Environmental and Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2810

RIN: 2501–AA25

1324. REGULATIONS IMPLEMENTING THE AUTHORITY OF THE SECRETARY OF DHUD OVER THE CONDUCT OF THE SECONDARY MARKET OPERATIONS OF THE FEDERAL MORTGAGE ASSOC. (S-13-90; FR-2895)

Significance: Agency Priority

Legal Authority: 12 USC 1723a(h)

CFR Citation: 24 CFR 81

Legal Deadline: None

Abstract: The rule is needed to revise the present regulations, which are outdated and not relevant, in many instances, to present operations, and which need to be coordinated with the new regulations being prepared to implement the Secretary's oversight authority for the Federal Home Loan Mortgage Corporation.

Timetable:

Action	Date	FR Cite
NPRM	08/16/91	56 FR 41022
NPRM Comment Period End	10/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3137

RIN: 2501–AA99

1325. ● NEPOTISM RESTRICTIONS APPLICABLE TO HUD GRANTEES (S-19-91; FR-3075)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 95

Legal Deadline: None

Abstract: This proposed rule would restrict nepotism in employment and contracting by officials or grantees receiving grants from the United States Department of HUD. Under this rule, grantee officials may not employ relatives or participate in contracting with an entity in which a relative has a financial interest, unless the relationship is fully disclosed and a waiver is granted by the HUD Assistant Secretary responsible for the program under which the grant is provided. These prohibitions will standardize the rules imposed on HUD grantees and will minimize the possibility of improper favoritism through employment of, and contracting with, relatives of grantee officials.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development,

Office of the General Counsel, **202 708-3087**

RIN: 2501–AB29

1326. SECTION 109 RULE—PROPOSED AMENDMENTS TO 24 CFR 570.602 (CPD-13-91; FR-3079)

Legal Authority: 42 USC 5300 to 5302

CFR Citation: 24 CFR 570.602

Legal Deadline: None

Abstract: This proposed rule would amend 24 CFR 570.602 which implements Section 109 of Title I of the Housing and Community Development Act of 1974, as amended. Section 109 requires that no person in the United States shall, on the ground of race, color, national origin, religion or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community development funds. The language of Section 109 is based on Title VI of the Civil Rights Act. The Civil Rights Restoration Act of 1987 (CCRA) amended Title VI. Accordingly, this rule would amend 24 CFR 570.602 to make its nondiscrimination provisions consistent with certain amendments made to Title VI by the CCRA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Peter Kaplan, Director, Office of HUD Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 708-2904**

RIN: 2501–AB32

1327. ● PREFERENCE RULES (S-32-91; FR-3122)

Legal Authority: Section 501 and 545 of the National Affordable Housing Act

CFR Citation: 24 CFR 882.219; 24 CFR 882.517; 24 CFR 215; 24 CFR 880.613; 24 CFR 881.613; 24 CFR 883.714; 24 CFR 884.226; 24 CFR 886.132; 24 CFR 905.305; 24 CFR 960.211

Legal Deadline: None

Abstract: This rule implements changes made by the National Affordable Housing Act in the way the Federal preferences are applied. Now the preference for assisting families that occupy substandard housing, who pay more than 50 percent of income for rent, or who are involuntarily displaced applies not to all the units but to 70 percent of units in project-based assistance programs and 90 percent of units in the tenant-based program (Housing Voucher and Certificate Program). The rule also clarifies that the term "substandard housing" includes homelessness or housing in a homeless shelter.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	08/00/92	
Final Action Effective	09/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Ed Whipple, Director, Occupancy Division, Office of Public and Indian Housing, 202 708-0744.

Agency Contact: James Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, **202 708-4162**

RIN: 2501–AB35

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Final Rule Stage

1328. PROHIBITION ON USE OF FEDERAL FUNDS FOR LOBBYING; REQUIREMENTS FOR DISCLOSURE STATEMENTS (S-1-90; FR-2719)

Significance: Regulatory Program

Legal Authority: 31 USC 1352

CFR Citation: 24 CFR 87

Legal Deadline: None

Abstract: This is part of a government-wide common rule effort to implement section 319 of the Interior and Related Agencies Appropriations Act for FY 1990 (Pub. L. 101-121, approved October 23, 1989) which added a new section 1352 to Title 31 of the United States Code, entitled "Limitation on Use of Appropriated Funds to Influence certain Federal Contracting and Financial Transaction" (the Byrd Amendments).

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Effective Date	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Arnold J. Haiman, Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, **202 708-3815**

RIN: 2501–AA92

1329. HOPE FOR ELDERLY INDEPENDENCE PROGRAM - PROGRAM GUIDELINES (S-7-91; FR-2957)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The HOPE for Elderly Independence Program is a five-year demonstration program authorized by Section 803 of the Cranston-Gonzalez National Affordable Housing Act to test the effectiveness of combining housing certificates and vouchers with supportive services to assist frail elderly persons to continue to live independently. This program will be implemented by a Notice of Guidelines, to be published in the Federal Register. Although the Guidelines will be

effective upon publication, the Notice will invite public comment, to assist in developing rules in the event that HOPE for Elderly Independence becomes a permanent program.

Timetable:

Action	Date	FR Cite
Notice of Guidelines	02/04/91	56 FR 4506
Final Action	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: This program is a five-year demonstration program (i.e., a temporary program. The authorizing legislation calls for this program to be implemented by a published notice of guidelines. (No rule is required.) The Notice of Guidelines will present HUD's guidelines for the operation of the HOPE for Elderly Independence Program. Although the Guidelines will be effective upon publication, the Notice will invite public comment, to assist in developing rules in the event that HOPE for Elderly Independence becomes a permanent program.

Agency Contact: Jerold S. Nachison, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-3291

RIN: 2501–AB05

1330. HOPE FOR MULTIFAMILY HOUSING (HOPE 2) (S-5-91; FR-2967)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Arising out of the National Affordable Housing Act, the HOPE for Homeownership of Multifamily Units Program (HOPE 2) will provide homeownership opportunities for low-income families and individuals. The purpose of the HOPE 2 Program is to provide homeownership opportunities for eligible families in certain multifamily developments. Under the HOPE 2 Program, applicants eligible to receive planning and implementation grants to develop and carry out a HOPE 2 program include public housing agencies, Indian housing authorities, resident management corporations, resident councils, cooperative associations, and public or nonprofit organizations.

Timetable:

Action	Date	FR Cite
Guidelines Effective	02/04/91	
Notice of Program Guidelines	02/04/91	36 FR 4436
Comment Period End	05/06/91	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Audrey Hinton, Office of Housing, Department of Housing and Urban Development, Office of the Secretary, 202 708-0216

RIN: 2501–AB08

1331. HOPE FOR SINGLE FAMILY HOMES (HOPE 3) (S-6-91; FR-2968)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Arising out of the National Affordable Housing Act, the HOPE for Homeownership of Single Family Homes Program (HOPE 3) will provide for homeownership opportunities for low-income families and individuals. The purpose of the HOPE 3 Program is to provide homeownership opportunities for eligible families to purchase certain Federal, State and local government-owned single family properties and units in scattered site, single family public and Indian housing developments. Under the HOPE 3 Program, applicants eligible to receive an implementation grant to carry out a HOPE 3 program include a private nonprofit organization, a cooperative association, or a public body (including a PHA, an IHA, and an agency or instrumentality of a public body) in cooperation with a private nonprofit organization.

Timetable:

Action	Date	FR Cite
Guidelines Effective	02/04/91	
Notice of Program Guidelines	02/04/91	56 FR 4458
Comment Period End	09/30/91	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Garrity, Office of Urban Rehabilitation, Community Planning and Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0324

RIN: 2501–AB09

1332. HOPE FOR PUBLIC AND INDIAN HOUSING HOMEOWNERSHIP (HOPE 1) S-3-91; FR-2966)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The HOPE for Public and Indian Housing Homeownership Program (HOPE 1) will provide homeownership opportunities for low-income families and individuals. The purpose of the HOPE 1 Program is to provide homeownership opportunities for eligible families to purchase multifamily and non-scattered site single family public and Indian housing. Under the HOPE 1 Program, applicants eligible to receive planning and implementation grants to develop and carry out a HOPE 1 program include public housing agencies, Indian housing authorities, resident management corporations, resident councils, cooperative associations, and public or nonprofit organization.

Timetable:

Action	Date	FR Cite
Guidelines Effective	02/04/91	
Notice of Program Guidelines	02/04/91	56 FR 4412
Comment Period End	09/30/91	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Van Buskirk, Homeownership Division for PIH, Department of Housing and Urban

Development, Office of Public and Indian Housing, 202 708-4233

RIN: 2501–AB10

1333. SHELTER PLUS CARE PROGRAM (S-13-91; FR-2877)

Significance: Regulatory Program

Legal Authority: 42 USC 11301 Stewart B. McKinney Homeless Assistance Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Cranston-Gonzalez National Affordable Housing Act amended the McKinney Act to create a new program for the homeless called Shelter Plus Care. The program provides rental housing assistance, in connection with supportive services to be provided by the recipient from sources other than this program, to homeless persons with disabilities (primarily persons who are seriously mentally ill, have chronic problems with alcohol, drugs, or both, or have AIDS and related diseases). The legislation requires HUD to publish a Notice establishing requirements for the program not later than 120 days after funds first become available for obligation and a regulation based on the Notice within 8 months following date of Notice.

Timetable:

Action	Date	FR Cite
Notice of Guidelines	02/04/91	56 FR 4494
Comment Period End	04/05/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James N. Forsberg, Director, Special Needs Assistance Program, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

RIN: 2501–AB11

1334. DAVIS-BACON VOLUNTEERS (SEC. 955) (S-30-91; FR-2995)

Legal Authority: PL 101-625; 42 USC 1437d; 42 USC 1437l

CFR Citation: 24 CFR 70; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 242; 24 CFR 570; 24 CFR 880 to 886; 24 CFR 889; 24 CFR 890; 24 CFR 905; 24 CFR 941; 24 CFR 961; 24 CFR 968

Legal Deadline: None

Abstract: This rule will require regulations under the CDBG, PIH, Section 8 lower-income housing, and Section 202 elderly and handicapped housing programs to implement Section 955 of the Cranston-Gonzalez National Affordable Housing Act, which exempts volunteer workers from the Davis-Bacon and/or HUD determined prevailing wage requirements under these programs. The provision eliminates the necessity for a HUD waiver to allow volunteers under the Section 202 program, and under the other programs cited.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard S. Allan, Director, Labor Relations, Department of Housing and Urban Development, Office of the Secretary, 202 708-0370

RIN: 2501–AB33

1335. REVISED CONGREGATE PROGRAM (SEC. 802) (S-31-91; FR-2990)

Legal Authority: PL 101-625; 42 USC 8011

CFR Citation: 24 CFR 700

Legal Deadline: None

Abstract: Section 802 of the Cranston-Gonzalez National Affordable Housing Act establishes a revised congregate housing services program which supersedes the Congregate Housing Services Program under the Congregate Housing Services Act of 1978. The new statutory provisions authorize provision of supportive services to enable frail elderly persons and persons with disabilities to live independently and also the provision of assistance for the retrofitting of dwelling units and common space to meet the special physical needs of residents. HUD and the Department of Agriculture are directed by Section 802(m) to jointly issue any necessary regulations within 180 days after enactment. No funds have been appropriated for this program for FY 1991.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Wilden, Director, Assisted Elderly and Handicapped Housing Division, Department of Housing and Urban Development, Office of Housing, 202 708-2730

RIN: 2501–AB34

1336. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY HUD (S-9-91; FR-2163)

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	03/30/91	56 FR 24604
NPRM Comment Period End	07/29/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary-Jean Moore, Office of HUD Program Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0015

RIN: 2501–AB04

1337. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 31 USC 3711; 31 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17, subpart C

Legal Deadline: None

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, **202 708-4184**

RIN: 2501–AA55

1338. ● BOARD OF CONTRACT APPEALS (S-24-91; FR-3120)

Legal Authority: 41 USC 601 to 613; 42 USC 3535(d)

CFR Citation: 24 CFR 20.3; 24 CFR 20.10 Rule 16

Legal Deadline: None

Abstract: This final rule makes procedural changes in 24 CFR part 20: 24 CFR 20.3(a) as currently written shall be deleted and be substituted by: 24 CFR 20.3 Organization and location of the Board: (a) Location. The Board's address is U.S. DHUD, Board of Contract Appeals, Rm. 2131, 451 7th St., SW, Washington, DC 20410--The telephone number is (202) 927-5110. 24 CFR 20.3(b) shall not be affected by this change.

24 CFR 20.10 Rule 16: Between the second and the third sentences of this Rule as currently written shall be inserted the following sentence: Timely filing and service by facsimile transmission (telecopier) is permissible provided that the original telecopied document is promptly mailed or served thereafter in the manner specified by this rule.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David T. Anderson, Chairman, HUD Board of Contract Appeals, Department of Housing and Urban Development, Office of the Secretary, **202 708-5110**

RIN: 2501–AB28

1339. MORTGAGEE REVIEW BOARD (S-8-90; FR-2801)

Legal Authority: 42 USC 3535(d); 12 USC 1708(c); 12 USC 1709(s); 12 USC 1715b; 12 USC 1734f-14

CFR Citation: 24 CFR 25; 24 CFR 202

Legal Deadline: None

Abstract: This proposed rule would implement Section 135 and portions of Section 142 of the DHUD Reform Act of 1989. The proposed rule also would implement Section 107 of the Reform Act, which, authorizes the Mortgagee Review Board to impose civil money penalties against mortgagees and lenders. Sections 135 requires the Secretary to notify eight government or federally chartered entities if the Secretary takes discretionary action to suspend or revoke the approval of a mortgagee to participate in any HUD/FHA mortgage insurance program. Section 142(c) provides statutory authority for the establishment and operation of the Mortgagee Review Board within the Federal Housing Administration (FHA). Section 142(d) requires the Government National Mortgage Association (GNMA) and FHA to coordinate withdrawal actions in their respective programs.

Timetable:

Action	Date	FR Cite
NPRM	04/04/91	56 FR 13984
NPRM Comment Period End	06/03/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Heyman, Director, Office of Lender Activities & Land Sales Registration, Department of Housing and Urban Development, Office of Housing, **202 708-1824**

RIN: 2501–AB01

1340. IMPLEMENTATION OF OMB CIRCULAR A-133, "AUDIT OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS" (S-8-91; FR-2594)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 45

Legal Deadline: None

Abstract: OMB Circular A-133 provides policy guidance to Federal agencies for establishing uniform requirements for audits of awards provided to institutions of higher education and other nonprofit organizations. Through this rule, HUD adopts this circular an incorporates by reference the provisions of the circular where they apply to various HUD programs.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Donna Abbenante, Deputy Chief Financial Officer for Operations, Department of Housing and Urban Development, Office of the Secretary, **202 619-8114**

RIN: 2501–AB19

1341. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS; IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11990; 42 USC 3535(d)

CFR Citation: 24 CFR 55; 24 CFR 50; 24 CFR 58; 24 CFR 200

Legal Deadline: None

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order

11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988 and FEMA's regulations for its National Flood Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	01/04/90	55 FR 396
NPRM Comment Period End	03/05/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2894

RIN: 2501–AA23

1342. ● REQUIREMENTS GOVERNING THE LOBBYING OF HUD PERSONNEL; SECTION 112 OF THE REFORM ACT (S-21-91; FR-3110)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 86

Legal Deadline: None

Abstract: The purpose of this interpretative rule is to give clear guidance on Part 86's applicability to these types of arrangements.

Timetable:

Action	Date	FR Cite
Interpretative Rule	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Arnold J. Haiman, Director, Office of Ethics, Department of Housing and Urban Development, Office of the Secretary, SE., 202 708-3815

RIN: 2501–AB26

1343. COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) - (S-15-91; FR-2932)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d); PL 101-625

CFR Citation: 24 CFR 91

Legal Deadline: None

Abstract: This rule implements Section 105 of Cranston-Gonzalez National Affordable Housing Act. It describes how State and local governments will prepare and obtain approval of their housing strategies to serve very low, low, and moderate-income families. These strategies are required to be approved before an entity can receive approval to participate in various HUD-assisted programs, including the new HOME program promoting public-private partnership to increase the availability of affordable housing and the new HOPE program, as well as the Section 202 Program for the Elderly and McKinney Act Programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/04/91	56 FR 4480
Interim Final Rule Effective	03/06/91	
Final Action	02/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: David Cohen, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2685

RIN: 2501–AB13

1344. HOME INVESTMENT IN AFFORDABLE HOUSING PROGRAM (S-16-91); FR-2937)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 92

Legal Deadline: Final, Statutory, May 28, 1991.

Abstract: This rule implements the HOME investment Partnership Act, as enacted by Title II of the Cranston-Gonzalez National Affordable Housing Act. This program among other purposes is intended to expand the supply of decent, safe, and sanitary affordable housing. Under the HOME Program, HUD provides formula allocations to participating jurisdictions to be used for specified eligible housing uses in accordance with the jurisdiction's approved comprehensive housing affordability strategies. A portion of these allocations may be used for investment in housing developed, sponsored, or owned by community housing development organizations. HUD may also provide technical assistance to develop the capacity of participating jurisdictions and will develop model programs designed to carry out the purposes of the Act.

Timetable:

Action	Date	FR Cite
NPRM	03/19/91	56 FR 11592
NPRM Comment Period End	04/18/91	
Interim Final Rule	10/00/91	
Final Action	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Kolesar, Director, Rehabilitation Management Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2470

RIN: 2501–AB12

1345. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-87; FR-2383 (FORMERLY FR-1588))

Significance: Regulatory Program

Legal Authority: 42 USC 1436a

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

Legal Deadline: None

Abstract: This rule will implement Section 214 of the Housing and Community Development Act of 1980, as amended in 1981, 1986, and 1988. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and

the Section 235 homeownership assistance program.

This rule will replace the rule published on April 1, 1986, which was not made effective, and has been withdrawn. This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or for approval of a Section 235 mortgage application).

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41038
NPRM Comment Period End	12/19/88	53 FR 41038
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 708-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2501–AA63

1346. HOPE GRANT PROGRAMS; INTERIM REGULATIONS RELATED TO THE HOPE PROGRAMS (S-4-91; FR-2965)

Significance: Agency Priority

Legal Authority: 42 USC 1709; 42 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: This interim rule amends the regulations at 24 CFR Parts 203 and 234 to make certain changes to the FHA Single Family Mortgage Insurance program regulations in support of the new HOPE Grant Programs, authorized by Title IV of the Cranston-Gonzalez National Affordable Housing Act. In the single family FHA mortgage insurance programs, there is a requirement for a down payment by the mortgagor in cash or the equivalent. The Cranston-Gonzalez Act creates an exception to this requirement for the HOPE programs. The Cranston-Gonzalez Act provides that the required down payment may be paid by a corporation or person other than the mortgagor if the mortgage covers a unit under the HOPE program. Accordingly, this interim rule amends the regulations at Parts 203 and 234 to reflect this exception.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/04/91	56 FR 4476
Interim Final Rule Effective	02/04/91	
Comment Period End	05/06/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Gary Van Buskirk, Office of Public and Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-4233

RIN: 2501–AB06

1347. MORTGAGE APPROVAL REFORM AND DIRECT ENDORSEMENT EXPANSION (S-17-91; FR-2854)

Legal Authority: 12 USC 1709; 12 USC 1715(a); 42 USC 3535(d)

CFR Citation: 24 CFR 203.1-9; 24 CFR 200.164(h); 24 CFR 24

Legal Deadline: None

Abstract: This proposed rule would amend the regulations which set forth the requirements for approval of mortgagees to participate in the FHA mortgage insurance programs and to maintain their approval status. The proposed rule would establish new standards and requirements for mortgagee approval. The new standards would include an increase in the net worth requirements for both FHA approved mortgagees and loan correspondents. The purpose of the proposed rule is to ensure that only responsible and soundly capitalized mortgagees participate in the FHA programs.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 29100
NPRM Comment Period End	08/26/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William M. Heyman, Director, Office of Lender Activities, Land Sales Regulation, Department of Housing and Urban Development, Office of the Secretary, 202 708-1824

RIN: 2501–AB16

1348. EXCLUSION FROM INCOME OF EARNED INCOME TAX CREDIT (S-12-91; FR-3025)

Legal Authority: PL 101-508

CFR Citation: 24 CFR 215; 24 CFR 236 24 CFR 813; 24 CFR 913; 24 CFR 905

Legal Deadline: Other, Statutory, January 1, 1991.
Effective 1/1/91 by statute.

Abstract: Effective Jan. 1, 1991, the earned income tax credit is required by a change in tax law to be excluded from income and resources in the determination of eligibility and level of benefits under HUD's assisted housing programs. This change requires removal of the rule provision that specifically included earned income tax credits in income, as well as reissuance of the notice that specified statutory exclusions from income.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Ed Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2501–AB20

1349. PREPAYMENT OF A HUD-INSURED MORTGAGE BY AN OWNER OF LOW INCOME HOUSING (S-10-91; FR-2978)

Significance: Regulatory Program

Legal Authority: 12 USC 1715l; PL 101-625

CFR Citation: 24 CFR 248

Legal Deadline: NPRM, Statutory, February 26, 1991. Final, Statutory, June

10, 1991. Other, Statutory, April 11, 1991.
As modified by HUD--Note: Statutory deadline is 04/11/91.

Abstract: This rule implements Sections 601-605 of the Cranston Act, and is intended to preserve affordable, federally-assisted housing by: (1) permitting owners of eligible housing to prepay their HUD-insured mortgages only under certain circumstances; (2) providing incentives to owners to extend the low-income use of the housing; and (3) permitting owners to transfer the low-income housing to qualified purchasers, but only after priority purchasers (residents, nonprofits and public agencies) are given a right of first refusal. In addition, HUD is authorized to provide subsidies to these priority purchasers to acquire and rehabilitate the low-income housing and to fund operating and replacement reserves.

Timetable:

Action	Date	FR Cite
NPRM	05/02/91	56 FR 20262
NPRM Comment Period End	07/01/91	
Final Action	12/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Kevin East, Chief, Affordable Housing Payments, Department of Housing and Urban Development, Office of Housing, 202 708-2300

RIN: 2501–AB14

1350. TECHNICAL RULE TO ADD REFERENCE TO CHAS TO EXISTING REGULATIONS (S-11-91; FR-2970)

Significance: Agency Priority

Legal Authority: PL 101-625

CFR Citation: 24 CFR 570; 24 CFR 576; 24 CFR 577; 24 CFR 578; 24 CFR 579; 24 CFR 882; 24 CFR 791

Legal Deadline: None

Abstract: This rule adds appropriate references to the new Comprehensive Housing Affordability Strategy to program regulations that have relied upon predecessor planning documents--either a Housing Assistance Plan or a Comprehensive Homeless Assistance Plan.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: David Cohen, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2685

RIN: 2501–AB21

1351. PROCEDURES TO MAKE PROPERTY AVAILABLE UNDER TITLE V OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT (S-8-89; FR-2620)

Legal Authority: 42 USC 11411

CFR Citation: 24 CFR 581; 45 CFR 12

Legal Deadline: Other, Statutory, May 1, 1991.
Deadline is for an interim final rule.

Abstract: This regulation will describe the criteria HUD uses to determine whether excess surplus unutilized, or underutilized Federal properties described by other agencies in HUD-conducted surveys, are suitable for facilities to assist the homeless. The rule also describes the way in which the public will be notified of such determination, and the application process through HHS for use of the property. The regulation will be issued as an interagency rule by HUD, HHS, and GSA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/91	56 FR 23789
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James Forsberg, Director, Special Needs Assistance Programs, Department of Housing and Urban Development, Office of the Secretary, 202 708-4300

RIN: 2501–AA87

1352. ● DEFINITION OF INCOME LIMITS (S-25-11; FR-3072)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 813; 24 CFR 913

Legal Deadline: None

Abstract: The rule would define how income limits for Westchester County are established.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Legal deadline for issuing regulation was 90 days, but may not take effect until Oct. 1, 1991.

Agency Contact: Casimir Bonkowski, Director, Office of Management and Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0444

RIN: 2501–AB30

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Completed Actions

1353. REFORMS TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—REGISTRATION OF CONSULTANTS (S-3-90; FR-2732) REFORM ACT

Significance: Regulatory Program

CFR Citation: 24 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	05/17/91	56 FR 22912
Final Action Effective	06/17/91	56 FR 22912

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Arnold J. Haiman, 202 708-3815

RIN: 2501–AA93

1354. PROHIBITION OF ADVANCE DISCLOSURE OF FUNDING DECISIONS (S-9-90; FR-2805)

Significance: Regulatory Program

CFR Citation: 24 CFR 4

Completed:

Reason	Date	FR Cite
Final Action	05/13/91	56 FR 22088
Final Action Effective	06/12/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Rothman, 202 708-4184

RIN: 2501–AB02

1355. CIVIL MONEY PENALTIES FOR PROHIBITED ACTS, FHA OPERATIONS (S-7-90; FR-2734) REFORM ACT

Significance: Regulatory Program

CFR Citation: 24 CFR 30

Completed:

Reason	Date	FR Cite
Final Action	05/22/91	56 FR 23622
Final Action Effective	06/21/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Rothman, 202 708-4184

RIN: 2501–AA90

1356. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

Significance: Regulatory Program

CFR Citation: 24 CFR 46

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28002
Final Action Effective	08/19/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Arthur S. Newburg, 202 708-4230

RIN: 2501–AA15

1357. ELIGIBILITY OF ALIENS FOR CERTAIN CDBG PROGRAMS AND OTHER PROGRAMS (S-12-90; FR-2894)

CFR Citation: 24 CFR 49; 24 CFR 570

Completed:

Reason	Date	FR Cite
Withdrawn	08/14/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Don Patch, 202 708-3587

RIN: 2501–AA98

1358. ● PROTECTION ENHANCEMENT OF ENVIRONMENTAL QUALITY; COASTAL BARRIER RESOURCES SYSTEM (S-20-91; FR-3050)

Legal Authority: Sec 14, Coastal Barrier Improvement Act of 1990

CFR Citation: 24 CFR 50; 24 CFR 58

Legal Deadline: Final, Statutory, November 16, 1991.

Abstract: This rule would prohibit HUD assistance within the Coastal Barrier Resources System.

Timetable:

Action	Date	FR Cite
Final Action	07/02/91	56 FR 30325

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Richard Broun, Director, Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2894

RIN: 2501–AB22

1359. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES SPECIAL PURPOSE GRANTS (S-6-90; FR-2794)

Significance: Agency Priority

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	04/24/91	56 FR 18966

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James H. Turk, 202 708-3176

RIN: 2501–AA96

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Prerule Stage

Office of Housing (OH)

1360. ● MANUFACTURED HOME PROCEDURES AND ENFORCEMENT REGULATION; REQUEST FOR COMMENT AND SUGGESTIONS FOR PUBLIC CHANGES (H-27-91; FR-2985)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3282; 24 CFR 3283

Legal Deadline: None

Abstract: This program is the only national design and construction standard for housing, and it offers many opportunities to provide affordable housing without Federal subsidy assistance. The Department wishes to review the program's regulations to identify changes that can be made to streamline its regulatory requirements and to increase the use of manufactured housing as a source of affordable housing.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: G. Robert Fuller, Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban

HUD—OH

Prerule Stage

Development, Office of Housing, 202 708-2210

RIN: 2502–AF42

1361. ● MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS (H-42-91; FR-3123)

Legal Authority: 42 USC 5401; 42 USC 5424; 42 USC 3535(d)

CFR Citation: 24 CFR 3282; 24 CFR 3283

Legal Deadline: None

Abstract: Advance Notice of Proposed Rulemaking to enlist comments from the manufactured housing industry on recommendations to revise the enforcement and monitoring program under 24 CFR 3282. An Advance Notice of Proposed Rulemaking was previously issued on 5/8/87, but additional comments are needed.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: G. Robert Fuller, Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 708-2210

RIN: 2502–AF56

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Proposed Rule Stage

1362. TENANT PARTICIPATION IN MULTIFAMILY PROJECTS (H-11-88; FR-2451) 1987 HCD ACT

Legal Authority: 12 USC 7152-1; PL 100-242, Sec 183

CFR Citation: 24 CFR 245; 24 CFR 219

Legal Deadline: None

Abstract: This rule provides for the applicability of the tenant participation requirements of section 202 of the HCDA of 1978 to section 202 elderly and handicapped projects. The rule also removes the Secretary's authority not to provide for tenant participation in certain owner actions and authorizes the application of the tenant participation requirements in the Secretary's proposal to sell a multifamily housing project.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James Tahashn, Director, Policies & Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 708-3994

RIN: 2502–AE35

1363. PRE-FORECLOSURE SALE OPTION (H-12-89; FR-2682)

Legal Authority: 12 USC 1710

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 1064 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 authorizes HUD to add pre-foreclosure sales to its roster of servicing options, as a means of saving the Department money and of assisting qualified mortgagors to avoid foreclosure of their FHA-insured mortgages. The Department is now able to pay a claim to a mortgagee to "bridge the gap" between the proceeds of a sale of the property to a third party buyer at current fair market value, and the original owner's indebtedness under the note. Until the Department received the authorization to pay these claims, such pre-foreclosure sales (or "short sales," as they are also known) were impracticable. At this time, a six to twelve month demonstration of pre-foreclosure sales is being prepared for five local HUD offices; subsequently, full implementing regulations will be issued to introduce the pre-foreclosure sale option throughout the Department.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Bates, Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 708-1672

RIN: 2502–AE72

1364. PRE-FORECLOSURE SALE DEMONSTRATION PROGRAM (H-22-91; FR-2714)

Legal Authority: 42 USC 3535(d)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This Notice announces the Department's intent to conduct a limited demonstration program to gauge the demand for, and the efficacy of, pre-foreclosure sales as a means of saving the Department money and of assisting qualified mortgagors in avoiding foreclosure of their FHA-insured mortgages.

Timetable:

Action	Date	FR Cite
Notice	05/29/91	56 FR 24324
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Bates, Director, Single Family Servicing Division, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-3080

RIN: 2502–AF30

1365. SECTION 8 MODERATE REHABILITATION (H-11-91; FR-2976)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule would set forth provisions for using additional authorization for use of moderate

rehabilitation program in cases of major disasters declared by the President.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Madeline Hastings, Director, Moderate Rehabilitation Div., Department of Housing and Urban Development, Office of Housing, **202 755-4969**

RIN: 2502–AF35

1366. INCOME ELIGIBILITY FOR TENANCY IN NEW CONSTRUCTION UNITS (H-20-91; FR-3030)

Legal Authority: PL 101-625

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rule would require Section 8 new construction and substantial rehabilitation projects assisted under Section 8(b)(2) as it existed before 10/01/83, and with a contract for assistance under such section, to be occupied by "low-income" and "very low-income families."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, **202 708-3944**

RIN: 2502–AF41

1367. ● SERVICE COORDINATORS IN SECTION 202/8 HOUSING (H-39-91; FR-3107)

Legal Authority: PL 101-625 Sec. 808(2)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rule would permit the hiring of Service Coordinators in section 202/8 housing projects for the elderly to be funded from section 8 funds. A Service Coordinator is a social services staff person who is hired by the project administrator/ management company. The Coordinator is responsible for assuring that the residents of the project are linked to the supportive services that they need to continue independent living in that project.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret Milner, Direct, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, **202 708-0720**

RIN: 2502–AF53

1368. MORTGAGE ASSUMABILITY AND RELEASE REQUIREMENTS (H-28-90; FR-2867)

Legal Authority: 12 USC 1709; 12 USC 1715(b)

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: This proposed rule would set forth policy not currently in regulations on the subjects of assumability of insured family mortgages and release of personal liability of selling mortgagors. The rule would cover most of the provisions of Section 203(r) of the National Housing Act, and other HUD/FHA policies on assumability and releases currently stated in administrative issuances other than regulations. The rule would include restrictions on assumption by noncreditworthy persons or investors mandated by the HUD Reform Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 708-3046**

RIN: 2502–AF07

1369. APPRAISALS; HOME INSPECTIONS (H-16-91; FR-3027)

Legal Authority: 12 USC 1708(e); 12 USC 1715(b)

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 206; 24 CFR 207; 24 CFR 213; 24 CFR 221; 24 CFR 223; 24 CFR 234; 24 CFR 267

Legal Deadline: None

Abstract: This proposed rule would establish minimum standards for 1) the real estate appraisals used in determining the maximum insurable mortgage amount in most FHA single family and multifamily transactions and 2) the selection of appraisers by mortgagees. It would distinguish those appraisals that may be performed by State licensed appraisers from those that must be performed by State certified appraisers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, **202 708-2700**

RIN: 2502–AF25

1370. MINIMUM PROPERTY STANDARDS AND HOUSING QUALITY STANDARDS FOR SEISMIC SAFETY (H-18-91; FR-3028)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200.925

Legal Deadline: NPRM, Statutory, February 1, 1993.
National Affordable Act of 1990, Sec. 947 & E.O 12699 on Seismic Safety.

Abstract: Regulations pertaining to Minimum Property Standards and Housing Quality Standard will be revised to adopt seismic safety standards for all housing programs to comply with Section 947 of the National Affordable Housing Act of 1990, which requires compliance with Executive Order 12699 on Seismic Safety.

HUD—OH

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	06/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert Fuller, Acting Director, Manufactural Housing & Construction Standards Div., Department of Housing and Urban Development, Office of Housing, 202 708-2210

RIN: 2502–AF26

1371. ● HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR POLYSTYRENE FOAM INSULATION BOARD, USE OF MATERIALS BULLETIN, UMB 71B (H-43-91; FR-3124)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200.935

Legal Deadline: None

Abstract: The proposed rule would adopt, in accordance with 5 USC 552 of the Administrative Procedure Act, Use of Materials bulletin 716 for Polystyrene Form Insulation Board. In accordance with 24 CFR 200.935, this Use of Materials Bulletin would also provide a labeling and a third-party certification program to assure that the building products used in HUD programs meet the appropriate national voluntary consensus standards. The proposed rule would also supplement the HUD Building Project Standards and Certification Program by requiring that additional information be included on the label that each manufacturer would affix to the certified project. It would also specify the frequency which products would be tested in order to be acceptable to HUD.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie H. Breden, Material Engineer, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 708-1929

RIN: 2502–AF57

1372. ● HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR CARPET CUSHION, USE OF MATERIALS BULLETIN 72B (H-44-91; FR-3125)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200.935

Legal Deadline: None

Abstract: This proposed rule would adopt in accordance with 5 USC 552--the Administrative Procedure Act, Use of Materials Bulletin UMB 72b for Carpet Cushion. In accordance with 24 CFR 200.935, this Use of Material Bulletin would also provide a labeling and a third-party certification program to assure that the building products used in HUD programs meet the appropriate national voluntary consensus standards. The proposed rule would also supplement the HUD Building Product Standards and Certification Program by requiring that additional information be included on the label that each manufacturer would affix to the certified product. It would also specify the frequency which products would be tested in order to be acceptable to HUD.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie H. Breden, Materials Engineer, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 708-1929

RIN: 2502–AF58

1373. ● SEISMIC SAFETY—EARTHQUAKE HAZARD REDUCTION (H-45-91; FR-3130)

Legal Authority: 42 USC 12712

CFR Citation: 24 CFR 200; 24 CFR 207

Legal Deadline: None

Abstract: Under section 947 of the Cranston-Gonzalez National Affordable Housing Act, HUD must assess the risk of earthquake-related damage to properties administered under HUD programs and must develop seismic safety standards for those properties. Similar responsibilities are placed upon HUD and other Federal agencies by E.O. 12699 of January 5, 1990.

This rule would provide for the execution of these earthquake hazard policies in permanent agency policy.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: E.O. 12699 requires regulations in place to comply with the order's requirements by 1/5/93.

Agency Contact: John Bonkosik, Office of Housing Environmental Officer, Department of Housing and Urban Development, Office of Housing, 202 708-1740

RIN: 2502–AF60

1374. HOUSING COUNSELING ACTIVITIES (H-9-90; FR-2753)

Legal Authority: 12 USC 1715z

CFR Citation: 24 CFR 214

Legal Deadline: None

Abstract: This regulation will codify the procedures governing housing counseling activities, which to date have been administered under a handbook; and will incorporate the two sections of the National Affordable Housing Act, Sections 577 and 706(c), which address housing counseling activities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Miles, Acting Chief, Secretary-Held and Counseling Services Branch, Department of Housing and Urban Development, Office of Housing, **202 708-1672**

RIN: 2502–AE92

1375. HAWAIIAN HOMELANDS—FHA INSURANCE FOR REHABILITATION LOANS (H-29-90; FR-2869)

Legal Authority: 12 USC 1715z-12

CFR Citation: 24 CFR 203.43i(a); 24 CFR 234

Legal Deadline: None

Abstract: This proposed rule will remove the regulatory restriction against insuring rehabilitation loans on Hawaiian Homelands properties. It amends Section 203.43i(a) to omit the restriction against implementing loans under Section 203.50.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, **202 708-2700**

RIN: 2502–AF08

1376. NONDISCRIMINATION ON BASIS OF MORTGAGE CHARGE NOTES BY MORTGAGEES ON THE BASIS OF GEOGRAPHICAL AREA (H-14-91; FR-3021)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: The rule prohibits FHA mortgagees from making or holding home mortgages where customary lending practices of the mortgagee provide for a variation in mortgage charge rates that exceeds 2 percent for insured mortgages located within a particular area. A procedure is also established under which any person may file a request that the Secretary determine whether a mortgage is in compliance with this areas nondiscrimination requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 708-3046**

RIN: 2502–AF29

1377. SINGLE FAMILY INSURANCE—SECONDARY HOMES (H-17-91; FR-2981)

Legal Authority: 12 USC 1709(c); 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None
Prohibition in rule applies to mortgagor insured 60 days after enactment of Cranston-Gonzalez National Affordable Housing Act.

Abstract: The rule prohibits the Secretary of HUD from insuring mortgages with respect to secondary residences unless the Secretary determines that it is necessary to avoid undue hardship to the mortgagor. In no event may a mortgage covering a vacation home be insured.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Prohibition in rule applies to mortgagor insured 60 days after enactment of Cranston-Gonzalez National Affordable Housing Act.

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family, Department of Housing and Urban Development, Office of Housing, **202 708-3046**

RIN: 2502–AF37

1378. ● AMENDMENT TO WAIVER OF TITLE (H-37-91; FR-3103)

Legal Authority: 12 USC 1709; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203.390

Legal Deadline: None

Abstract: The rule amendment would exclude liens in states without purchase money mortgage priority laws from HUD's waiver provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 708-3046**

RIN: 2502–AF51

1379. ● MORTGAGE LIMITS FOR HIGH COST AREA (H-40-91; FR-3121)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203.18b(a)

Legal Deadline: None

Abstract: Remove the requirement that the Secretary must publish increases in mortgage limits before the limit can become effective. Revised regulation would permit the use of the higher mortgage limit upon approval of the new limit by the Secretary. HUD will continue to publish a complete list of high cost areas once each year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, **202 708-2700**

RIN: 2502–AF54

1380. ● ELECTRONIC SUBMISSION OF UP-FRONT MORTGAGE INSURANCE PREMIUMS (H-46-91; FR-3131)

Legal Authority: 42 USC 3535(d); 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

Abstract: This rule proposes that the sole method of payment of Up-Front Mortgage Insurance Premiums collection, in accordance with 24 CFR 203.280, be by means of electronic submission through the use of the Automated Clearing House program. The purpose of this rule is to improve the efficiency of the single family mortgage insurance program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen A. Martin, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 708-3046**

RIN: 2502–AF61

1381. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION (H-7-91; FR-2958)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 206

Legal Deadline: None

Abstract: Section 255 of the National Housing Act authorizes HUD to carry out a demonstration program for insuring mortgages on the homes of elderly homeowners, enabling the homeowners to convert the equity in their homes into cash. Section 255 authorized HUD to insure up to 2,500 mortgages under this demonstration program until September 30, 1991. Section 334 of the 1990 National Affordable Housing Act amended Section 255 to: extend the program to September 30, 1995; increase the size of the program to 25,000 mortgages; and make other program changes, including specifying types of loans available to mortgagors, and imposing certain disclosure requirements on lenders. Section 334(a), which extends the program and increases the number of insurable mortgages, will be implemented by final rule. The remaining provisions of Section 334, which require regulatory elaboration, will be implemented by proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandy Krems, Program Specialist, Single Family Housing Division, Department of Housing and Urban Development, Office of Housing, **202 708-2676**

RIN: 2502–AF32

1382. SECTION 223(D) OPERATING LOSS LOAN INSURANCE (H-35-90; FR-2892)

Significance: Agency Priority

Legal Authority: Sec 427 of the HCD Act of 1987

CFR Citation: 24 CFR 207.4(f); 24 CFR 213.7(k); 24 CFR 220.507(e); 24 CFR 221.514(e); 24 CFR 231.7; 24 CFR 232.31a; 24 CFR 234.531; 24 CFR 242.95; 24 CFR 244.38

Legal Deadline: None

Abstract: Proposed rule will implement Section 427 of the HCD Act of 1987 expanding Section 223(d) Operating Loss Loan Insurance to cover operating losses (and other forms of cash contributions) for any consecutive 24-month period within the first 10 years after the date of completion of a HUD-insured multifamily housing project.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Linda Cheatham, Acting Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, **202 708-3000**

RIN: 2502–AF14

1383. ● MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES; INSURANCE OF MORTGAGES COVERING EXISTING PROJECTS (H-31-91; FR-3083)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 232

Legal Deadline: None

Abstract: Revision will permit conventionally financed existing residential care facilities to received mortgage insurance under Section 232 pursuant to Section 223(f). Regulations now limit such mortgage insurance to projects that are currently insured by HUD. Existing projects may be purchased or refinanced without substantial rehabilitation under Section 232/223(f).

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda D. Cheatham, Acting Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, **202 708-3000**

RIN: 2502–AF47

1384. RENT CHANGES IN SECTION 236 AND 221 PROJECTS (H-12-91; FR-2977)

Legal Authority: PL 101-625; 42 USC 3535(d)

CFR Citation: 24 CFR 236; 24 CFR 221

Legal Deadline: None

Abstract: Ceiling rent must be applied to tenants whose income exceed 80% of median income--ceiling is lower of 30% of adjusted income or Section 8 Fair Market Rent (Sec. 612 of C-G).

HUD permitted to authorize increases in basic rents to cover return of capital for capital improvements (Sec. 611(b) of C-G).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Planning and Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502–AF39

1385. ● TENANT PROTECTION (H-38-91; FR-3105)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 247.3(c); 24 CFR 880.607(b)(3); 24 CFR 881.607(b)(3); 24 CFR 883.708(b)(3)

Legal Deadline: None

Abstract: This regulation will make it a material noncompliance of the lease for the tenant or any guest or member of the household to: a) engage in any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants or b) engage in any drug-related criminal activities on or near the premises.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local

Agency Contact: James Tahash, Director, Planning and Procedures, Department of Housing and Urban Development, Office of Housing, 202 708-4162

RIN: 2502–AF52

1386. GNMA REQUEST FOR FULL INSURANCE ON COINSURANCE LOANS (H-19-91; FR-2951)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 251; 24 CFR 252; 24 CFR 255

Legal Deadline: None

Abstract: This rule would revise coinsurance regulations to eliminate the requirement that GNMA attempt to assign the issuer- servicer responsibility on current coinsured mortgages under the Mortgage-Backed Securities program to another approved coinsuring lender prior to requesting full insurance endorsements by FHA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Donald A. Kaplan, Director, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 708-3730

RIN: 2502–AF34

1387. HUD-OWNED AND HUD-HELD MULTIFAMILY PROJECTS—MANAGEMENT AND DISPOSITION INCLUDING PROVISION OF SECTION 8 ASSISTANCE FOR PROJECTS AT FORECLOSURE (H-3-86; FR-2158)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k); 12 USC 1701z-11; 12 USC 1701z-12

CFR Citation: 24 CFR 290; 24 CFR 886

Legal Deadline: None

Abstract: This proposed rule would amend HUD regulations to implement section 181 of the Housing and Community Development Act of 1987, section 1010 of the Stewart B. McKinney Homeless Assistance Amendments of 1988, and section 579 of the NAHA. Section 181 expanded the scope of section 203 of the HCD Amendments of 1978 to include projects that are subject to a HUD-held mortgage and are delinquent, under a work out agreement, or being foreclosed upon by HUD. HUD, when it is owner or mortgagee-in-possession, and the owner in other situations now covered by section 203 must, to the greatest extent possible, maintain all such occupied projects in decent, safe, and sanitary condition and maintain full occupancy and must also maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible time. The statute directs HUD to provide not less than one of several specified forms of financial assistance to a purchaser other than HUD at foreclosure, or after sale by the Secretary. Section 1010 further amended section 203 to clarify which units in HUD-held unsubsidized projects (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: must be preserved for low and moderate income tenants and to provide procedures under which local governments and designated State agencies have a right of first refusal to purchase HUD-owned multifamily housing projects.

Agency Contact: Frank Malone, Director, Office of Preservation and Property Disposition, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 708-0216

RIN: 2502–AD43

1388. AUCTION OF FHA MULTIFAMILY MORTGAGES (H-6-91; FR-3009)

Significance: Agency Priority

Legal Authority: 12 USC 1715(g)(4); 42 USC 3535(d)

CFR Citation: 24 CFR 290

Legal Deadline: Final, Statutory, June 1991.

Abstract: Section 336 of the Cranston-Gonzalez National Affordable Housing Act requires HUD, in lieu of accepting assignments of mortgages under Section 221(g)(4) of the NHA for debentures, to arrange the sale of the beneficial interests in those mortgages through an auction and sale of the mortgage loans or participation certificates, or other mortgage-backed obligations acceptable to HUD. HUD must arrange the auction and sale at a price, to be paid to the mortgagee, of par plus accrued interest to the date of the sale.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Audrey Hinton, Acting Director, Office of Preservation & Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 708-0216

RIN: 2502–AF27

1389. DRUG-RELATED RENT ADJUSTMENTS (H-8-91; FR-2960)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886

Legal Deadline: None

Abstract: Section 8(c)(2)(B) of the United States Housing Act of 1937 permits HUD to adjust contract rents covering Section 8 assisted units to reflect increases in certain specified costs of owning and maintaining. Section 542 of the Cranston-Gonzalez National Affordable Housing Act amended Section 8 (c)(2) to provide the Secretary with the authority (subject to the availability of appropriations) to provide for rent adjustments where a project's operating, maintenance, and capital repair expenses have been substantially increased primarily as a result of the prevalence of drug-related activity. This section limits the rent adjustments to a level no greater than 120% of the project rents, to cover the costs of maintenance, security, capital repairs and reserves required for the owner to carry out a strategy acceptable to the Secretary for addressing the problem of drug-related criminal activity.

This proposed rule would implement the provisions of Section 542.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502–AF33

1390. CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; PL 100-242, Sec 144; PL 100-242, Sec 145; PL 100-242, Sec 146; PL 100-242, Sec 147; PL 100-242, Sec 148; PL 100-242, Sec 149; PL 100-242, Sec 262

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule will revise the Section 8 Certificate Program regulations in Part 882 to conform them to the extent practicable to the closely-related Housing Voucher Program regulations in Part 887, to implement certain statutory amendments to the Program under the Housing and Community Development Act of 1987, and the Cranston-Gonzalez National Affordable Housing Act and to propose certain revisions based on programmatic experience. It will also implement several recent statutory amendments affecting the Certificate and Housing Voucher Programs and those amendments affecting other Section 8 Programs with respect to contract rent adjustments. Certificate Program, and rent reasonableness in the Housing Voucher Program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FR-2469 (RIN 2502-AE44), FR-2584 (RIN 2502-AE63) and FR-2889 (RIN 2502-AF11) have been merged into this item.

Agency Contact: Gerald Benoit, Director, Rental Assistance Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-0477

RIN: 2502–AD91

1391. ● SECTION 8 RENTAL VOUCHER PROGRAM AND RENTAL CERTIFICATE AND MODERATE REHABILITATION PROGRAM - ASSISTANCE FOR PHA-OWNED UNITS (H-28-91; FR-3053)

Significance: Agency Priority

Legal Authority: 42 USC 1437f(a)

CFR Citation: 24 CFR 882; 24 CFR 887

Legal Deadline: None

Abstract: This rule implements section 548 of the National Affordable Housing Act of 1990, which removes the prior statutory bar against assistance for public housing agency-owned (PHA-owned) units. This rule permits a PHA which administers a rental certificate, rental voucher or moderate rehabilitation assistance under an Annual Contribution Contract with HUD to enter into a contract to make assistance payments for a unit which is owned by the PHA. As a section 8 owner, the PHA will be subject to all the same program requirements as apply to other section 8 owners to these programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald J. Benoit, Director, Rental Assistance Division, Department of Housing and Urban Development, Office of Housing, 202 708-0477

RIN: 2502–AF43

1392. ● SECTION 8 HOUSING QUALITY STANDARDS; SMOKE DETECTORS (H-33-91; FR-3081)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882.109; 24 CFR 886.113; 24 CFR 887.251; 24 CFR 885.429; 24 CFR 885.717; 24 CFR 886.307; 24 CFR 965; 24 CFR 207; 24 CFR 221; 24 CFR 236

Legal Deadline: None

Abstract: This rule would require HUD-related multifamily project owners at least one smoke detector in each unit. This requirement will be a part of the Housing Quality Standards for the housing. It will also apply to public and Indian Housing units.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Smoke detectors are already required in any housing developed or substantially rehabilitated since 1978 under HUD's Minimum Property Standards in any public or Indian Housing that has

undergone comprehensive modernization under CIAP. They area also required in all HUD-owned multifamily projects or those for which HUD is the mortgage-in-possession.

Agency Contact: Gerald Benoit, Director, Rental Assistance, Department of Housing and Urban Development, Office of Housing, 202 708-0477

RIN: 2502–AF59

1393. ANNUAL RENT ADJUSTMENTS FOR SECTION 8 ASSISTED HOUSING; COMPARABILITY STUDIES (H-22-90; FR-2822)

Significance: Regulatory Program

Legal Authority: PL 101-235

CFR Citation: 24 CFR 888

Legal Deadline: None

Abstract: This rule would outline procedures and criteria for conducting comparability studies for section 8 projects where the Secretary has reason to believe that application of the Annual Adjustment Factors would result in material differences between assisted housing and similar unassisted housing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The portion of section 801 of the 1989 Reform Act requiring HUD to make retroactive housing assistance payments to owners whose rents were reduced or limited by comparability studies from 1980 to present was implemented as a separate rule, effective May 31, 1991.

Agency Contact: James Tahash, Director, Policies & Procedures, Department of Housing and Urban Development, Office of Housing, 202 708-3994

RIN: 2502–AF01

1394. CHANGES TO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS FROM THE CABO AND MHCSS COMMITTEES, DEPARTMENTAL STAFF AND OTHERS (H-4-89; FR-2622)

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This proposed rule would update and amend various subparts of Part 3280 to reflect recommendations from industry, the Council of American Building Officials Manufactured Home Committee, and the Department's staff. These recommendations were received prior to March 1, 1990. Reference standards would also be updated. In addition, the proposed rule will implement the Manufactured Energy Conservation Standards in section 586 of the 1987 HCD Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 708-0718

RIN: 2502–AE66

1395. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT SYSTEM (H-40-86; FR-2278)

Significance: Regulatory Program

Legal Authority: 42 USC 5401; 42 USC 5424; 42 USC 3535(d)

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This rule would propose extensive revisions to the HUD Procedural and Enforcement regulations at 24 CFR 3282 to clarify and improve the Department's monitoring program. The rule would deregulate the current design approval system for manufactured homes, and substitute a procedure for manufacturer certification, among other revisions.

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17411
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Bob Fuller, Acting Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 708-2210

RIN: 2502–AD60

1396. RESPA, SEC. 10 - NOTICE REGARDING ESCROW ACCOUNT (H-24-91; FR-2955)

Significance: Regulatory Program

Legal Authority: 12 USC 2609

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: This notice sets forth instructions for an addition to the HUD-1 Uniform Settlement Statement (the HUD-1) regarding an initial escrow account statement. Such a statement is required under Section 10(c)(1)(C) of the Real Estate Settlement Procedures Act (RESPA) (12 USC Section 2609) as amended in Section 942 of the Cranston-Gonzalez National Affordable Housing Act. The Notice also sets forth information on the annual escrow account statement required by the new Section 10(c)(2) of RESPA and the Department's proposed rulemaking plans.

Timetable:

Action	Date	FR Cite
Notice	04/01/91	56 FR 13384
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Grant Mitchell, Office of Administrative Law, Office of General Counsel, Department of Housing and Urban Development, Office of the General Counsel, 202 708-1550

RIN: 2502–AF24

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Housing (OH)

1397. FAMILY SELF-SUFFICIENCY PROGRAM (H-25-91; FR-2961)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This Notice implements the Family Self-Sufficiency (FSS) program created by Section 554 of the Cranston-Gonzalez National Affordable Housing Act. Section 554 directs PHAs (and IHAs) to use public and Indian housing and Section 8 assistance under the rental certificate and rental voucher programs together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

Timetable:

Action	Date	FR Cite
Effective Date	09/30/91	
Notice	09/30/91	56 FR 49592
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gerald Benoit, Director, Rental Assistance Division, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-0477

RIN: 2502–AF21

1398. CHANGES TO THE MINIMUM PROPERTY STANDARDS (H-40-88; FR-2599)

Significance: Regulatory Program

Legal Authority: 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This proposed rule would amend 24 CFR Part 200 by (1) referencing the latest editions of private sector standards presently in the MPS; (2) standardizing requirements to control termites and wood decay; (3) revising the time for periodic changes to the MPS; and (4) making technical changes to Section 100-1.2 and 100-1.3 Housing for the Elderly and Requirements for Accessibility to Physically Handicapped People in HUD Handbook 4910.1.

Timetable:

Action	Date	FR Cite
NPRM	11/05/90	55 FR 46632
Final Action	11/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 708-0718

RIN: 2502–AE64

1399. SINGLE FAMILY DEVELOPMENT ACCEPTANCE OF INDIVIDUAL RESIDENTIAL WATER PURIFICATION EQUIPMENT (H-25-90; FR-2855)

Legal Authority: 12 USC 1701 to 1715z-18; 12 USC 1709; 12 USC 1715u; 12 USC 1715b; 12 USC 1707(a); 12 USC 1715b; 12 USC 1715y

CFR Citation: 24 CFR 200.926d(f); 24 CFR 203.52; 24 CFR 234

Legal Deadline: None

Abstract: This change sets forth the requirements which must be met to assure a continuous supply of bacterially and chemically safe drinking water for individual properties not having an acceptable source of water, as required in Section 424 of the Housing and Community Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	02/14/91	56 FR 6216
NPRM Comment Period End	04/15/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Donald Fairman, Manufactured Housing & Construction Standards Division Department of Housing and Urban Development, Office of Housing, 202 708-0718

RIN: 2502–AF04

1400. ● MULTIFAMILY PARTICIPATION REVIEW COMMITTEE (H-45-91; FR-3086)

Legal Authority: 12 USC 1701; 12 USC 1715a to 1718; 42 USC 3535(d)

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This rule updates the composition of the Department's Multifamily Participation Review Committee.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bruce Weichman, Office of Lender Activities and Land Registration, Department of Housing and Urban Development, Office of Housing, 202 708-0582

RIN: 2502–AF46

1401. REFORM OF THE TITLE I LOAN INSURANCE PROGRAM (H-5-89; FR-2623)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201; 24 CFR 202

Legal Deadline: None

Abstract: This rule would amend the Title I regulations to: (1) encourage broader participation by qualified lending institutions through the use of loan correspondents, while eliminating any role for unregulated third parties such as loan brokers; (2) establish higher qualification standards for lenders and dealers; (3) set more objective criteria for lenders and loan correspondents to use in approving loans; (4) require greater oversight of dealers through more personal contact between lenders and borrowers and through site inspections of the dealer's work; (5) require more secure collateral for both property improvement and manufactured homes to reduce claim losses for the lenders and HUD. In addition, this rule would require that the lender give the borrower written notice of the actions HUD may take to recover the debt if a claim is paid, including the assessment of administrative costs for servicing the loan.

Timetable:

Action	Date	FR Cite
NPRM	01/29/91	56 FR 3302
NPRM Comment Period End	04/01/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Coyle, Director, Title I Insurance Div., Department of Housing and Urban Development, Office of Housing, 202 708-2880

RIN: 2502–AE67

1402. ● INCREASED MAXIMUM LOAN AMOUNTS & TRANSFER PROPERTY IMPROVEMENT LOANS INSURED UNDER TITLE I OF THE NHA (H-34-91; FR-3087)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: Section 340(b) of the NAHA amended section 2(b)(1) of the NHA to authorize higher maximum loan amounts and longer loan terms for single family and multifamily property improvement loans insured under Title I of the NHA. The Secretary of HUD has determined that these higher loan amounts and longer terms are necessary, and is preparing a report to the Congress on the need for these increases and their probable effects on the actuarial soundness of the Title I program. This final rule will amend 24 CFR Part 201 to provide for these increased maximum loan amounts and longer terms.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Coyle, Director, Title I Insurance Div., Department of Housing and Urban Development, Office of Housing, 202 708-2880

RIN: 2502–AF48

1403. REMOVAL OF CODIFIED LANGUAGE FOR INACTIVE TEMPORARY MORTGAGE ASSISTANCE PAYMENTS PROGRAM (H-18-90; FR-2791)

Legal Authority: 12 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

Abstract: This final rule removes from the Code of Federal Regulations language concerning the Temporary Mortgage Assistance Payments (TMAP) program that has never been made effective. Since the Code now contains two sets of provisions pertaining to assistance to homeowners in default on FHA-insured mortgages that bear overlapping section numbers, this rule is needed to remove the TMAP provisions and to make technical changes in the provisions governing under section 230(b) of the National Housing Act. Among the technical changes is a requirement that a mortgagee inform a mortgagor of the possible right to assignment before it accepts a deed in lieu of foreclosure from the mortgagor.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John J. Coonts, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-3046

RIN: 2502–AE99

1404. SINGLE FAMILY SERVICING; MISCELLANEOUS AMENDMENTS (H-23-90; FR-2853)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This final rule would amend miscellaneous provisions of Part 203 regarding the servicing of insured mortgages on single family housing. Specifically, the rule would amend the regulations (1) to require mortgagees to begin foreclosure proceedings on mortgages in default within 6 months of default; (2) to require commencement of foreclosure on abandoned or vacant property in default within 30 days after discovery; (3) to require mortgagees to repair any damage to the property that occurs while the property is in the mortgagee's possession; and (4) other amendments regarding deficiency judgments, title defects, completion of foreclosure, and notice of transfer of servicing.

Timetable:

Action	Date	FR Cite
NPRM	04/25/91	56 FR 19212
NPRM Comment Period End	06/24/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Bates, Acting Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 708-2676

RIN: 2502–AF02

1405. SINGLE FAMILY FHA-MORTGAGE INSURANCE PREMIUM (H-2-91; FR-2936)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d); 12 USC 1715

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

Abstract: This interim rule implements Section 2103 of the Omnibus Budget Reconciliation Act of 1990. The section establishes a revised premium payment structure for FHA-insured single family mortgages.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/91	56 FR 24622
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-3046

RIN: 2502–AF17

1406. MINIMUM MORTGAGOR EQUITY APPLICABLE TO MOST FHA SINGLE FAMILY MORTGAGORS (H-3-91; FR-2939)

Significance: Regulatory Program

Legal Authority: 12 USC 1715(b); 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 204; 24 CFR 222; 24 CFR 226; 24 CFR 234; 24 CFR 240

Legal Deadline: None

Abstract: This rule will implement Section 2101 of the Omnibus Budget Reconciliation Act of 1990. That section establishes a minimum equity requirement applicable to most FHA single family mortgages.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/91	56 FR 20314
Final Action	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family, Department of Housing and Urban Development, Office of Housing, **202 708-3046**

RIN: 2502–AF18

1407. COMPUTER AUTOMATION OF REQUIRED DATA FOR CERTIFICATION AND RECERTIFICATIONS SUBSIDY BILLING PROCEDURES FOR CERTAIN MULTIFAMILY SUBSIDIZED PROJECTS (H-2-88; FR-2421)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 208

Legal Deadline: None

Abstract: This rule would require owners of certain multifamily subsidized projects to automate the information and transmission of HUD forms and worksheets for certification and recertification of compliance with HUD's tenant eligibility and rent procedures, and the computation of tenant rent/payment and the monthly subsidy billing forms, as applicable. This rule would apply to multifamily projects under the following program: section 236 rental assistance payments, section 8 housing assistance payments, section 221(d)(5), below market interest rate housing for low and moderate income mortgage insurance, and section 101 rent supplements.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20649
NPRM Comment Period End	07/21/88	53 FR 20649

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, **202 708-3944**

RIN: 2502–AE26

1408. AMENDMENTS TO PARTICIPATION REVIEW COMMITTEE PROCEDURES (H-2-90; FR-2708)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 210

Legal Deadline: None

Abstract: This proposed rule will modify the existing procedures governing the Form 2530 review process. The primary change involves expanding the ability of the Participation Review Committee to deny approval for program participants who are experiencing financial default, assignments or foreclosure. The current procedures require that the Committee must obtain evidence that any defaults are attributable to mismanagement on the part of the principal. We are now proposing that the Committee have the ability to deny approval with or without such evidence. We are also proposing other changes to the procedures involving hearing rights and the types of principals which will require Form 2530 procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/03/90	55 FR 40399
NPRM Comment Period End	12/03/90	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Willim Heyman, Director, Office of Lender Activities and Land Sales Registration, Department of Housing and Urban Development, Office of Housing, **202 708-1824**

RIN: 2502–AE83

1409. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to section 236 projects financed by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48276
NPRM Comment Period End	02/19/88	52 FR 48276
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 708-3944**

RIN: 2502–AC73

1410. FLEXIBLE SUBSIDY PROGRAM: CAPITAL IMPROVEMENT LOANS (H-34-88; FR-2541)

Legal Authority: 12 USC 1715z to 1a

CFR Citation: 24 CFR 219

Legal Deadline: None

Abstract: This rule implements amendments made to section 201 of the Housing and Community Development Amendments of 1978 to broaden the categories of projects eligible for assistance under the Flexible Subsidy program and to create a program of loans for capital improvements to multifamily housing projects, under specified terms and conditions set out in the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/89	54 FR 9708
Interim Final Rule Effective Date	03/07/89	54 FR 9708
Interim Final Rule Comment Period End	05/08/89	54 FR 9708
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, **202 708-3944**

RIN: 2502–AE55

1411. ● GUIDELINES FOR DETERMINING APPRAISALS OF PRESERVATION VALUE UNDER THE LOW INCOME HOUSING PRESERVATION AND RESIDENT HOME OWNERSHIP ACT OF 1990 (H-32-91; FR-3074)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 248

Legal Deadline: None

Abstract: The purpose of this Notice is to afford opportunity for public comment which HUD can consider in developing a final or interim Prepayment rule.

Timetable:

Action	Date	FR Cite
Notice	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Edward Winiarski Chief, Valuation Branch, Office of Insured Multifamily Development, Department of Housing and Urban Development, Office of Housing, **202 708-0624**

RIN: 2502–AF45

1412. ● LOW-INCOME TERM (H-35-91; FR-3046)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 811; 24 CFR 812; 24 CFR 813; 24 CFR 842; 24 CFR 880; 24 CFR 881; 24 CFR 833; 24 CFR 884; 24 CFR 886

Legal Deadline: None

Abstract: In accordance with recent statutory changes in terminology, this final rule will replace, at various points in HUD's regulations, the terms "lower income families" and "lower-income housing" with reference to "low-income" families and housing

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mr. James Tahash, Director, Planning and Procedures, Department of Housing and Urban Development, Office of Housing, **202 708-4162**

RIN: 2502–AF50

1413. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM AND NEW CONSTRUCTION (H-31-90; FR-2888)

Legal Authority: 42 USC 1437(f)

CFR Citation: 24 CFR 880.204; 24 CFR 881.204

Legal Deadline: None

Abstract: Grant authority to the Regional Administrators to exercise the prerogative to exceed the published FMR's by up to 120% provided a high cost authorization is not needed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard Mayfield, Director, Technical Support Division, Office of Insured Multifamily Housing, Department of Housing and Urban Development, Office of Housing, **202 708-7624**

RIN: 2502–AF10

1414. ● AMENDMENTS TO PART 882, 887; ADDITIONAL GROUNDS FOR TERMINATION OF SECTION 8 ASSISTANCE UNDER THE FAMILY SELF-SUFFICIENCY PROGRAM (H-36-91; FR-3098)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 882; 24 CFR 887

Legal Deadline: None

Abstract: Section 554 of the NAHA creates the Family Self-Sufficiency (FSS) Program. Under this program, public housing agencies and Indian housing authorities are directed to use public and Indian housing development assistance and section 8 housing assistance, under the section 8 rental certificate and rental voucher programs, together with public and private resources to provide supportive services, to enable participating families to achieve economic independence. Section 554 provides that, in the case of a section 8 participating family, housing assistance may be terminated if the participating family does not fulfill its obligations under the FSS program's contract of participation. This interim rule amends 24 CFR Parts 882 and 887 to include failure to comply with the requirements of the FSS contract of participation as grounds for termination of assistance under the section 8 programs of Parts 882 and 887.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/91	56 FR 49588
Interim Final Rule Effective	10/30/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Gerald J. Benoit, Director, Rental Assistance Division Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, **202 708-0477**

RIN: 2502–AF49

1415. MANAGEMENT RULES FOR EXISTING PROJECTS FOR THE ELDERLY (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule will amend HUD's regulations governing projects that received direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1987. The regulation adds regulatory provisions to govern section 202/8 project operations and management; incorporates changes required by statutory requirements governing housing assistance payments contracts.

HUD—OH

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46614
NPRM Comment Period End	02/08/88	52 FR 46614
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Wilden, Director, Assisted Elderly & Handicapped Housing Div., Department of Housing and Urban Development, Office of Housing, **202 708-2730**

RIN: 2502–AC03

1416. SUPPORTIVE HOUSING FOR THE ELDERLY (H-9-91; FR-2956)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 885; 24 CFR 889

Legal Deadline: None

Abstract: This rule, arising out of an amendment included as section 801 of the National Affordable Housing Act, enables HUD to assist private nonprofit organizations and consumer cooperatives, through capital advances and project rental assistance, to expand the supply of supportive housing for the elderly. Such assistance may be used to finance the construction, reconstruction, or moderate or substantial rehabilitation of a structure or a portion of a structure, or the acquisition of a structure from the Resolution Trust Corporation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/91	56 FR 27104
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilden, Director, Assisted Elderly and Handicapped Division, Department of Housing and Urban Development, Office of Housing, **202 708-2730**

RIN: 2502–AF19

1417. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (H-10-91; FR-2974)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 890

Legal Deadline: None

Abstract: This rule enables HUD to assist private nonprofit organizations, through capital advances and project rental assistance, to expand the supply of supportive housing for persons with disabilities. Such assistance may be used to finance the acquisition and moderate rehabilitation, construction, and reconstruction for moderate or substantial rehabilitation of housing, including the acquisition from the Resolution Trust Corporation. This is a new program authority arising out of the National Affordable Housing Act, section 811.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/91	56 FR 27070
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilden, Director, Assisted Elderly and Handicapped Division, Department of Housing and Urban Development, Office of Housing, **202 708-2730**

RIN: 2502–AF20

1418. MANUFACTURED HOME SAFETY STANDARDS—MONITORING INSPECTION FEE (H-2-89; FR-2613)

Legal Authority: 42 USC 5419

CFR Citation: 24 CFR 3282.307(b)

Legal Deadline: None

Abstract: States with a large number of manufacturing facilities have incurred additional expenses in monitoring and inspecting those facilities. As the regulation is now written, the monitoring inspection fee paid by the manufacturers to the Secretary is distributed to the states based on the number of new manufacturer housing units whose first location after leaving the plant is on the premises of a distributor, dealer, or purchaser in that state. 24 CFR 3282.307(b) will be amended to provide a more equitable distribution of the inspection fee proceeds that will take into account the additional expenses incurred by the states in which manufacturing facilities are located.

Timetable:

Action	Date	FR Cite
NPRM	07/02/90	55 FR 27252
NPRM Comment Period End	08/31/90	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stuart Margulies, Chief, State & Consumer Liaison Branch, Department of Housing and Urban Development, Office of Housing, **202 708-0584**

RIN: 2502–AE65

1419. ● REVISION OF HUD'S PROCEDURE FOR PROMULGATING AN UP-TO-DATE LIST OF STATE ADMINISTRATIVE AGENCIES (H-29-91; FR-3059)

Legal Authority: 42 USC 5416

CFR Citation: 24 CFR 3283

Legal Deadline: None

Abstract: This rule modifies HUD's procedures for promulgating an up-to-date list of State Administrative Agencies that have been fully or conditionally approved by the Secretary to enforce HUD's manufactured home construction and safety standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stuart Margulies, Chief, State & Consumer Liaison Branch, Department of Housing and Urban Development, Office of Housing **202 708-0584**

RIN: 2502–AF44

1420. REAL ESTATE SETTLEMENT PROCEDURES ACT—CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Regulatory Program

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None

HUD—OH

Final Rule Stage

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub. L. 98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. The rule will also contain miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	05/16/88	53 FR 17424
NPRM Comment Period End	07/15/88	53 FR 17424
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Grant E. Mitchell, Senior Attorney, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, 202 708-1550

RIN: 2502–AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Completed Actions

1421. FORMAT FOR DISCLOSURE STATEMENTS TO BE PROVIDED MORTGAGORS REGARDING THE ACCRUAL OF ANY INTEREST ON A MORTGAGE AFTER THE DATE OF PREPAYMENT (H-23-91; FR-2963)

Significance: Regulatory Program

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	04/24/91	56 FR 18951

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Coonts, 202 708-3046

RIN: 2502–AF22

1422. REVISED CONGREGATE PROGRAM (SEC. 802) (S-31-91; FR-2990)

Completed:

Reason	Date	FR Cite
TRANSFER DEVELOPMENT TO: 2501-AB34	10/08/91	

RIN: 2502–AF36

1423. IMPLEMENTATION OF SECTION 235(R) OF THE NATIONAL HOUSING ACT (H-21-91; FR-2739)

CFR Citation: 24 CFR 200; 24 CFR 235

Completed:

Reason	Date	FR Cite
Final Action	06/14/91	56 FR 27622

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Falkenstein, Jr., 202 708-2720

RIN: 2502–AF38

1424. INFORMATION ON EARLY FHA MORTGAGE DEFAULTS (H-13-91; FR-3020)

Significance: Agency Priority

CFR Citation: 24 CFR 200; 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	08/15/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Stephen A. Martin, 202 708-3046

RIN: 2502–AF40

1425. SINGLE FAMILY PROPERTY DISPOSITION SALES PROCEDURE (H-14-89; FR-2683)

Significance: Regulatory Program

CFR Citation: 24 CFR 203; 24 CFR 291

Completed:

Reason	Date	FR Cite
Final Action	09/16/91	56 FR 46964
Final Action Effective	10/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline B. Campbell, 202 708-0740

RIN: 2502–AE75

1426. AMENDMENT TO MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS FOR RENTAL PROPERTIES (H-3-90; FR-2713)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	06/17/91	56 FR 27690
Final Action Effective	07/17/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, 202 708-2700

RIN: 2502–AE84

1427. RETROACTIVE INSURANCE ENDORSEMENT (H-17-90; FR-2780)

CFR Citation: 24 CFR 203; 24 CFR 234; 24 CFR 200.163

Completed:

Reason	Date	FR Cite
Withdrawn	05/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, 202 708-2700

RIN: 2502–AE91

1428. REFINANCING FHA-INSURED MORTGAGES (H-16-90; FR-2777)

Significance: Agency Priority

CFR Citation: 24 CFR 203.43(c); 24 CFR 234.43(c)

Completed:

Reason	Date	FR Cite
Withdrawn	05/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, 202 708-2700

RIN: 2502–AE98

1429. IMPLEMENTATION OF CERTAIN PROVISIONS OF CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT RELATING TO FHA MORTGAGE INSURANCE (H-1-91; FR-2935)

CFR Citation: 24 CFR 203; 24 CFR 234

Completed:

Reason	Date	FR Cite
Final Action	04/24/91	56 FR 18946
Final Action Effective	05/24/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Coonts, 202 708-3046

RIN: 2502–AF16

1430. TERMINATION OF RETIREMENT SERVICE CENTER PROGRAM (H-26-90; FR-2857)

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 232

Completed:

Reason	Date	FR Cite
Final Action	08/29/91	56 FR 42798
Final Action Effective	09/30/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Cheatham, 202 708-3000

RIN: 2502–AF05

1431. DEBENTURE LOCK AGREEMENTS FOR PAYMENT OF FHA INSURANCE CLAIMS (H-4-91; FR-2949)

Significance: Agency Priority

CFR Citation: 24 CFR 207

Completed:

Reason	Date	FR Cite
Withdrawn	08/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald A. Kaplan, 202 708-3730

RIN: 2502–AF28

1432. AMENDMENTS TO MULTIFAMILY MORTGAGE INSURANCE REGS—SINGLE ROOM OCCUPANCY FACILITIES (SROS)—(H-13-90; FR-2774)

CFR Citation: 24 CFR 221

Completed:

Reason	Date	FR Cite
Final Action	04/19/91	56 FR 16198
Final Action Effective	06/01/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Linda D. Cheatham, 202 708-3000

RIN: 2502–AE95

1433. REFINANCING SECRETARY-HELD MORTGAGES COVERING NURSING HOMES (H-11-90; FR-2752)

CFR Citation: 24 CFR 232; 24 CFR 252

Completed:

Reason	Date	FR Cite
Withdrawn	08/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Cheatham, 202 708-0035

RIN: 2502–AE94

1434. SUPPLEMENTAL LOAN PROGRAM FOR MULTIFAMILY PROJECTS (H-34-90; FR-2891)

Significance: Agency Priority

CFR Citation: 24 CFR 241

Completed:

Reason	Date	FR Cite
Merged with RIN 2501-AB14; FR-2978	07/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kevin East, 202 708-2300

RIN: 2502–AF13

1435. SINGLE FAMILY PROPERTY DISPOSITION FOR THE HOMELESS INITIATIVE (H-20-89; FR-2704)

Significance: Agency Priority

CFR Citation: 24 CFR 291; 24 CFR 577; 24 CFR 578

Completed:

Reason	Date	FR Cite
Final Action	09/16/91	56 FR 46952
Final Action Effective	10/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline B. Campbell, 202 708-0740

RIN: 2502–AE80

1436. ADMINISTRATIVE INSTRUCTIONS COVERING VOLUNTARY TERMINATIONS (OPT-OUT) OF EXISTING SECTION 8 CONTRACTS AND EXPIRING LOAN MANAGEMENT SET-ASIDE (LMSA) CONTRACTS (H-17-89; FR-2689)

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886

Completed:

Reason	Date	FR Cite
Withdrawn Notice H-91-60 issued 7/9/91	07/09/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Kevin East, 202 708-2300

RIN: 2502–AE79

1437. FAIR MARKET RENTS (FMRS) FOR NEW CONSTRUCTION & SUBSTANTIAL REHAB D/A TO REGIONAL ADMINISTRATOR, CHANGE IN METHODOLOGY FOR PREPARATION OF ANNUAL REVISION (H-5-91; FR-2950)

CFR Citation: 24 CFR 880; 24 CFR 881, 24 CFR 888

HUD—OH **Completed Actions**

Completed:

Reason	Date	FR Cite
Withdrawn	07/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward M. Winiarski, 202 708-0624

RIN: 2502–AF31

1438. LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DAVIS-BACON WAGE RATE (H-6-89; FR-2589)

CFR Citation: 24 CFR 885.415; 24 CFR 885.420; 24 CFR 885.422

Completed:

Reason	Date	FR Cite
Merged with RIN 2577-AB02; FR-2995	08/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard S. Allan, 202 708-0370

RIN: 2502–AE69

1439. SECTION 8 RENT ADJUSTMENT; RETROACTIVE HOUSING ASSISTANCE PAYMENTS (H-8-90; FR-2745)

Significance: Regulatory Program

CFR Citation: 24 CFR 888

Completed:

Reason	Date	FR Cite
Final Action	05/01/91	56 FR 20078
Final Action Effective	05/31/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, 202 708-3944

RIN: 2502–AE81

1440. SECTION 8 HOUSING ASSISTANCE PROGRAM PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT (H-33-90; FR-2890)

Significance: Agency Priority

CFR Citation: 24 CFR 888.103(b); 24 CFR 887.103(d)

Completed:

Reason	Date	FR Cite
Withdrawn	05/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward M. Winiarski, 202 708-7624

RIN: 2502–AF12

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Prerule Stage

1441. ● HOPE FOR SINGLE FAMILY HOMES—AMENDMENTS TO GUIDELINES —GUIDELINES FOR PLANNING GRANTS (CPD-15-91; FR-3116)

Legal Authority: 42 USC 3535(d)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The purpose of the HOPE 3 Program is to provide homeownership opportunities for eligible families to purchase certain Federal, State and local single family properties and units in scattered site, single family public and Indian housing developments. The authorizing legislation for the HOPE Grant Programs, which includes the HOPE 3 Program, provides for HUD to make planning grants and implementation grants to selected eligible applicants to assist them in developing and carrying out homeownership programs for eligible families. In accordance with the authorizing legislation, the Department published a notice of program guidelines for the HOPE 3 Program on February 4, 1991. These guidelines noted that for Federal Fiscal Year 1991, HUD would make implementation grants, but would not be funding planning grants. This notice will amend the February 4, 1991 guidelines for the HOPE 3 Program to provide for planning grants.

Timetable:

Action	Date	FR Cite
Notice Amendments to Guidelines	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This notice will follow the same publication format that was employed for the HOPE Grant Programs published on Feb. 4, 1991. The amendments contemplated by this notice will be effective on publication, and also provide a 60-day comment period.

Agency Contact: John Garrity, Office of Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0324

RIN: 2506–AB29

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Proposed Rule Stage

1442. ARCHITECTURAL BARRIERS ACT—APPLICABILITY TO CDBG ACTIVITIES (CPD-8-90; FR-2820)

Legal Authority: 42 USC 5301 to 5320; 42 USC 4151; 42 USC 4153

CFR Citation: 24 CFR 570; 24 CFR 571

Legal Deadline: None

Abstract: This proposed rule would amend the regulations governing the CDBG grant program to require compliance with the structural accessibility standards promulgated under the Architectural Barriers Act of 1966 (ABA). The proposed rule, through amendments to 24 CFR Parts 570 and

571 (the CDBG regulations), would provide that any building or facility designed, constructed or altered with grants made available under the CDBG Program, and which meets the ABA's definition of "building" is subject to the requirements of the ABA. The requirements of the ABA would apply to entitlement grants and nonentitlement grants under the CDBG Program, the Indian CDBG Program, and to the section 108 Loan Guarantee Program. The rule would provide for the ABA requirements to be applicable to funds allocated or reallocated after the effective date of the final rule. The purpose of the rule is to bring the CDBG Program into compliance with the requirements of the ABA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Peter Kaplan, Director, Office of HUD Program Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2904

RIN: 2506–AB04

1443. MISCELLANEOUS AMENDMENTS (CPD-5-90; FR-2772)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule will propose for public comment certain miscellaneous revisions to CDBG rules for clarification; to include new certifications; to define income; and to correct sanctions to reflect judicial decisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506–AB01

1444. CORRECTION OF HEALTH AND SAFETY VIOLATIONS IN REHABILITATED RESIDENTIAL PROPERTIES ASSISTED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CPD-10-90; FR-2874)

Legal Authority: PL 100-242, Sec 101

CFR Citation: 24 CFR 570.202

Legal Deadline: None

Abstract: A recent IG audit finding involving a sample of CDBG grantees revealed that general improvements were being undertaken in CDBG-assisted rehabilitation properties while leaving health and safety violations uncorrected. As a result of this finding, CDBG regulations need to be amended to incorporate a provision that would require the correction of all health and safety violations in CDBG-assisted rehabilitated properties before any general improvements to these properties can be undertaken. The proposed rule will also include an exception that will allow properties with uncorrected health and safety violations to still take part in rehabilitation programs that grantees have established to expressly address significant community housing needs, such as energy conservation through weatherization programs and improving the exterior appearance of deteriorating buildings through painting programs. Moreover, the proposed rule will make clear that grantees will still have the flexibility to continue to provide funding for the general improvement of properties that are free and clear of health and safety violations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: David Cohen, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2685

RIN: 2506–AB06

1445. COMMUNITY DEVELOPMENT BLOCK GRANTS: SMALL CITIES PROGRAM (CPD-15-90; FR-2879)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570.420 to 570.438

Legal Deadline: None

Abstract: This proposed rule would revise Subpart F of 24 CFR Part 570 regarding the CDBG Small Cities Program. This program is alternately known as the HUD-administered Small Cities Program. The revision is intended to take into account statutory changes made to Title I of the Housing and Community Development Act of 1974, as amended, since the existing Subpart F was promulgated in 1982, and to improve the operation and administration of the Small Cities Program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Stanley Gimont, Community Development Specialist, State & Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1322

RIN: 2506–AB11

1446. COMMUNITY DEVELOPMENT BLOCK GRANTS—DISPOSITION OF PROPERTY BELOW MARKET VALUE (CPD-3-91; FR-2999)

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would revise the Community Development Block Grant (CDBG) Programs (Entitlement, State and HUD Administered Small Cities) to require grantees and State recipients to justify the disposition of real property at a sale price less than market value if CDBG funds were used in the purchase.

Timetable:

Action	Date	FR Cite
NPRM	01/31/92	
NPRM Comment Period End	03/31/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: H. J. Huecker, Director, Relocation and Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, **202 708-0336**

RIN: 2506–AB15

1447. COMMUNITY DEVELOPMENT BLOCK GRANTS—PROJECT (CPD-4-91; FR-3000)

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would add a definition of the term "project" for purposes of implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Section 104(d) of the Housing and Community Development Act of 1974. The rule would cover Community Development Block Grant Programs, including the Entitlement, State and HUD-Administered Small Cities Programs.

Timetable:

Action	Date	FR Cite
NPRM	01/31/91	
NPRM Comment Period End	03/31/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: H. J. Huecker, Director, Relocation and Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, **202 708-0336**

RIN: 2506–AB16

1448. COMMUNITY DEVELOPMENT BLOCK GRANT—ENTITLEMENT PROGRAM—CD PLAN (CPD-7-91; FR-3007)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This will be a proposed rule outlining in what form HUD will require the grantees to submit the newly required "CD Plan" containing non-housing facilities needed by the grantee. Public comment will be important to assure that this will be a meaningful plan properly coordinated with other planning requirements in the program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Grantees must submit plan to HUD before receiving a grant for FY '92.

Agency Contact: James Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, **202 708-1577**

RIN: 2506–AB19

1449. PREVENTION OF DISCRIMINATION BASED ON ALIENAGE IN THE PROVISION OF CDBG-FUNDED PUBLIC SERVICES (ALIEN IV) (CPD-19-90; FR-2913)

Significance: Regulatory Program

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule will prohibit Community Development Block Grant (CDBG) recipients from restricting access to emergency public services and certain activities benefitting children to persons based on their citizenship or alien status. Historically, the CDBG program has been blind to the alien status of individuals served. It has come to the attention of the Department that a few local jurisdictions receiving CDBG funds seek to refuse services to individuals who cannot demonstrate citizenship or lawful immigration status. Believing that this policy interferes with the purposes of the authorizing statute, HUD is acting to prevent such locally imposed restrictions on these CDBG-funded activities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Don Patch, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, **202 708-3587**

RIN: 2506–AB25

1450. CDBG FUNDED CODE ENFORCEMENT (CPD-2-91; FR-2943)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This proposed rule would provide that where CDBG-funded code enforcement activity results in the demolition or conversion of low/moderate income-housing that such housing must be replaced. Also, low/moderate-income persons displaced by such conversion or demolition of any housing would be provided relocation assistance under Section 104(d) of the Housing and Community Development Act of 1974 or under the Uniform Relocation Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: H. J. Huecker, Director, Relocation & Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, **202 708-0336**

RIN: 2506–AB26

1451. EMERGENCY SHELTER GRANTS PROGRAM (CPD-5-91; FR-3005)

Legal Authority: 42 USC 11377

CFR Citation: 24 CFR 576

Legal Deadline: None

Abstract: The Cranston-Gonzalez National Affordable Housing Act made a number of changes to the Emergency Shelter Grants (ESG) Program. Experience in administering the program has also led to the identification of various regulatory changes that should be made to improve the program. A proposed rule to be issued for public comment and the final rule to follow will reflect these changes.

HUD—CPD

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	04/00/92	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: James N. Forsberg, Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

RIN: 2506–AB17

1452. SUPPORTIVE HOUSING DEMONSTRATION PROGRAM (CPD-14-90; FR-2878)

Legal Authority: 42 USC 11301 Stewart B. McKinney Homeless Assistance Act

CFR Citation: 24 CFR 577; 24 CFR 578

Legal Deadline: None

Abstract: The Cranston-Gonzalez National Affordable Housing Act amended various provisions of Title IV, Subtitle C of the McKinney Act affecting the Supportive Housing Demonstration Program. Changes in the program determined by the Department to require public comment will be the subject of a proposed rule. Other changes made by these amendments were technical in nature, and were implemented through a Notice of Fund Availability published on January 23 (56 2648 and 2654).

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James N. Forsberg, Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

RIN: 2506–AB10

1453. SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS (CPD-6-91; FR-3006)

Legal Authority: 42 USC 11394; 42 USC 11301

CFR Citation: 24 CFR 579

Legal Deadline: None

Abstract: The Cranston-Gonzalez National Affordable Housing Act made a number of changes to the Supplemental Assistance for Facilities to Assist the Homeless (SAFAH) Program. Experience in administering the program has also led to the identification of various regulatory changes that should be made to improve the program. A proposed rule to be issued for public comment and the final rule to follow will reflect these changes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	04/00/92	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: James N. Forsberg, Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

RIN: 2506–AB18

1454. REVISIONS TO HUD ENTERPRISE ZONE REGULATIONS (CPD-7-89; FR-2692)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 596

Legal Deadline: None

Abstract: Amendments to existing enterprise zone legislation are currently under legislative consideration. This proposed rule (which is dependent upon the adoption of pending legislation) would implement the new law insofar as it affected HUD's rule as selector of enterprise zones.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roy Priest, Director, Economic Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2290

RIN: 2506–AB00

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Final Rule Stage

1455. INCLUSION OF PROGRAM INCOME IN CDBG CALCULATIONS OF PUBLIC SERVICE SPENDING CAP (CPD-18-91; FR-2905)

Legal Authority: 42 USC 5353(d)

CFR Citation: 24 CFR 570.201

Legal Deadline: None

Abstract: 24 CFR 570.201(e) is being revised to permit certain CDBG recipients to include "program income" in the base amount of CDBG funds from which the funds available for public service are calculated.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506–AB24

1456. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

HUD—CPD

Final Rule Stage

CFR Citation: 24 CFR 570.488

Legal Deadline: None

Abstract: This revision would implement amendments to the State administered CDBG program made in the Housing and Urban-Rural Recovery Act (Pub. L. 98-181) approved November 30, 1983, and the Housing and Community Development Act of 1987 (Pub. L. 100-242) approved February 5, 1988. The rule includes definitions of low and moderate income person levels, requirements for meeting the three national objectives, the 70% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85 as well as other program policy requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/24/90	55 FR 52938
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard J. Kennedy, Director, State and Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1322

RIN: 2506–AA38

1457. MISCELLANEOUS REVISIONS OF PART 570 - 1987 HCD ACT (CPD-5-88; FR-2496)

Legal Authority: PL 100-242

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would revise the Community Development Block Grant Program rules (24 CFR Part 570) for the entitlement and HUD-administered small cities programs, as necessary to implement certain changes in the Housing and Community Development Act of 1987; the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1989; and the Cranston- Gonzalez National Affordable Housing Act of 1990, sections 902, 903, 905, 906, and 912.

The rule will address:

1. The new requirements for a citizens participation plan;

2. The circumstances under which a grant recipient may newly construct, or substantially reconstruct, housing where it is clear that such work is needed before the CDBG activity commences; (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/28/90	55 FR 11556
NPRM Comment Period End	05/29/90	55 FR 11556
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT:

3. The circumstances under which a grant recipient may provide a 9-1-1 emergency services communication system serving an area having less than 51 percent low- and moderate-income residents and still be considered to meet the national objective of benefitting low- and moderate-income persons; and

4. The authority to use CDBG funds to pay special assessments for certain low- and moderate-income property owners to recover local costs incurred in providing public improvements serving an area having less than 51 percent low- and moderate-income persons, under the national objective of benefitting such persons.

5. Certain changes affecting the CDBG program that were enacted as part of the National Affordable Housing Act. Included here will be: increase of "Targeting" from 60 to 70%; revised certifications for excessive force and Comprehensive Housing Affordability Strategy; revised definitions of metro cities and urban counties; and add "religion" to coverage of Section 570.602.

Agency Contact: Jim Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506–AA84

1458. COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM—MISCELLANEOUS AFFORDABILITY ACT CHANGES (CPD-8-91; FR-3008)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This regulation would incorporate changes to eligible activities (homeownership assistance, assistance to for-profit businesses, and adding program income to the base for computing the limitation on public services), the reallocation of recaptured funds to communities having emergency disaster needs, and excepting volunteer laborers from Davis-Bacon coverage. Because of the limited discretion allowed HUD in implementing these changes and since the early implementation will benefit and not restrict grantees, this will be an "interim rule."

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506–AB20

1459. COMMUNITY DEVELOPMENT LOAN GUARANTEES (CPD-9-91; FR-2959)

Significance: Regulatory Program

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570, subpart M

Legal Deadline: NPRM, Statutory, February 26, 1991. Final, Statutory, May 30, 1991.

Abstract: This rule would amend the regulations which implement the community development loan guarantee assistance authorized by Section 108 of the Housing and Community Development Act of 1974, to implement changes made to this program by Section 910 of the Cranston-Gonzalez National Affordable Housing Act. Section 910, among other things, expands HUD's loan guarantee

authority by including authority to guarantee new construction of housing by nonprofits for homeownership under the HoDAG and Nehemiah Programs. This section also authorizes HUD to assist the issuer in the payment of principal and interest, in cases of extreme hardship, and requires HUD to provide training and information activities with respect to the guarantee program.

Timetable:

Action	Date	FR Cite
NPRM	05/09/91	56 FR 21560
NPRM Comment Period End	06/10/91	
Final Action	10/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Paul D. Webster, Director, Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-9300

RIN: 2506–AB21

1460. ● TECHNICAL ASSISTANCE SPECIAL PURPOSE GRANTS (CPD-12-91; FR-3049)

Legal Authority: 42 USC 5301 to 5320; 42 USC 3535(d)

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The purpose of this rule is to complete the implementation of changes in CDBG program authorities provided for in Section 105 of the Department of Housing and Urban Development Reform Act of 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lyn Whitcomb, Director, Technical Assistance Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2090

RIN: 2506–AB27

1461. ● PRESIDENTIALLY DECLARED MAJOR DISASTERS & EMERGENCY UNDER THE ROBERT T. STAFFORD DISASTER RELIEF & EMERGENCY ASSISTANCE—(CPD-16-91; FR-3119)

Significance: Agency Priority

Legal Authority: PL 101-625, Sec 933

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: A number of Presidentially declared major disasters occur each year and metropolitan cities and urban counties have insufficient funds to deal with the tremendous costs that are incurred. Section 933 provides for certain funds to be made available to HUD to be assigned to eligible metropolitan cities and urban counties. There are no alternatives available. These funds are only to be made available when there are no other funds available. The potential costs are unknown and the benefits cannot be measured with any precision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Thomas H. Terrell, Program Officer, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2435

RIN: 2506–AB30

1462. COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES (CPD-16-90; FR-2880)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 571

Legal Deadline: None

Abstract: Section 702 of the HUD Reform Act of 1989 moved the grant authority for CDBG funding to Indian tribes from Section 107 to 106 of the Housing and Community Development Act. Paragraph (b) of Section 702 includes the following provision: "The Secretary shall provide for distribution of amounts under this paragraph pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment."

Timetable:

Action	Date	FR Cite
NPRM	06/21/91	56 FR 28666
NPRM Comment Period End	08/21/91	
Interim Final Rule	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen Rhodeside, Community Development Specialist, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1322

RIN: 2506–AB12

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Completed Actions

1463. URBAN HOMESTEADING (CPD-10-91; FR-2975)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	07/30/90	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: John Garrity, 202 708-0324

RIN: 2506–AB23

HUD—CPD

Completed Actions

1464. ● GUIDELINES FOR DESIGNATION OF CONSORTIA IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM (CPD-14-91; FR-3091)

Legal Authority: 42 USC 4332

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The purpose of this notice is to provide guidance to HUD Field Offices and localities on the procedures for designation of units of local government to participate as consortia in the HOME Investment Partnerships Program. The HOME Program is authorized by Title II -- Investment in Affordable Housing or HOME Investment Partnerships Act -- of the Cranston-Gonzalez National Affordable Housing Act.

Timetable:

Action	Date	FR Cite
Final Action	07/25/91	56 FR 34094

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Mary Kolesar, Rehabilitation Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2470

RIN: 2506–AB28

1465. COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE PROGRAM (CPD-1-89; FR-2616)

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN 2501-AA96 (FR-2794)	07/11/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Lyn T. Whitcomb, 202 708-3176

RIN: 2506–AA90

1466. SECTION 109 RULE—PROPOSED AMENDMENTS TO 24 CFR 570.602 (CPD-13-91; FR-3079)

Completed:

Reason	Date	FR Cite
Transfer Development to: 2501-AB32	09/06/91	

RIN: 2506–AB14

1467. SUPPORTIVE HOUSING DEMONSTRATION; SAFAH (CPD-11-91; FR-3026)

CFR Citation: 24 CFR 577; 24 CFR 578; 24 CFR 579

Completed:

Reason	Date	FR Cite
Withdrawn	08/16/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: James Forsberg, 202 708-4300

RIN: 2506–AB22

1468. URBAN HOMESTEADING PROJECTS RTC—HUD (CPD-7-90; FR-2808)

Significance: Agency Priority

CFR Citation: 24 CFR 590

Completed:

Reason	Date	FR Cite
Final Action	02/20/91	56 FR 6807
Final Action Effective	03/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Garrity, 202 708-0324

RIN: 2506–AB05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Government National Mortgage Association (GNMA)

Proposed Rule Stage

1469. REVISIONS TO GNMA ISSUER NET WORTH REQUIREMENTS (GNMA-1-90; FR-2908)

Significance: Agency Priority

Legal Authority: 12 USC 1721(g); 12 USC 1723a(a)

CFR Citation: 24 CFR 390.3

Legal Deadline: None

Abstract: This rule would revise GNMA's standards for issuer approval by amending current net worth requirements and implementing new liquidity requirements that would more accurately reflect an issuer's continuing ability to meet its obligations to investors in GNMA mortgage-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael P. Daly, Program Specialist, Department of Housing and Urban Development, Government National Mortgage Association, 202 708-4141

RIN: 2503–AA07

1470. GUARANTY OF REAL ESTATE MORTGAGE INVESTMENT CONDUITS (GNMA-2-91; FR-3004)

Legal Authority: 12 USC 1721(g)

CFR Citation: 24 CFR 400

Legal Deadline: None

Abstract: GNMA is considering creation of a program under which GNMA will guarantee timely payment under Real Estate Mortgage Investment Conduits backed by GNMA Mortgage-Backed Securities. The regulation will provide an outline of the program. The program will be self-funding. It is projected that benefits will include attracting more capital and liquidity to the mortgage market which will reduce

HUD—GNMA

Proposed Rule Stage

loan expenses, thus providing a greater opportunity for homeownership and affordable housing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius Shields, Office of GNMA, Department of Housing and Urban Development, Government National Mortgage Association, **202 708-2772**

RIN: 2503–AA09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

1471. ● NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING ASSISTANCE UNDER TITLE I OF THE HCD ACT OF 1974 (FHEO-5-91; FR-3117)

Legal Authority: Section 109 of the HCD Act of 1974

CFR Citation: 24 CFR 6; 24 CFR 570.602

Legal Deadline: None

Abstract: The proposed rule sets forth procedures and policies to assure nondiscrimination based on race, color, national origin, religion, or sex in programs and activities receiving assistance from the Department of HUD under Title I of the HCD Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Elizabeth Ryan, Equal Opportunity Specialist, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 708-2398**

RIN: 2529–AA55

1472. ● CHAS—AFFIRMATIVELY FURTHERING FAIR HOUSING (FHEO-6-91; FR-3118)

Legal Authority: 42 USC 12705(b)(13)

CFR Citation: 24 CFR 91.15(l); 24 CFR 570.904(c); 24 CFR 91.20(l)

Legal Deadline: None

Abstract: This regulation will provide guidance on the minimum content of State and local efforts to satisfy the CHAS certification to Affirmatively Further Fair Housing. The rule will make mandatory the "Analysis of Impediments to Fair Housing Choice" currently described in 24 CFR 570.904(c) (the Entitlement Block Grant regulation) for all jurisdictions submitting a CHAS, will describe the components of such an Analysis, and will provide guidance on the types of actions HUD deems acceptable. It will also define the phrase "areas of minority concentration" found in the CHAS rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Laurence Pearl, Director, Program Standards and Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 708-0288**

RIN: 2529–AA54

1473. CERTIFICATION OF SUBSTANTIAL EQUIVALENCY AGENCIES (FHEO-1-91; FR-3019)

Legal Authority: 42 USC 3600 to 3620; 42 USC 3535(d)

CFR Citation: 24 CFR 115

Legal Deadline: None

Abstract: The Department of Housing and Urban Development is proposing to revise its regulations implementing the Fair Housing Act (42 USC Sections 3601-3619) providing for the certification of agencies administering substantially equivalent State and local fair housing laws.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Jacquelyn J. Shelton, Director, Office of Fair Housing Enforcement and Section 3 Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 708-0836**

RIN: 2529–AA50

1474. FAIR HOUSING INITIATIVES PROGRAM: PROGRAM DESCRIPTION AND ELIGIBILITY CRITERIA (FHEO-2-90; FR-2884)

Legal Authority: 42 USC 3616; 42 USC 3535(d)

CFR Citation: 24 CFR 125

Legal Deadline: None

Abstract: FHEO is taking steps to streamline procedures and target funds more cost-effectively in FY 1992, should the program be authorized to continue. FHEO proposes to introduce a "graduation" approach to funding of selected grantees based on annual performance and project content. This would permit recipients and FHEO to realize cost efficiencies related to lower staff turnover among the affected agencies, and to minimize stop/start costs for projects that merit continuation without annual competition. No project would receive continuous funding for more than three years without further competition. This modification requires a regulatory change. The Administrative Enforcement Initiative provides funds to State and local fair housing agencies certified by the Assistant Secretary as substantially equivalent. The regulation will be amended to broaden eligibility to also include State and local agencies which are revising existing or drafting new legislation to conform with the provisions of the Fair Housing Amendments Act of 1988.

HUD—FHEO **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Sue Ireland, FHIP Branch Chief, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 708-3214**

RIN: 2529–AA45

1475. FAIR HOUSING AFFIRMATIVE ADMINISTRATION OF PROGRAMS RELATING TO HOUSING AND URBAN DEVELOPMENT (FHEO-3-90; FR-2885)

Legal Authority: EO 12259

CFR Citation: 24 CFR 112

Legal Deadline: None

Abstract: This regulation will provide guidelines for Executive agencies in determining which of their programs and activities relate to housing and urban development, and in analyzing their programs' impact on promoting fair housing. The rule will describe actions that can be taken to assure that programs and activities are administered in a manner affirmatively to further fair housing and will establish procedures for coordination and cooperation between the Secretary of HUD and other Executive agencies in their implementation and enforcement of their responsibilities under Executive Order 12259 and the Fair Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marcella O. Brown, Program Division Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 708-0455**

RIN: 2529–AA46

1476. ● FHIP AMENDMENTS (FHEO-4-91; FR-3070)

Legal Authority: PL 100-24Sec. 561 of the HCD Act

CFR Citation: 24 CFR 125

Legal Deadline: None

Abstract: This proposed rule would amend the regulations at 24 CFR 125 governing the Fair Housing Initiatives Program (FHIP). Specifically, the proposed rule would amend sections 125.201, 125.202 and 125.203, which describe the purpose, eligibility criteria and eligible activities for the administrative enforcement initiative (AEI) component of FHIP. The FHIP regulations currently provide that eligibility in the program only applies to those State and local fair housing enforcement agencies which have been certified by the Assistant Secretary as substantially equivalent. The amendments proposed would permit funding to State and local fair housing enforcement agencies, which have amended their fair housing laws, but are not yet certified as substantially equivalent, to compete for support funds under AEI component of the program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Jacquelyn J. Shelton, Director, Office of Fair Housing Enforcementand Section 3 Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 708-3214**

RIN: 2529–AA53

1477. EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS (FHEO-6-90; FR-2898)

Significance: Agency Priority

Legal Authority: 42 USC 1450; 42 USC 3301; 12 USC 1701u; 42 USC 3535(d)

CFR Citation: 24 CFR 135.12; 24 CFR 135.20; 24 CFR 135.40; 24 CFR 135.50; 24 CFR 135.75; 24 CFR 135.105; 24 CFR 135.115; 24 CFR 135.135

Legal Deadline: None

Abstract: The regulations at 24 CFR 135 have not been revised to reflect the changes that have occurred in the past several years in the Department's programs that are subject to Section 3 regulations. The updating of these regulations to enforce Section 3 of the HUD Act of 1968 is needed to conform with regulations from the Office of Housing and the Office of Community Planning and Development. The Section 3 regulations must also more closely address the Department's goals to improve the self-sufficiency of low income persons.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Harold Payne, Senior Equal Opportunity Specialist, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 708-1575**

RIN: 2529–AA49

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage

Office of Fair Housing and Equal Opportunity (FHEO)

1478. CONFORMING AMENDMENTS TO HUD RULES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT AND OTHER AUTHORITIES (FHEO-3-88; FR-2531)

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 735

Legal Deadline: None

Abstract: Conforming HUD rules to comply with section 504 of the Rehabilitation Act and other authorities.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

HUD—FHEO

Final Rule Stage

Agency Contact: Lawrence Pearl, Director, Program Standards & Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0288

RIN: 2529–AA38

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

1479. ● AMENDMENTS TO FAIR HOUSING REGULATIONS; EXTENSION OF BUILDING PERMIT DEADLINE (FR-3043; FHEO-2-91)

Legal Authority: 42 USC 3600 to 3620

CFR Citation: 24 CFR 100.205

Legal Deadline: None

Abstract: This final rule amends 24 CFR 100.205(a) to extend the January 13, 1990 permit deadline to June 15, 1990. Section 100.205(a) provides that a covered multifamily dwelling is exempt from the accessibility requirements of the Fair Housing Act, if the dwelling is designed and constructed for first occupancy on or before March 13, 1991, or if the last building permit or renewal thereof for the dwelling was issued by a State, county or local government on or before January 13, 1990. The Department has discovered that certain projects originally scheduled for first occupancy before March 13, 1991, and for which permits were not obtained prior to January 13, 1990, will not be able to meet the March 13, 1991 deadline due to contingencies beyond the control of the builder. To accommodate these legitimate concerns, the Department has decided to extend the January 13, 1990 deadline to June 15, 1990, the date the Department published proposed accessibility guidelines.

Timetable:

Action	Date	FR Cite
Final Action	03/20/91	56 FR 11663
Final Action Effective	04/19/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Merle Morrow, Director, Programs Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0455

RIN: 2529–AA51

1480. COMPLIANCE PROCEDURES FOR AFFIRMATIVE FAIR HOUSING MARKETING (AFHM) (FHEO-5-90; FR-2887)

CFR Citation: 24 CFR 108

Completed:

Reason	Date	FR Cite
Withdrawn	07/24/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Pearl, 202 708-0288

RIN: 2529–AA48

1481. ● CONFORMING AMENDMENT TO THE FINAL RULE OF THE FAIR HOUSING ASSISTANCE PROGRAM (FHEO-3-91; FR-2926)

Legal Authority: 12 USC 3601 to 3620

CFR Citation: 24 CFR 111

Legal Deadline: None

Abstract: This final rule clarifies the eligibility criteria for participation in the Fair Housing Assistance Program (FHAP) at 24 CFR Part 111 to make clear that agencies that entered into interim agreements or became contributions agencies prior to September 13, 1988, the date of enactment of the Fair Housing Amendments Act of 1988 (FHAA), maintain their pre-FHAA funding status.

Timetable:

Action	Date	FR Cite
Final Action	05/16/91	56 FR 22642
Final Action Effective	06/17/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marcella Brown, Director, Programs Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0455

RIN: 2529–AA52

1482. SUBPART M—AFFIRMATIVE FAIR HOUSING MARKETING (AFHM) (FHEO-4-90; FR-2886)

CFR Citation: 24 CFR 200, Subpart M

Completed:

Reason	Date	FR Cite
Withdrawn	07/27/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Pearl, 202 708-0288

RIN: 2529–AA47

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Proposed Rule Stage

1483. HUD ACQUISITION REGULATION (ADM-2-88; FR-2473)

Legal Authority: 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: The proposed rule will update the HUD Acquisition Regulation to conform to changes in the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

HUD—OA **Proposed Rule Stage**

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Gladys G. Gines, Acting Director, Policy and Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 708-0294**

RIN: 2535–AA16

1484. REVISIONS TO HUDAR TO REFLECT CHANGES IN GNMA PROCUREMENT PROCEDURES (ADM-3-88; FR2535)

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: Rule to amend HUDAR to clarify circumstances under which GNMA may exercise its "statutory procurement authority" without regard to FAR or FIRMR. The rule will direct that all GNMA procurement with the exception of transactions between GNMA and issuers to mortgage-backed securities in furtherance of GNMA's guaranty of such securities be awarded in accordance with the FAR and FIRMR.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gladys G. Gines, Acting Director, Policy and Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 708-0294**

RIN: 2535–AA17

1485. ● IMPLEMENTATION OF REVISED OMB CIRCULAR A-102 GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS (ADM-2-91; FR-3129)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 85

Legal Deadline: None

Abstract: This government-wide rule would make changes to 24 CFR part 55, grants and cooperative agreements to state and local governments, as a result of changes made to OMB Circular A-102.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gladys G. Gines, Acting Director, Policy and Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 708-0294**

RIN: 2535–AA19

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage

Office of Administration (OA)

1486. OMB CIRCULAR A-110, UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH UNIVERSITIES, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (ADM-1-87; FR-2376)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 29

Legal Deadline: None

Abstract: This rule is part of a governmentwide common rule to provide uniformity to the administrative requirements for grants and agreements with universities, hospitals and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	
Revised NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gladys G. Gines, Acting Director, Policy and Evaluation Div., Office of Procurement and Contracts, Department of Housing and Urban Development, Office of Administration, **202 708-0294**

RIN: 2535–AA15

1487. COMPETITIVE PROPOSAL REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENT TO STATE, LOCAL AND FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS (ADM-1-91; FR-3015)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 85

Legal Deadline: None

Abstract: This rule is intended to clarify the confidential nature of the competitive proposal method of procurement, set forth in 24 CFR 85.36. It will emphasize that public disclosure of proposals is not to be made until after contract award.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Gladys G. Gines, Acting Director, Policy and Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 708-0294**

RIN: 2535–AA18

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Inspector General (HUDIG)

Final Rule Stage

1488. ● REVISION OF REGULATIONS GOVERNING THE INSPECTOR GENERAL (IG-1-91; FR-3096)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 2000; 24 CFR 2002; 24 CFR 2003; 24 CFR 2004

Legal Deadline: None

Abstract: This rule updates the organization, functions and delegations of authority of the Office of Inspector General and adds a new Part that implements the Privacy Act. The revisions are necessary to reflect the recent statutory amendments to the Inspector General Act of 1978 and other statutory changes involving the Office of Inspector General.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronnie Anne Wainwright, Trial Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3200

RIN: 2508–AA06

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Prerule Stage

1489. TURNKEY III RE: PHA FINANCING & SUBORDINATION (P-6-90; FR-2819)

Legal Authority: 42 USC 1437 to 1437s

CFR Citation: 24 CFR 904

Legal Deadline: None

Abstract: This rule adds a new subpart to the part governing the Turnkey III program. The purpose of the new Subpart E is to permit Public Housing Agencies (PHAs) (1) to provide financing to homebuyers to consummate purchase of their homes and (2) to permit subordination of the PHA's lien on the home to facilitate home improvement loans, when needed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Wayne Hunter, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0713

RIN: 2577–AA85

1490. RESIDENT SELECTION PREFERENCES (P-14-91; FR-3034)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 960

Legal Deadline: None

Abstract: Amendments to existing preferences for selection among applicants for admission to public housing, as mandated by 1990 legislation. For nonelderly projects, preferences for 70% of units available must be given to families occupying substandard housing or paying more than 50 percent of family income for rent, or involuntarily displaced. For remaining units available, preferences must be given to families in transitional housing, families participating in employment and educational programs and to provide for child care. The statute also mandates a three-year prohibition against preferences for persons invited from public housing for drug-related offenses and, to the maximum extent feasible, a broad range of incomes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2577–AB04

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Proposed Rule Stage

1491. INCOME ELIGIBILITY FOR PUBLIC HOUSING (P-2-91; FR-2979)

Legal Authority: PL 101-625

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rule would increase from 5% to 15% the percentage of post-1981 public housing and Section 8 units to be leased to lower income, but not very low-income, families. It would also require that not more than 25% of the dwelling units in any project of any agency be available for occupancy by low-income families other than very low-income families. Projects already exceeding this limitation before enactment of PL 101- 625 are exempt.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2577–AA93

HUD—PIH **Proposed Rule Stage**

1492. PUBLIC HOUSING—CONTRACTING WITH RESIDENT-OWNER BUSINESSES (P-7-90; FR-2856)

Legal Authority: 42 USC 3535(d); 42 USC 1437(r)

CFR Citation: 24 CFR 963

Legal Deadline: None

Abstract: Part 963 would provide a public housing agency (PHA) with the option of utilizing an alternative procurement process when contracting with businesses owned in substantial part by public housing residents (resident-owned businesses) for public housing services, supplies, or construction. The alternative procurement process would be based on the established procurement procedures and requirements set forth in the Department's regulations at 24 CFR 85.36, but solicitation would be limited to resident-owned businesses.

Timetable:

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48453
NPRM Comment Period End	11/25/91	
Final Action	01/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Paul Fletcher, PIH, Special Assistant for Economic Development, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-4214**

RIN: 2577–AA86

1493. SECTION 5(H) HOMEOWNERSHIP PROGRAM (P-5-90; FR-2810)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 905; 24 CFR 906

Legal Deadline: None

Abstract: The Department will publish an interim rule codifying the requirements of the Section 5(h) Homeownership Program (Section 5(h), U.S. Housing Act of 1937 ("Act")). Section 5(h), along with Section 6(c)(4)(D) of the Act, gives the Department the authority to implement a program that would provide homeownership opportunities for residents of public and Indian housing.

Timetable:

Action	Date	FR Cite
NPRM	09/20/91	56 FR 47852
NPRM Comment Period End	11/19/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Wayne Hunter, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-0713**

RIN: 2577–AA90

1494. WAIVER OF MATCHING FUND REQUIREMENTS IN HOUSING PROGRAMS FOR IHAS NOT RECEIVING CDBG FUNDS (P-15-91; FR-3022)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule authorizes the Secretary to waive matching fund requirements of housing programs for Indian Housing Authorities that do not receive Community Development Block Grants. The programs of the Department affected include the HOPE Homeownership Programs, the Shelter Plus Care Program, and the Emergency Shelter Grants Program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Dominic Nessi, Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1015**

RIN: 2577–AB05

1495. DEFINITION AMENDMENTS (P-5-91; FR-3029)

Legal Authority: PL 101-625; 42 USC 3535(d)

CFR Citation: 24 CFR 912; 24 CFR 812

Legal Deadline: None

Abstract: Section 573(a) amends the term "family" under the '37 Housing Act to include any single person.

Section 574 amends the definition of "family" in the '37 Housing Act to disregard the temporary absence of a child in foster care in considering family composition and size.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-0744**

RIN: 2577–AA96

1496. PUBLIC AND INDIAN HOUSING; CEILING RENTS (P-2-89; FR-2529) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437a; PL 100-242, Sec 102(a)

CFR Citation: 24 CFR 0913

Legal Deadline: None

Abstract: Rule to permit PHAs and IHAs to adopt, with HUD approval, rents for projects or dwelling units that would establish a cap, or ceiling on the income-based rent as currently calculated under 24 CFR 913.107, that are not more than the income-based rent and not less than the average monthly amount of debt service and operating expenses attributed to units by similar size in housing projects owned and operated by the PHA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-0744**

RIN: 2577–AA57

1497. MAXIMUM ANNUAL LIMITATION ON RENTAL INCREASES RESULTING FROM EMPLOYMENT; AMENDMENTS TO DEFINITIONS OF INCOME, ADJUSTED INCOME (P-4-91; FR-2973)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 913; 24 CFR 813

Legal Deadline: None

Abstract: Rule would establish, subject to appropriations, that rent increases based on adjusted income increases resulting from the employment of a family member who was previously unemployed are phased in and can't increase more than 10% in any twelve-month period over three years.

Rule would also redefine income to exclude amounts not actually received for '37 Act programs and Section 236 and establishes other deductions (mainly work-related) for '37 Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-0744**

RIN: 2577–AA95

1498. HUD PREVAILING WAGE RATE REQUIREMENTS FOR MAINTENANCE AND TECHNICAL EMPLOYEES WORKING ON PIH DEVELOPMENTS (P-10-88; FR-2211)

Legal Authority: 42 USC 1437j; 42 USC 3535(d)

CFR Citation: 24 CFR 920

Legal Deadline: None

Abstract: This rule would codify the Department's policies and procedures for determining or adopting prevailing wage rates under Section 12 of the United Housing Act of 1937. It would establish uniform criteria for determining maintenance wage rates; provide guidance for determining maintenance wage rates in the context of collective bargaining between PHAs/IHAs and employee organizations; outline responsibilities and procedures for ensuring compliance with maintenance wage rate determinations and private procedures for determining wages applicable to nonroutine maintenance performed with Comprehensive Improvement Assistance Program funds and construction contracting done with operating funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard S. Allan, Director, Labor Relations Staff, Department of Housing and Urban Development, Office of the Secretary, **202 708-0370**

RIN: 2577–AA68

1499. PUBLIC HOUSING DEVELOPMENT—PROGRAM AMENDMENTS (P-8-90; FR-2865)

Legal Authority: 42 USC 1437c

CFR Citation: 24 CFR 941

Legal Deadline: None

Abstract: This is a proposed rule, to follow up on the technical amendments final rule (FR-2782) with substantive amendments, incorporating numerous program changes; e.g., the Green Amendment on cost limits; elimination of total development cost cap panel; inclusion of Major Reconstruction of Obsolete Public Housing (MROP); downgrading requirement for Assistant Secretary approval for Public Housing Agencies to acquire HUD owned or held properties; expansion of site and neighborhood applicability to acquisition of existing projects; and revision of application procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Janice D. Rattley, Director, Office of Construction, Rehabilitation, and Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1800**

RIN: 2577–AA87

1500. PUBLIC HOUSING RENT WAIVER FOR POLICE OFFICERS (P-3-91; FR-2972)

Legal Authority: PL 101-625; 42 USC 3535(d)

CFR Citation: 24 CFR 960.500 (Subpart E)

Legal Deadline: None

Abstract: The rule would permit HUD to waive the applicability of any occupancy requirements to allow police officers and other security personnel, not otherwise eligible for residence in public housing, to reside in public housing dwelling units upon submission by a PHA and approval by HUD of a plan identifying the projects in which the police officers or security personnel will reside and describing the benefits of their residence.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-0744**

RIN: 2577–AA94

1501. YOUTH SPORTS (P-7-91; FR-2993)

Legal Authority: PL 101-625; 42 USC 3535(d)

CFR Citation: 24 CFR 961

Legal Deadline: None

Abstract: The rule would establish the Youth Sports Program funded from Public Housing Drug Elimination Program money (5%/FY). Program would be limited to public housing sites with substantial drug problems. Rule would specify entities and activities eligible for funding. Funding will require a local match from non-Federal sources of at least 50% of the Federal grant amount, which may not exceed 125,000 in any FY for any project. The rule would also establish application requirements and selection criteria

HUD—PIH **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Malcolm E. Main, Drug Free Neighborhood Division, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1197**

RIN: 2577–AA98

1502. SELECTION OF FINANCIALLY RESPONSIBLE INSURANCE PROVIDER BY PHAS AND IHAS (PIH-10-91; FR-3023)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g; PL 101-507

CFR Citation: 24 CFR 965; 24 CFR 905

Legal Deadline: None

Abstract: This rule would specify the requirements for a financially sound and responsible insurance provider for coverage of PHA and IHA required coverages. It would permit selection of a nonprofit insurance entity owned by PHAs or IHAs without competitive selection procedures when the entity satisfies these financial standards, in accordance with provisions of the HUD Appropriations Act for FY 1991.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: This rule has been split off from a rule that dealt primarily with the Performance Funding System for calculating operating subsidy for PHAs. A proposed rule was published on December 19, 1989. After public comments were received, Congress legislated on the subject of PHA insurance--in the HUD Appropriations Act for FY 1991. As a result, this proposed rule is being undertaken as a separate project.

Agency Contact: John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1872**

RIN: 2577–AB00

1503. ● DEMOLITION & DISPOSITION OF PUBLIC HOUSING—OPPORTUNITY TO PURCHASE BY TENANT COUNCILS, RESIDENT MANAGEMENT CORPORATIONS, OR TENANT COOPERATIVES (PIH-19-91; FR-3093)

Significance: Agency Priority

Legal Authority: PL 101-625 Sec. 412, National Affordable Housing Act

CFR Citation: 24 CFR 970

Legal Deadline: None

Abstract: This rule amends the regulations governing demolition or disposition of public housing to provide the opportunity to purchase to tenant councils, resident management corporations, and tenant cooperatives.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: William Flood, Director, Modernization Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1640**

RIN: 2577–AB09

1504. PFS PROJECTED OPERATING INCOME LEVEL - VACANCY RULE (P-4-90; FR-2784)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990.102; 24 CFR 990.109

Legal Deadline: None

Abstract: Proposed rule would provide incentives to Public Housing Agencies to increase occupancy levels by defining "units available for occupancy" more rigorously, by revising the way in which per-unit operating subsidy eligibility is calculated under the Performance Funding System, and by increasing the presumed occupancy level upon which PFS calculation are based from 97% to 9. The proposed rule will reduce operating subsidy expenditures for vacant units above the 2 percent vacancy threshold and for vacant units in several newly defined sub-categories of vacant units. Under the proposal, some units removed from non-dwelling use in anti-drug and in economic self-sufficiency activities may continue to be eligible for full subsidy.

Timetable:

Action	Date	FR Cite
NPRM	09/06/91	56 FR 45814

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Comerford, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1892**

RIN: 2577–AA84

1505. PERFORMANCE FUNDING SYSTEM: ADJUSTMENT TO OPERATING SUBSIDY TO REFLECT AIR CONDITIONING NEEDS (P-9-91; FR-2971)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 990; 24 CFR 905

Legal Deadline: None

Abstract: This rule will add a new factor to the Performance Funding System of calculating operating subsidy for Public Housing and Indian Housing projects. The utility expense level will now be adjusted for Cooling Degree Day differences from year-to-year, as well as Heating Degree differences.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1872**

RIN: 2577–AA99

1506. ● LOW-INCOME PUBLIC HOUSING—PROJECT-BASED ACCOUNTING (PIH-18-91; FR-3088)

Legal Authority: 42 USC 1437g; 42 USC 3535(d)

CFR Citation: 24 CFR 900

HUD—PIH

Proposed Rule Stage

Legal Deadline: Other, Statutory, January 1, 1993.
Statutory deadline for "Publications of Guidelines and Timetable" appropriate to implement . . . .these provisions. ... by Jan. 1, 1993."

Abstract: The Department is proposing to amend 24 CFR Chapter IX by adding a new subpart C in section 990 to require public Housing agencies, but not Indian Housing Authorities, to establish and maintain a system of accounting for income and expenses by project or other appropriate cost center. This proposed change is directed by section 502(c) of the National Affordable Housing Act of 1990. The 1990 Act required that the Department promulgate regulations under section 553 of Title 5, USC, taking into account the requirements of public housing agencies of different sizes and characteristics, to achieve compliance with the requirements of the above-cited section by January 1, 1993.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: John T. Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1872**

RIN: 2577–AB08

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Final Rule Stage

1507. REPLACEMENT HOUSING FOR PUBLIC HOUSING DEMOLITION AND DISPOSITION (P-5-88; FR-2463) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437p; PL 100-242, Sec 121(a)-(d)

CFR Citation: 24 CFR 970

Legal Deadline: None

Abstract: This rule establishes procedures for the approval and funding of replacement housing for public housing units that have been demolished or disposed of. In addition, under this rule HUD may approve an application for demolition if the project is obsolete, making it unusable for housing purposes and if no reasonable program modifications are feasible to return the project to a useful life. The rule also requires HUD, in allocating assistance for public housing acquisition or development or for Section 8 moderate rehabilitation, to give consideration to housing that replaces demolished public housing units in accordance with an approved replacement plan. PHAs are prohibited from taking any action to demolish or dispose of public housing projects without obtaining HUD's approval and satisfying pertinent statutory requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 30984
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Janice D. Rattley, Director, Office of Construction, Rehabilitation, and Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1800**

RIN: 2577–AA58

1508. ● YOUTH SPORTS PROGRAM NOFA (P-20-91; FR-3060)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR Not yet determined

Legal Deadline: None

Abstract: This NOFA announces HUD's FY 1991 funding of $7,500,000 for the Youth Sports Program to be used for sports, cultural, educational, recreational, or other activities designed to appeal to youth as alternatives to the drug environment in public or Indian housing developments.

Timetable:

Action	Date	FR Cite
Notice	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jose Marques, Drug-Free Neighborhoods Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-3502**

RIN: 2577–AB07

1509. DRUG ELIMINATION ((P-6-91; FR-2992)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 751

Legal Deadline: NPRM, Statutory, May 28, 1991.

Abstract: This new authority arising out of the National Affordable Housing Act of 1990 authorizes HUD to make grants available to Public and Indian Housing Agencies, and to federally assisted housing projects, for use in eliminating drug-related crime. Funding applicants are required to develop a plan for addressing drug-related crime and to indicate how assisted activities will further the plan.

Timetable:

Action	Date	FR Cite
NPRM	07/01/91	56 FR 30176
NPRM Comment Period End	08/30/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Malcolm E. Main, Drug Free Neighborhoods Division, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1197**

RIN: 2577–AA97

1510. PUBLIC HOUSING MANAGEMENT ASSESSMENT PROGRAM (PHMAP) (P-10-90; FR-2897)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d); PL 101-625

CFR Citation: 24 CFR 901

Legal Deadline: None

HUD—PIH **Final Rule Stage**

Abstract: This rule will establish the Public Housing Management Assessment Program (PHMAP) in accordance with Section 502 of the Cranston-Gonzalez National Housing Act (approved Nov. 28, 1990, PL 101-625, 104 Stat. 4079; hereinafter, "the Act"). Section 502 requires HUD to assesses the management performance of Public Housing Agencies (PHAs) in all major areas of management operations and designation troubled PHAs through the use of indicators, including six specifically listed in the section and any other indicators deemed appropriate by HUD. HUD is required to seek to enter into agreements with troubled PHAs to improve their management performance. In the event of a substantial default of such an agreement, HUD may petition for the appointment of a receiver or make other management changes for the troubled PHA. HUD is also authorized to commend exemplary PHAs.

PHMAP is intended to foster a uniform, nationwide level of excellence in public housing.

Timetable:

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15712
NPRM Comment Period End	06/17/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Casimir Bonkowski, Acting Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-0713**

RIN: 2577–AA89

1511. INDIAN HOUSING PROGRAM—REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Significance: Regulatory Program

Legal Authority: 25 USC 450e(b); PL 100-358

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule consolidates relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as amended by the Indian Housing Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	53 FR 24554
NPRM Comment Period End	09/27/88	53 FR 24554
Interim Final Rule	06/18/90	55 FR 24722
Interim Final Rule Comment Period	10/16/90	55 FR 31178
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: Includes: P-31-82 (RIN 2577-AA17)

Agency Contact: Dominic Nessi, Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1015**

RIN: 2577–AA32

1512. LEAD-BASED PAINT POISONING PREVENTION ACT—STEWART B. MCKINNEY HOMELESS ASSISTANCE AMENDMENTS OF 1988—SECTION 1088 (P-19-88; FR-2583)

Significance: Regulatory Program

Legal Authority: 42 USC 4821; PL 100-628

CFR Citation: 24 CFR 941; 24 CFR 965; 24 CFR 966; 24 CFR 968; 24 CFR 35

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by section 1088 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628). The amendments make a number of changes to the Lead-Based Paint Poisoning Prevention Act, including to what extent abatement in public housing will be for lead in paint of .06 percent by weight of the dry paint film required; adding dust containing lead to the hazard to be abated; adding atomic absorption spectroscopy (AAS) as an acceptable method of testing for lead-based paint and dust containing lead, and deleting testing and abatement of lead-based paint during unit turnover.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/91	56 FR 15170
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Grant E. Mitchell, Senior Attorney, Department of Housing and Urban Development, Office of the General Counsel, **202 708-1550**

RIN: 2577–AA78

1513. PUBLIC HOUSING—TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: NPRM, Statutory, February 14, 1991. Final, Statutory, May 28, 1991.
Statutory

Abstract: This rule amends the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure, in accordance with statutory amendments made by the Cranston-Gonzalez National Affordable Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	02/14/91	56 FR 6248
NPRM Comment Period End	04/15/91	56 FR 6248
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-0744**

RIN: 2577–AA18

1514. TERMINATION OF CONSOLIDATED SUPPLY (P-1-91; FR-2984)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 42 USC 1734a; 42 USC 1437d; 42 USC 1437g; 42 USC 3535(d)

CFR Citation: 24 CFR 965, Subpart G

Legal Deadline: None

Abstract: HUD is proposing to terminate the Consolidated Supply Program (CSP), currently set out at 24 CFR Part 965, Subpart G. Under the

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CSP, HUD furnishes technical assistance to public housing agencies and Indian Housing Authorities in purchasing certain supplies, material, equipment, and services necessary for the development, operation and maintenance of low-income housing. The purpose of the rule is to terminate a program that HUD has found, after thorough analysis, to be structurally flawed and not cost effective.

Timetable:

Action	Date	FR Cite
NPRM	06/10/91	56 FR 26628
NPRM Comment Period End	08/09/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janice Rattley, Director, Office of Construction, Rehabilitation, and Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1800**

RIN: 2577–AA92

1515. COMPREHENSIVE GRANTS PROGRAM (P-8-91; FR-2980)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; 42 USC 3535(d); 42 USC 1537l

CFR Citation: 24 CFR 968; 24 CFR 905

Legal Deadline: None

Abstract: This rule implements Section 119 of the 1987 Housing Act and Sections 509 and 516 of the Cranston-Gonzalez National Affordable Housing Act to establish the Comprehensive Grants Modernization Program under 24 CFR Parts 905 and 968. This program is designed to provide modernization funds to PHAs that own or operate 500 or more public housing units (250 or more units beginning with funding in FY 1993) on the basis of a formula allocation.

Timetable:

Action	Date	FR Cite
NPRM	04/26/91	56 FR 19434
NPRM Comment Period End	06/25/91	
Final Action	10/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: The program requirements for the Comprehensive Grants Program were previously published in a proposed rule on October 27, 1988, (53 FR 43648). HUD has decided to republish the program requirements in this proposed rule to provide the public with an additional opportunity to comment. In addition, the rule would implement the formula method for allocating assistance to PHAs under the Comprehensive Grants Program (under Section 509 of the Cranston-Gonzalez) and would implement a one-time comprehensive modernization exception for the mutual Help Program (under Section 516 of the Cranston-Gonzalez Act).

Agency Contact: Janice Rattley, Director, Office of Construction, Rehabilitation and Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1800**

RIN: 2577–AB06

1516. PERFORMANCE FUNDING SYSTEM REVISIONS (87 ACT—ENERGY CONSERVATION SAVINGS, AUDIT RESPONSIBILITIES (P-12-88; FR-2504)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990; 24 CFR 965

Legal Deadline: None

Abstract: This rule implements Section 118(a) and 118(d) of the Housing and Community Development Act of 1987 and Section 507 of the Cranston-Gonzalez National Affordable Housing Act. Section 118(a) provides for sharing of savings between a PHA and HUD for energy conservation improvements, and for preservation of subsidy when several units are rehabilitated and combined into fewer units. Section 118(d) authorizes HUD to have an audit performed for a PHA that has not done so itself, at the PHAs expenses.

Timetable:

Action	Date	FR Cite
NPRM	12/19/89	54 FR 52000
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1872**

RIN: 2577–AA71

1517. PFS—FORMAL REVIEW PROCESS (P-11-91; FR-3024)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990; 24 CFR 905

Legal Deadline: None

Abstract: This rule will implement Section 118(a) of the Housing and Community Development Act of 1987. Section 118(a) requires HUD to amend the Performance Funding System, among other things, to provide for a formal review process for PHAs and IHAs to obtain a change in allowable expense level to correct inequities in the original base year circumstances and to reflect the level of economic distress of the locality.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 708-1892**

RIN: 2577–AB01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH)

Completed Actions

1518. IMPLEMENTATION OF PERCENTAGE LIMIT PROVISIONS UNDER SECTION 16 OF THE UNITED HOUSING ACT OF 1937 (P-7-88; FR-2465) 1987 HCD ACT

Completed:

Reason	Date	FR Cite
Withdrawn - Duplicates RIN 2577-AA93 (FR-2979)	08/20/21	

RIN: 2577–AA60

1519. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM - NOTICE OF FUNDING AVAILABILITY (P-16-91; FR-2982)

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	03/28/91	56 FR 13056

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Janice D. Rattley, 202 708-1800

RIN: 2577–AA91

1520. DAVIS-BACON VOLUNTEERS (SEC. 955) (P-12-91; FR-2995)

Completed:

Reason	Date	FR Cite
Transfer Development to: 2501-AB33	09/20/91	

RIN: 2577–AB02

1521. SINGLE PERSON OCCUPANCY, INCOME CALCULATIONS, AND INCOME LIMITS (P-13-91; FR-3033)

CFR Citation: 24 CFR 912; 24 CFR 913; 24 CFR 960

Completed:

Reason	Date	FR Cite
Withdrawn	08/02/91	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Edward Whipple, 202 708-0744

RIN: 2577–AB03

1522. PUBLIC HOUSING DEVELOPMENT - TECHNICAL CHANGES (P-2-90; FR-2782)

CFR Citation: 24 CFR 941

Completed:

Reason	Date	FR Cite
Final Action	04/01/91	56 FR 13280
Final Action Effective	05/01/91	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Janice D. Rattley, 202 708-1800

RIN: 2577–AA82

1523. SELECTION OF FAMILIES FROM THE WAITING LIST IN ASSISTED HOUSING PROGRAM (P-4-89; FR-2663)

CFR Citation: 24 CFR 960

Completed:

Reason	Date	FR Cite
Withdrawn - Superseded by more recent rules	08/15/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Casimir Bonkowski, 202 708-0713

RIN: 2577–AA79

[FR Doc. 91-21595 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April and October 1991. An agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate agency contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Management Improvement, Department of the Interior, at the address above or on (202) 208-6191.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12291 that the Department publish, in April and October of each year, an agenda of rules that have been issued or are expected to be issued and currently effective rules that are scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1991 regulatory program. A more comprehensive discussion of this program and the rules are contained in the Regulatory Program of the United States Government, which is published by the Office of Management and Budget.

Dated: August 22, 1991.

John E. Schrote,

Assistant Secretary of the Interior

Assistant Secretary for Policy, Management and Budget—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1524	Department of the Interior Acquisition Regulation	1090-AA14
1525	Natural Resource Damage Assessments	1090-AA29
1526	Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Institutions	1090-AA32
1527	Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments	1090-AA33
1528	Department of the Interior Acquisition Regulation - Commercial Advertising	1090-AA34

Assistant Secretary for Policy, Management and Budget—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1529	Natural Resource Damage Assessments	1090-AA21
1530	Natural Resource Damage Assessments	1090-AA23
1531	Department of the Interior, Nonprocurement Debarment and Suspension Regulation	1090-AA24
1532	Department of the Interior Acquisition Regulation; Patent Rights Under Government Contracts and Subcontracts for Experimental, Developmental or Research Work	1090-AA27

Assistant Secretary for Policy, Management and Budget—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1533	Natural Resource Damage Assessments	1090-AA22
1534	Department of the Interior, New Restrictions on Lobbying	1090-AA26

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Assistant Secretary for Policy, Management and Budget—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1535	Department of the Interior Acquisition Regulation	1090-AA14
1536	Administrative and Audit Requirements and Cost Principles for Assistance Programs	1090-AA30
1537	Pay of U.S. Park Police—Interim Geographic Adjustments	1090-AA31

Office of the Solicitor—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1538	Trans-Alaska Pipeline Liability Fund	1092-AA08

Office for Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1539	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1091-AA02

Office of Hearings and Appeals—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1540	Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA38
1541	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA42
1542	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA43

Office of Hearings and Appeals—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1543	Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA39
1544	White Earth Reservation Land Settlement Act of 1985; Authority of Administrative Judges; Determinations of the Heirs of Persons Who Died Entitled to Compensation	1094-AA40

United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1545	Migratory Bird Hunting	1018-AA24
1546	Captive Bred Wildlife	1018-AB10

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United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1547	Public Entry and Use	1018-AA36
1548	Refuge-Specific Sport Fishing Regulations	1018-AA50
1549	Implementation of Klamath River Basin Fishery Resources Restoration Act	1018-AB11
1550	Injurious Wildlife: Importation of Live or Dead Fish, Mollusks, and Crustaceans, or Their Eggs	1018-AB13
1551	Humane Transport of Wild Mammals and Birds Amendments	1018-AB22
1552	National Wildlife Refuges: Adding to Areas Open to Hunting and Fishing	1018-AB25
1553	Endangered and Threatened Wildlife and Plants	1018-AB31
1554	Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for the Northern Spotted Owl	1018-AB32
1555	Amendments to the Marine Mammal Protection Act	1018-AB34
1556	Federal Migratory Bird Hunting and Conservation Stamp Licensing Procedures and Guidelines	1018-AB40
1557	Seasons and Bag Limits for Subsistence Management Regulations	1018-AB43
1558	Endangered and Threatened Wildlife and Plants: Definition of Vertebrate Populations	1018-AB47
1559	Importation, Exportation, and Transportation of Wildlife	1018-AB49
1560	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	1018-AB50
1561	Conferring Designated Port Status on Baltimore, MD	1018-AB55
1562	Farm-raised Fish; Exemption From Fish and Wildlife Export Requirements	1018-AB61
1563	National Migratory Bird Harvest Information Program	1018-AB65
1564	Endangered and Threatened Wildlife and Plants: Emergency Rule to List the Kanab Ambersnail	1018-AB67
1565	The National Coastal Wetland Conservation Grant Program	1018-AB68
1566	Endangered and Threatened Wildlife and Plants: 49 Hawaiian Plants—16 from Molokai, 22 from Kauai, and 11 from Koolau	1018-AB69
1567	Compatibility of Permitted Uses on National Wildlife Refuges	1018-AB70
1568	Application Fees for Controlled Hunts on National Wildlife Refuges	1018-AB71
1569	List of Migratory Birds	1018-AB72

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1570	Convention on International Trade in Endangered Species of Wild Fauna and Flora (Endangered Species Convention)	1018-AA29
1571	Refuge-Specific Hunting Regulations	1018-AA71
1572	Endangered and Threatened Wildlife and Plants	1018-AA85
1573	Endangered and Threatened Wildlife and Plants	1018-AA95
1574	Endangered and Threatened Wildlife and Plants	1018-AA98
1575	Proposed Determination of Experimental Population Status for an Introduced Population of Colorado Squawfish	1018-AB09
1576	Endangered and Threatened Wildlife and Plants; Designated Ports for Plants	1018-AB28
1577	Endangered and Threatened Wildlife and Plants: Revision of Special Regulations for the Grizzly Bear	1018-AB29
1578	Highly Traded Appendix II Species	1018-AB30
1579	Endangered and Threatened Wildlife and Plants	1018-AB36
1580	Endangered and Threatened Wildlife and Plants	1018-AB38
1581	Endangered and Threatened Wildlife and Plants	1018-AB42
1582	Migratory Bird Permits: Determination that Kansas Meet Federal Falconry Standards	1018-AB45
1583	Cabin Management Regulations on National Wildlife Refuges in Alaska	1018-AB46
1584	Endangered and Threatened Wildlife and Plants	1018-AB52
1585	Endangered and Threatened Wildlife and Plants	1018-AB56
1586	Importation or Shipment of Injurious Wildlife; Zebra Mussel	1018-AB58
1587	Endangered and Threatened Wildlife and Plants - Proposed Experimental Population Designation for the Red Wolf	1018-AB62
1588	Endangered and Threatened Wildlife and Plants	1018-AB66

United States Fish and Wildlife Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1589	Marine Mammals: Native Exemptions	1018-AA20
1590	Subsistence Take of Migratory Birds	1018-AA92
1591	Nontoxic Shot Regulations for Hunting Migratory Birds	1018-AA93

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United States Fish and Wildlife Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1592	Marine Mammals: Incidental Taking by Commercial Fishing Operations	1018-AA96
1593	Endangered and Threatened Wildlife and Plants	1018-AB02
1594	Subsistence Take of Migratory Birds in Alaska	1018-AB03
1595	Endangered and Threatened Wildlife and Plants	1018-AB14
1596	Administrative Requirements, Federal Aid in Fish and Federal Aid in Wildlife Restoration Acts	1018-AB15
1597	Endangered and Threatened Wildlife and Plants; Special Rules for Mammals	1018-AB19
1598	Endangered and Threatened Wildlife and Plants	1018-AB23
1599	Endangered and Threatened Wildlife and Plants; Special Rule Allowing Regulated Taking of the Utah Prairie Dog	1018-AB39
1600	Marine Mammals: Incidental Take During Specified Activities	1018-AB48
1601	Patuxent Wildlife Research Center: Sport Fishing	1018-AB51
1602	Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest	1018-AB54
1603	Refuge-Specific Hunting Regulations: Use of Non-toxic Steel Shot	1018-AB57
1604	Endangered and Threatened Wildlife and Plants: Proposed Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in Southeastern Wyoming	1018-AB59
1605	Migratory Bird Hunting: Regulations for Certain Federal Indian Reservations and Ceded Lands	1018-AB60

National Park Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1606	National Capital Region Parks	1024-AB91
1607	Rights-of-Way	1024-AC01
1608	Glacier Bay: Vessel Management Plan/Regulations	1024-AC05
1609	Penalty Provisions	1024-AC06

National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1610	Fort Jefferson NM: Fishing; Boundary Adjustments	1024-AA96
1611	Everglades NP: Mining	1024-AB10
1612	Minerals Management - Nonfederal Oil and Gas	1024-AB39
1613	Apostle Islands National Lakeshore: Snowmobiling	1024-AB80
1614	Yellowstone National Park: Commercial Traffic on U.S. Highway 191 Within Yellowstone National Park	1024-AB82
1615	National Capital Region Parks: Special Event Rules	1024-AB92
1616	National Park Service Symbols: United States Park Police Insignia	1024-AB94
1617	Solid Waste Disposal Sites in Units of the National Park System	1024-AB95
1618	National Natural Landmarks Program	1024-AB96
1619	Concession Contracts and Permits	1024-AB98
1620	Glacier Bay National Park, Alaska Fishing Regulations	1024-AB99
1621	Blue Ridge Parkway: Fishing	1024-AC02
1622	Alaska: Subsistence Uses	1024-AC03
1623	Golden Gate National Recreation Area: Off Road Bicycle Use Areas	1024-AC04
1624	Native American Graves Protection and Repatriation Act Implementation	1024-AC07
1625	Curation of Federally-owned and Administered Archaeological Collections	1024-AC08

National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1626	Protection of Archaeological Resources; Uniform Regulations	1024-AA51
1627	Management of Mineral Development Associated With Mining Claims	1024-AB74
1628	Alaska Region: Same-Day-Airborne Hunting Regulations	1024-AB81

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National Park Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1629	National Capital Region Parks: Prohibition of Storage of Property in Lafayette Park	1024-AB93

National Park Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1630	Big Cypress National Preserve: Indian Use and Occupancy	1024-AA07
1631	National Register of Historic Places	1024-AA44
1632	Determination of Eligibility for Inclusion in the National Register of Historic Places	1024-AA46
1633	Archaeological and Historic Preservation Act; Department of the Interior Regulations	1024-AA49
1634	NPS Units in Alaska: Closure Regulations	1024-AA71
1635	Fire Island National Seashore: Zoning	1024-AA80
1636	Cape Lookout National Seashore: Off-Road Vehicles	1024-AA89
1637	Curation of Federally Owned and Administered Archaeological Collections	1024-AB13
1638	Jean Lafitte NHP: Crawfishing Regulations	1024-AB33
1639	Cuyahoga Valley NRA: Off-Road Vehicles and Snowmobiles	1024-AB44
1640	Canyon DeChelly National Monument	1024-AB47
1641	Cape Hatteras National Seashore: Off-Road Vehicle Regulations	1024-AB54
1642	Whiskeytown National Recreation Area Fishing Regulations	1024-AB61
1643	Bighorn Canyon National Recreation Area - Fishing Regulations	1024-AB63
1644	Sequoia and Kings Canyon National Parks: Fishing Regulations	1024-AB76
1645	Ozark National Scenic Riverways: Power Boat Operation	1024-AB85
1646	Recreation Fees	1024-AB87
1647	Voyageurs National Park: Designation of Aircraft Landing Areas	1024-AB88
1648	National Register of Historic Places	1024-AB89
1649	Alaska Mineral Resource Assessment Program	1024-AB97

Bureau of Indian Affairs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1650	Adult and Juvenile Detention Centers	1076-AC60

Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1651	Administration of the Higher Education Program	1076-AA10
1652	Grants to Tribally Controlled Community Colleges and Navajo Community College	1076-AA11
1653	Administration of the Indian Adult Education Programs	1076-AA15
1654	Leasing and Permitting	1076-AA29
1655	Land Acquisitions for Tribes and Individual Indians	1076-AA81
1656	Oil and Gas and Geothermal Solid Mineral Agreements Leasing of Tribal Lands for Mineral Development; Leasing of Allotted Lands for Mineral Development	1076-AA82
1657	Roads of the Bureau of Indian Affairs	1076-AB05
1658	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining	1076-AB41
1659	Financial Assistance and Social Services Program	1076-AC13
1660	Certificates of Degree of Indian Blood	1076-AC19
1661	Revised Procedures for Implementation of the Indian Self-Determination and Education Assistance Act Amendments of 1988	1076-AC20
1662	Minimum Standards for and Application and Approval Procedures for BIA Early Childhood Development Programs	1076-AC25
1663	Leasing of Osage Reservation Lands for Mining for Minerals Other Than Oil and Gas	1076-AC28
1664	Lead and Zinc Mining Operations, Quapaw Agency	1076-AC30

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Bureau of Indian Affairs—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1665	Safety and Health Inspection Program	1076-AC31
1666	Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations	1076-AC32
1667	Indian School Equalization Program	1076-AC33
1668	Tribal Reorganization Under a Federal Statute	1076-AC34
1669	Petitioning and Other Procedures for Tribes Reorganized Under Federal Statute and Other Organized Tribes	1076-AC35
1670	Leasing of Certain Lands on the Wind River Indian Reservation, Wyoming, for Oil and Gas Mining	1076-AC36
1671	Loans to Indians From Revolving Loan Fund	1076-AC38
1672	General Forest Regulations	1076-AC44
1673	Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians Who Do not Have Certificates of Competency	1076-AC45
1674	Procedures for Establishing that an American Group Exists as an Indian Tribe	1076-AC46
1675	Preparation of a Roll of Independent Seminole Indians of Florida	1076-AC48
1676	New School Construction Projects	1076-AC49
1677	Buy Indian Act Procedures for Contracting	1076-AC50
1678	Operation and Maintenance of Irrigation Projects	1076-AC53
1679	Operation of Alaska Resupply Program	1076-AC54
1680	Indian Child Welfare Act	1076-AC55
1681	Operation and Maintenance	1076-AC62
1682	Facilities Improvement and Repair and Replacement	1076-AC63
1683	Individual Indian Monies	1076-AC65
1684	Law and Order on Indian Reservations	1076-AC66
1685	Community and Economic Development Grant Program (CEDGP)	1076-AC67
1686	Mutual Fund Investment of Trust Funds	1076-AC70

Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1687	Law and Order on Indian Reservations	1076-AA01
1688	Housing Improvement Program	1076-AC22
1689	Protection of Archaeological Resources	1076-AC23
1690	Charges for Goods and Services Provided to Non-Federal Users	1076-AC29
1691	Off Reservation Land Acquisitions for Indian Tribes	1076-AC51
1692	Law and Order on Indian Reservations	1076-AC64
1693	Indian School Equalization Program Subpart J = Administrative Cost Formula	1076-AC69

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1694	Contracts for Prospecting and Mining on Indian Mineral Lands	1076-AA38
1695	Leasing of Allotted Lands for Mining	1076-AA39
1696	Wind River Reservation Game Code	1076-AB43
1697	Indian Electric Power Utilities	1076-AC24
1698	Bond Guaranty	1076-AC26
1699	Supplemental Surety Bond Guaranty	1076-AC27
1700	Indian Business Development Program	1076-AC42

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Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1701	Valuation of Gas Production Under Unitization or Communitization Agreements	1010-AB57
1702	Requirements for Cranes Installed on Fixed Platforms in the Outer Continental Shelf	1010-AB62
1703	Effectiveness of the Operating Regulations in Meeting the Goals of the Outer Continental Shelf Lands Act	1010-AB70

Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1704	Amendment of Valuation Benchmarks in Gas Regulations	1010-AB29
1705	Allowance for Extraordinary Costs and Thresholds for Transportation and Processing Allowances	1010-AB43
1706	Audit Procedures and Payor Requirements and Responsibilities During Audits	1010-AB44
1707	Responsibilities of Lessees, Payors and Assignees	1010-AB45
1708	Amendments to 30 CFR 250.67 - Hydrogen Sulfide	1010-AB50
1709	Amendment to Rules Governing Installation of Shutdown Valves on Pipelines	1010-AB52
1710	Geological and Geophysical Explorations of the Outer Continental Shelf	1010-AB56
1711	Archaeological Surveys	1010-AB63
1712	Bid Acceptance	1010-AB64
1713	Offshore Pipeline Inspection and Burial	1010-AB65
1714	Reduction in Royalty Rates for Offshore Oil and Gas Leases	1010-AB68

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1715	Revision of Regulation Governing Effectiveness of Decisions and Orders Pending Appeal	1010-AB13
1716	Geothermal Resources Used to Generate Electricity, Product Valuation for Royalty Purposes	1010-AB22
1717	Clarification of Data for Release to the Public of Certain Data and Information Submitted in Association With Drilling and Production Operations	1010-AB34
1718	Assessment for Failure to Submit Payment of Same Amount With Report or Bill or to Provide Adequate Information	1010-AB35
1719	Amendment to the Regulations Concerning the Requirement for Submission of a Corporate Surety Bond to Indemnify the U.S. From Default by a Lessee on the Conditions and Terms of an OCS Lease	1010-AB38
1720	Regulations Governing Recoupment of Overpayments on Indian Leases	1010-AB40
1721	Extension of Time Period for Maintaining Records on Outer Continental Shelf Net Profit Share Oil and Gas Leases	1010-AB46
1722	Offsetting Royalty Underpayments and Overpayments Between Different Federal or Indian Leases (Cross-Lease Netting)	1010-AB58
1723	Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Reporting Forms	1010-AB66
1724	Disclosure of Estimated Public Reporting Burden for the Collection of Information	1010-AB69

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1725	Revision of Royalty Valuation Regulations Governing Gas Sales Under Percentage-of-Proceeds Contracts	1010-AB17
1726	Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Subpart P, Sulphur Operations	1010-AB23
1727	Oil and Gas and Sulphur Operations in the Outer Continental Shelf: Reports and Investigations of Apparent Violations	1010-AB53
1728	Civil Penalty Assessment	1010-AB60
1729	Production Accounting	1010-AB61
1730	Outer Continental Shelf Oil and Gas Leasing; Technical Amendment	1010-AB67

DOI

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1731	Surface Coal Mining and Reclamation Operations; Two Acre Exemption Repeal	1029-AB16
1732	Federal Regulatory Programs; Permit Application Fees	1029-AB29
1733	Individual Civil Penalties	1029-AB31
1734	Cessation of Operations: Temporary Cessation	1029-AB33
1735	Standards for Review of Ownership, Control, and Violation Information	1029-AB34
1736	Permanent Regulatory Program: Procedures and Criteria for Approval or Disapproval of State Program Submissions; State Program Amendments	1029-AB38
1737	Previously Mined Areas and Coal Preparation Plants - Remand	1029-AB45
1738	Wetlands Rule	1029-AB47
1739	Definition of Coal	1029-AB48
1740	Abandoned Mine Land Reclamation Fund Reauthorization	1029-AB49
1741	Wire Transfer of Fees	1029-AB50
1742	Permit Rights (transfer, assignment, or sales)	1029-AB56
1743	Paperwork Reduction Rule	1029-AB57
1744	Removal of Parts 718 and 720	1029-AB58

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1745	Reclamation Technology Rule	1029-AA57
1746	Permanent Program Performance Standards; Highwall Policy	1029-AB10
1747	Bond Release Certification	1029-AB30
1748	Requirements for Coal Exploration	1029-AB32
1749	Permanent Regulatory Program: Best Technology Currently Available	1029-AB36
1750	Permanent Regulatory Program; Performance Standards; Permanent and Temporary Impoundments	1029-AB40
1751	Definition and Criteria for Valid Existing Rights	1029-AB42

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1752	Assessment Conference Scheduling	1029-AB22
1753	Interim Program Revisions	1029-AB24
1754	Service of Documents	1029-AB41
1755	Applicability of the Prohibitions of the Surface Mining Act to the Surface Impacts of Underground Coal Mining	1029-AB43
1756	Subsidence Control in Federal Program States	1029-AB44
1757	Obligation to Repair Subsidence-Caused Material Damage to Structures and Facilities	1029-AB46

Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1758	Reclamation Acquisition Regulation System	1006-AA20
1759	Procedure to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use	1006-AA23
1760	Regulations for Administering Entitlements to Colorado River Water in the Lower Colorado River Basin	1006-AA24

DOI

Bureau of Reclamation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1761	Acreage Limitation Rules	1006-AA21

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1762	Paleontology	1004-AA27
1763	Recreation: General	1004-AA35
1764	Unauthorized Use of Public Lands	1004-AA38
1765	Cultural Resource Management	1004-AA69
1766	Recreation and Public Purposes: Solid Waste Disposal	1004-AA73
1767	Exploration Activity; Oil and Gas Leasing; Geothermal Resource Leasing-General	1004-AA97
1768	Indian Allotments	1004-AB10
1769	Geothermal Resource Operations	1004-AB18
1770	Minerals (Nonmineral Entries on Mineral Lands)	1004-AB20
1771	Onshore Oil and Gas Operations; Special Provisions; Onshore Oil and Gas Order No. 5 - Measurement of Gas	1004-AB22
1772	Onshore Oil and Gas Operations; Special Provisions - Onshore Oil and Gas Order No. 3 - Site Security	1004-AB24
1773	Exchanges - General Procedures	1004-AB28
1774	Sales of Forest Products; General - Preparation for Sale	1004-AB34
1775	Onshore Oil and Gas Order No. 9 - Waste Prevention and Beneficial Use of Oil and Gas	1004-AB47
1776	Classifications	1004-AB57
1777	Village Selections	1004-AB58
1778	Cave Management	1004-AB59
1779	Law Enforcement—Criminal	1004-AB67
1780	Law Enforcement—Criminal	1004-AB68
1781	Management of Designated Wilderness Area	1004-AB69
1782	Availability of Public Records	1004-AB70
1783	Onshore Oil and Gas Operations	1004-AB71
1784	Onshore Oil and Gas Operations; Special Provisions; Onshore Oil and Gas Order No 1 - Approval of Operations on Onshore Federal and Indian Oil and Gas Leases	1004-AB72
1785	Onshore Oil and Gas Unit Agreements—Unproven Areas	1004-AB73
1786	Drainage, Operations, and Leasing Obligations	1004-AB74
1787	Mineral Materials Disposal	1004-AB76
1788	Sales - Federal Land Policy and Management Act	1004-AB77
1789	Onshore Oil and Gas Operations: Onshore Oil and Gas Order No. 4 - Measurement of Oil	1004-AB80
1790	Onshore Oil and Gas Geophysical Exploration	1004-AB82
1791	Award of Contract	1004-AB83
1792	Protection, Management, and Control of Wild Free-Roaming Horses and Burros	1004-AB84
1793	Conveyance of Federally-Owned Mineral Interests	1004-AB86
1794	Public Law 167; Act of July 23, 1955	1004-AB88
1795	Grazing Administration Exclusive of Alaska	1004-AB89
1796	Utilization of Geothermal Resources	1004-AB90
1797	Federal Land Withdrawals; Amendment to Withdrawal Procedures	1004-AB92
1798	Land Withdrawals	1004-AB94
1799	Restorations and Revocations	1004-AB95
1800	Sales of Forest Products; Designation of Surplus Species	1004-AB96
1801	Sales of Forest Products; Law Enforcement	1004-AB97
1802	Surface Management	1004-AB99

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1803	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water	1004-AA66
1804	Onshore Oil and Gas Order No. 2 - Drilling Operations	1004-AB21
1805	Mining Claims Under the General Mining Laws	1004-AB36
1806	Onshore Oil and Gas Order No. 8 - Well Workovers, Completions, Abandonments	1004-AB37

DOI

Bureau of Land Management—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1807	Mining Claims Under the General Mining Law—Nature and Classes of Mining Claims Assessment Work	1004-AB43
1808	Coal Management—General	1004-AB44
1809	Leases, Permits and Easements	1004-AB51
1810	Mining in Military Withdrawals	1004-AB52
1811	Public Availability of Minerals Resources Information	1004-AB55
1812	Contract Extension (Timber Sales)	1004-AB56
1813	Protection, Management, and Control of Wild Free-Roaming Horses and Burros	1004-AB81
1814	Protection, Management, and Control of Wild Free-Roaming Horses and Burros	1004-AB87
1815	Visitor Services: Rules of Conduct	1004-AB91
1816	Homesteading; Designation of Areas and Sites; Programs and Objectives (Administrative Final Rule)	1004-AB98
1817	Oil and Gas Leasing: Waiver, Suspension or Reduction of Rental, Royalty or Minimum Royalty	1004-AC00

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1818	Rights-of-Way Under the Mineral Leasing Act	1004-AA98
1819	Rights-of-Way, Principles and Procedures	1004-AB00
1820	Mining Claims under the General Mining Laws; Surface Management	1004-AB04
1821	Special Laws and Rules; Restatement of Procedures for the Segregation and Opening of Public Lands; Amendment	1004-AB54
1822	Oil and Gas Leasing: Surface Use Rights	1004-AB85

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Assistant Secretary for Policy, Management and Budget (ASPMB)

1524. ● DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This proposed rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: The previous RIN (1090-AA14) for miscellaneous revisions to the Department of the Interior Acquisition Regulation was used for the April 18, 1991, Federal Register publication of a revision in the acquisition regulation's numbering system. This office wishes at this time to reserve another agenda entry and RIN for the publication of future revisions to the Department of the Interior Acquisition Regulation.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS 5512-MIB), Washington, DC 20240, **202 208-3433**

RIN: 1090–AA14

1525. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c)

CFR Citation: 43 CFR 11

Legal Deadline: None

Abstract: The Department is currently revising its CERCLA type B procedures based on a court ruling. Section 301(c)(3) of CERCLA requires that the regulations be reviewed and revised, as appropriate, on a biennial basis. The Department will begin a review of the type B rule once it is revised. The Department will ask trustees, other interested parties, and members of the public to draw upon their experience with the type B procedures and the general assessment process to advise the Department of areas where revisions to the process and the type B procedures may be desired. If these comments and suggestions show areas where revisions to the general process or to the type B procedures are needed, a notice of proposed rulemaking will be issued to revise the rule. This review will be closely coordinated with the rulemaking of the National Oceanic and Atmospheric Administration (Commerce), which has responsibility

for natural resource damage assessment rulemaking under the Oil Pollution Act of 1990.

Timetable:

Action	Date	FR Cite
ANPRM	02/03/92	
ANPRM Comment Period End	04/03/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street, NW., Room 2340, Washington, DC 20240, 202 208-3891

RIN: 1090–AA29

1526. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND OTHER NON-PROFIT INSTITUTIONS

Legal Authority: 5 USC 301; OMB Circular A-110

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This proposed rule will implement in a regulatory format the Department's Implementation of OMB Circular A-110. Prior implementation has been limited to a reference to the applicability of the Circular. Since the revision currently under way provides an opportunity for executive agencies to use this format to facilitate the preparation of their regulations, the Department has decided to use this approach.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS-5512-MIB), Washington, DC 20240, 202 208-3433

RIN: 1090–AA32

1527. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301; OMB Circular A-102

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This proposed rule will amend the Department's implementation of the common rule which established consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to State, local and federally recognized Indian tribal governments and was previously published in the March 11, 1988, Federal Register (53 FR 8034). This action is necessary because of efforts underway to revise the common rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS 5512-MIB), Washington, DC 20240, 202 208-3433

RIN: 1090–AA33

1528. ● DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION - COMMERCIAL ADVERTISING

Legal Authority: 5 USC 301; 40 USC 486(c); EO 12731

CFR Citation: 48 CFR 1403

Legal Deadline: None

Abstract: DOI is considering a rule that would prohibit contractors, cooperators and grantees from using Government awards as the basis for commercial advertising. This will avoid the appearance of an improper preference for a particular company, and would implement E.O. 12731's prohibition on the use of a public office for private gain.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-3433

RIN: 1090–AA34

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Management and Budget (ASPMB)

Proposed Rule Stage

1529. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: None

42 USC 9651(c)(3) requires biennial review and revision as appropriate of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c) (2) (A) calls for the promulgation of simplified assessment procedures. The Department has begun the development of a type A procedure for use in the Great Lakes environment. After a review of the natural resource damage assessment rule, the U.S. Circuit Court of Appeals for the District of Columbia remanded certain parts of that rule to the Department for revision. The court upheld the use of an interactive computer model, but stated that such a model should incorporate restoration or replacement costs and all reliably calculated lost use values in the damage calculations. The Department will revise its development of a type A procedure for Great Lakes environments to comply with the court's ruling.

Timetable:

Action	Date	FR Cite
ANPRM	09/22/89	54 FR 39016
ANPRM Comment Period End	10/23/89	54 FR 39016
NPRM	01/16/92	
NPRM Comment Period End	05/15/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, MIB, 1849 C Street, NW., Washington, DC 20240, **202 208-3891**

RIN: 1090–AA21

1530. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: None

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(A)) calls for the promulgation of simplified assessment procedures. The first type A procedure for coastal and marine environments uses a computer model known as the natural resource damage assessment model for coastal and marine environments (NRDAM/CME). The U.S. Circuit Court of Appeals for the District of Columbia upheld the use of an interactive computer model, but stated that such a model should incorporate restoration or replacement costs and all reliably calculated lost use values in the damage calculations. The Department will revise the type A procedure for coastal and marine environments to comply with the court's ruling and will incorporate changes in response to the first biennial review of the type A procedure at the same time.

Timetable:

Action	Date	FR Cite
ANPRM	09/22/89	54 FR 39015
ANPRM Comment Period End	10/23/89	54 FR 39015
NPRM	05/01/92	
NPRM Comment Period End	09/01/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1849 C St., NW., Washington, DC 20240, **202 208-3891**

RIN: 1090–AA23

1531. DEPARTMENT OF THE INTERIOR, NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: EO 12549; 5 USC 301

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This action proposes a revision to the Department's regulation establishing a uniform system of nonprocurement debarment and suspension. This proposed rule would implement the requirements of paragraph (a)(1) of section 12.110, Coverage, of common final rule on Governmentwide Debarment and Suspension (Nonprocurement).

Timetable:

Action	Date	FR Cite
NPRM	11/29/91	
NPRM Comment Period End	01/28/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Larry D. Cardwell, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street, NW., Washington, DC 20240, **202 208-8668**

RIN: 1090–AA24

1532. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION; PATENT RIGHTS UNDER GOVERNMENT CONTRACTS AND SUBCONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL OR RESEARCH WORK

Legal Authority: 35 USC 18

CFR Citation: 48 CFR 1400; 48 CFR 1427; 48 CFR 1452

Legal Deadline: None

Abstract: PL 98-620 amended 35 USC 18 dealing with patent rights in inventions made with Federal funding. On June 12, 1989, Federal Acquisition Regulation implementation of PL 98-620 was issued through FAC 84-48. Patent rights under Government contracts are covered in FAR Subpart 27.3. FAR 27.304-5(b) requires agencies to establish and publish their respective appeals, administrative due process, and fact-finding procedures related to patent rights. The proposed DIAR coverage establishes Department of the Interior policy with regard to title rights, exception determinations, appeals, greater rights determinations, retention of rights by inventors, assignment of rights, exercise of march-in rights and licensing to third parties. It also identifies key Departmental points of contact in matters concerning patent rights. The proposed coverage supplements FAC 84-48 and amends sections 14227 and 1452, as parts of 48 CFR, Chapter 14.

DOI—ASPMB **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Office of Acquisition and Property, Management, Washington, DC 20240, 202 208-3433

RIN: 1090–AA27

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Management and Budget (ASPMB)

Final Rule Stage

1533. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: None
42 USC 9651(c)(3) requires biennial review and revision, as appropriate, of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(B) calls for the promulgation of a set of alternative protocols for the testing, sampling, and determining compensation for natural resource damages, referred to as the type B procedures. Final rules for the assessment of damages were promulgated by the Department consistent with those requirements. In a review of those rules, the U.S. Circuit Court of Appeals for the District of Columbia held that restoration or replacement costs are the basic measure of natural resource damages under CERCLA, and all reliably calculated lost use values of injured natural resources should also be recoverable, with no required hierarchy of methodologies for conducting those valuations. The Department is considering revisions to the proposed rule based on comments received as of July 16, 1991. The required biennial review of the Type B rule will await completion of this revision implementing the court ruling.

Timetable:

Action	Date	FR Cite
NPRM	04/29/91	56 FR 19752
NPRM Comment Period End	07/16/91	56 FR 30367
Final Action	12/16/91	
Final Action Effective	01/16/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1849 C Street, NW., Washington, DC 20240, 202 208-3891

RIN: 1090–AA22

1534. DEPARTMENT OF THE INTERIOR, NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121, Sec 319; 31 USC 1352; 5 USC 301

CFR Citation: 43 CFR 18

Legal Deadline: None

Abstract: This final rule will prohibit recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Office of Acquisition and Property, Management, Washington, DC 20240, 202 208-3433

RIN: 1090–AA26

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Management and Budget (ASPMB)

Completed Actions

1535. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1401

Legal Deadline: None

Abstract: This rule revises the Department of the Interior Acquisition Regulation (DIAR) to allow the Department's bureaus and offices to codify regulations which both implement and supplement the Federal Acquisition Regulation (FAR) and the DIAR.

Timetable:

Action	Date	FR Cite
Final Action	04/18/91	56 FR 15837
Final Action Effective	04/18/91	56 FR 15837

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street, NW., Washington, DC 20240, 202 208-3433

RIN: 1090–AA14

1536. ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

Legal Authority: 5 USC 301; PL 98-502; OMB Circular A-110; OMB Circular A-128; OMB Circular A-133

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This rule revises a rule published by the Department in the February 14, 1985 Federal Register (50 FR 6176). The rule implemented Governmentwide requirements established by the Office of Management and Budget under its circulars for the administration of assistance agreements. The revision also extends the scope of the rule to reference circulars which contain audit requirements. Since publication of this rule, several significant changes have occurred regarding Circulars A-102 and A-110. Since the changes to the circulars were done with public participation, proposed rulemaking procedures are considered unnecessary.

Timetable:

Action	Date	FR Cite
Final Action	09/09/91	56 FR 45897
Final Action Effective	10/09/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-3433

RIN: 1090–AA30

1537. ● PAY OF U.S. PARK POLICE—INTERIM GEOGRAPHIC ADJUSTMENTS

Legal Authority: PL 101-509

CFR Citation: 43 CFR 38

Legal Deadline: None

Abstract: The Department of the Interior is issuing regulations on interim geographic pay adjustments for certain U.S. Park Police as authorized by section 302 of the Federal Employees Pay Comparability Act of 1990 and the President's memorandum dated May 21, 1991. The regulations establish rules for these adjustments to U.S. Park Police officers stationed in the following Consolidated Metropolitan Statistical Areas: New York- Northern New Jersey-Long Island, NY-NJ-CT and San Francisco- Oakland-San Jose, CA.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/16/90	56 FR 33719
Final Action	07/23/91	56 FR 33719

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Coulter, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-5284

RIN: 1090–AA31

BILLING CODE 4310-RK-F

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Solicitor (OSOL)

Completed Actions

1538. TRANS-ALASKA PIPELINE LIABILITY FUND

Legal Authority: 43 USC 1653(c); PL 101-380, Sec 1016(h) and 8101 to 8102

CFR Citation: 43 CFR 29.3(b)(1)

Legal Deadline: None

Abstract: The Oil Pollution Act of 1990 (the Act), Public Law 101-380, made numerous amendments to section 204(c) of the Trans-Alaska Pipeline Authorization Act, which created the Trans-Alaska Pipeline Liability Fund (Fund) in 1973. 43 U.S.C. 1653(c). The Act also provides that section 204(c) will be repealed upon completion of the Fund's work, and that coverage of the Fund is limited to oil spills occurring before the enactment of the Act. Further, the Act amends, for the remaining period of the Fund's life, section 204(c)'s provisions relating to a collection of the fee per barrel of oil loaded on a vessel, negligence of the United States, the nature of and computation of damages, payment of claims by the Fund, liability of officers of the Fund, and also provides for the disposition of funds remaining in the Fund upon the completion of the Fund's work. The Department intends to amend 43 CFR 29 to make its provisions consistent with the Act.

Timetable:

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert H. Moll, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 1849 C Street, NW., Washington, DC 20240, 202 208-5216

RIN: 1092–AA08

BILLING CODE 4310-17-F

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Proposed Rule Stage

1539. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: PL 92-318 Title IX of the Education Amendment of 1972; PL 93-568; PL 94-482; 20 USC 1681 to 1686

CFR Citation: 43 CFR 17

Legal Deadline: None

Abstract: The Title IX regulation is intended to address the problem of discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal financial assistance administered by the Department of the Interior (DOI).

No alternative for addressing problems of discrimination in DOI's education programs can be considered due to the fact that Title IX requires each Federal agency which extends Federal financial assistance to any educational program or activity, to issue rules and regulations implementing Title IX.

DOI's recipients are anticipated to incur expenses in two (2) areas: (1) Data collection and recordkeeping; (2) rectifying areas of noncompliance with Title IX. With respect to DOI, expenses will be incurred in three (3) areas: (1) Development and publication of the Title IX rule; (2) Provision of technical assistance; and (3) Accomplishing compliance reviews and enforcement activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 1849 C Street, NW., Washington, DC 20240, 202 208-3455

RIN: 1091–AA02

BILLING CODE 4310-RE-F

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1540. RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: PL 96-274; PL 97-459; 5 USC 301

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Legal Deadline: None

Abstract: The agency proposes to amend its regulations in 43 CFR 4.300 through 4.308 relating to Tribal Purchase of Interests Under Special Statutes in order to provide standard procedures for implementation of two recent statutes expanding tribal purchase rights and escheat requirements, namely, Pub. L. 96-274, applicable to the Standing Rock Sioux Reservation in North and South Dakota, and Pub. L. 97-459, applicable to the Devils Lake Sioux Reservation of North Dakota. The Department's current regulations in 43 CFR 4.300 through 4.308 apply to the Yakima, Warm Springs and Nez Perce Reservations. The proposed amendments to these regulations will incorporate provisions necessary for consideration of cases arising under the two statutes cited above.

Timetable:

Action	Date	FR Cite
NPRM	10/31/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathryn A. Lynn, Acting Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094–AA38

1541. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Significance: Agency Priority

Legal Authority: 5 USC 301; 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293

CFR Citation: 43 CFR 4.1307(c); 30 CFR 773.20(c)(3); 30 CFR 773.20(c)(4); 30 CFR 773.21(c)

Legal Deadline: None

Abstract: In accordance with the settlement agreement in Save Our Cumberland Mountains v. Lujan, OHA will propose rules (1) to amend the burden of proof set forth in 43 CFR 4.1307(c) in individual civil penalty proceedings, (2) to provide for hearings and a right to petition for review by the Interior Board of Land Appeals on determinations by the Office of Surface Mining (OSM), based on the Applicant Violator System, that a person is linked to a person currently in violation of the Surface Mining Control and Reclamation Act, and (3), to provide for hearings and a right to petition for review of OSM decisions to suspend or rescind improvidently issued permits under 30 CFR 773.20(c)(3) or (4).

Timetable:

Action	Date	FR Cite
NPRM	09/06/91	56 FR 45806
NPRM Comment Period End	10/21/91	56 FR 45806

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Will A. Irwin, Administrative Judge, Interior Board of Land Appeals, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA42

1542. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293

DOI—OHA

Proposed Rule Stage

CFR Citation: 43 CFR 4.1105; 43 CFR 4.1151; 43 CFR 4.1152; 43 CFR 4.1154; 43 CFR 4.1157; 43 CFR 4.1271

Legal Deadline: None

Abstract: Some of the regulations that govern the procedures for hearings and appeals under the Surface Mining Control and Reclamation Act of 1977 need to be amended to provide current references to other regulations, to make them consistent with other regulations, to clarify what document to file in order to appeal from the initial decision of an administrative law judge, or to provide for additional parties in certain proceedings. Amendments to 43 CFR 4.1105, 43 CFR 4.1151 et seq., and 43 CFR 4.1271 are proposed for these purposes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Will A. Irwin, Administrative Law Judge, Interior Board of Land Appeals, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203, 703 235-3750

RIN: 1094–AA43

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

1543. RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 36 Stat. 855, as amended; 38 Stat. 586; 42 Stat. 1185, as amended; 56 Stat. 1021 to 1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 373a; 25 USC 373b; 25 USC 374

CFR Citation: 43 CFR 4.207; 43 CFR 4.242; 43 CFR 4.274

Legal Deadline: None

Abstract: The agency proposes: (1) Amendment of 4.207 to permit acceptance of compromise settlements in probate of estates of Indians who died owning property in trust or restricted status when all parties are advised of all facts and are cognizant of effect of the compromise on their rights, and where no family member is coerced into the agreement. Such settlements are already provided for in disputed cases. (2) Amendment of 4.242 to require petitioner for reopening of an estate which has been closed more than 3 years to show due diligence in pursuing the claim. This will place in the regulation case law developed over the past 18 years. (3) Amendment of 4.274 by adding a new paragraph (c) for allowance of immediate payment of claims where appropriate for better conservation of assets of the estate, and a new paragraph (d) to permit partial distribution of an estate to provide funds for the maintenance of the family where the ultimate distribution is unlikely to be disputed.

Timetable:

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36669
NPRM Comment Period End	10/09/90	55 FR 36669
Final Action	10/31/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathryn A. Lynn, Acting Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094–AA39

1544. WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985; AUTHORITY OF ADMINISTRATIVE JUDGES; DETERMINATIONS OF THE HEIRS OF PERSONS WHO DIED ENTITLED TO COMPENSATION

Legal Authority: PL 99-264; PL 100-153; PL 100-212; 25 USC 331 note; 5 USC 301

CFR Citation: 43 CFR 4.350 to 4.357

Legal Deadline: Final, Statutory, March 24, 1991.

Abstract: The agency is proposing to add new regulations to 43 CFR Part 4 for determining, through intestate succession, the heirs of persons who died entitled to receive compensation pursuant to section 8(c) of the White Earth Reservation Land Settlement Act. The Act provides a method of resolving disputes concerning title to certain allotments of land on the White Earth Chippewa Indian Reservation in Minnesota. It defines circumstances by which title to an allotment may have been lost through a questionable tax forfeiture, sale, mortgage, or other taking or transfer during the applicable trust period. The Act directs the Secretary of the Interior to (1) identify the allotments or interests therein which were lost under such circumstances, (2) determine the individuals entitled to compensation for the loss of such allotments or interests therein, (3) ascertain the amount of compensation to which each such individual is entitled, and (4) pay them such amounts plus interest.

Timetable:

Action	Date	FR Cite
NPRM	11/05/90	55 FR 46530
NPRM Comment Period End	12/05/90	55 FR 46530
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathryn A. Lynn, Acting Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3810

RIN: 1094–AA40

BILLING CODE 4310-79-F

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Prerule Stage

1545. MIGRATORY BIRD HUNTING

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the current hunting season. This annual process consists of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
ANPRM	03/06/92	
NPRM	05/00/92	
Frameworks for early season hunting		
NPRM 07/15/91 (56 FR 32264)		
Final Action 08/29/91 (56 FR 42806)		
Frameworks for late season hunting		
NPRM 08/26/91 (56 FR 42198)		
Final Action 09/26/91 (56 FR 49104)		
Supplemental proposals for 1991-92 hunting regulations		
NPRM 05/31/91 (56 FR 24984)		

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SMALL BUSINESSES: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis are available from the Agency Contact.

Agency Contact: Thomas Dwyer, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, **703 358-1714**

RIN: 1018–AA24

1546. CAPTIVE BRED WILDLIFE

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: These regulations will be reviewed to determine if further action is necessary to relieve certain restrictions on the public that may have become burdensome, counterproductive or outmoded.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB10

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

1547. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26

Legal Deadline: None

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations relating to public access use and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: April 1981.

Agency Contact: Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AA36

1548. REFUGE-SPECIFIC SPORT FISHING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Legal Deadline: None

Abstract: The Service will review annually and prior to each fishing season may amend fishing regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	12/00/92	
1991-92 fishing season regulations		
NPRM 11/13/90 (55 FR 47350)		
Final Action 05/30/91 (56 FR 24348)		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: October 1983

Agency Contact: Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS-670 Arlington

Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AA50

1549. IMPLEMENTATION OF KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT

Legal Authority: 16 USC 460ss

CFR Citation: 50 CFR 72

Legal Deadline: None

Abstract: This rule implements the Klamath River Basin Fishery Resources Restoration Act. These include establishment of qualifications for volunteers, establishment of standards for determining the value of in-kind contributions and real and personal property provided by non-Federal sources to implement the conservation area restoration program, and establishment of the basis for determining whether matching funds will be provided in a timely and appropriate manner.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/87	52 FR 9550
ANPRM Comment Period End	05/11/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Edwards, Assistant Director - Fisheries, Department of the Interior, United States Fish and Wildlife Service, MS - 3245 MIB, 1849 C Street, NW., Washington, DC 20240, **202 208-6394**

RIN: 1018–AB11

1550. INJURIOUS WILDLIFE: IMPORTATION OF LIVE OR DEAD FISH, MOLLUSKS, AND CRUSTACEANS, OR THEIR EGGS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations regarding importation of fish or fish eggs of the fish family Salmonidae will be revised to reflect current scientific information.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/89	54 FR 33947
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph J. Webster, Chief, Division of Fish Hatcheries, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, **703 358-1715**

RIN: 1018–AB13

1551. HUMANE TRANSPORT OF WILD MAMMALS AND BIRDS AMENDMENTS

Legal Authority: PL 97-79 95 Stat. 073

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifted the authority for prescribing requirements for the humane and healthful transport of wild mammals and birds from the Secretary of the Treasury to the Secretary of the Interior. A final rule promulgating this authority in 50 CFR 14, was published on November 10, 1987 (52 FR 43274). The Service proposes to amend the regulations for the purpose of incorporating improvements and clarifications.

Timetable:

Action	Date	FR Cite
ANPRM	08/10/88	53 FR 30077
ANPRM Comment Period End	09/09/88	53 FR 30077

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB22

1552. NATIONAL WILDLIFE REFUGES: ADDING TO AREAS OPEN TO HUNTING AND FISHING

Legal Authority: 5 USC 301; 16 USC 460K; 16 USC 664; 16 USC 668dd; 16 USC 715i

CFR Citation: 50 CFR 32; 50 CFR 33

Legal Deadline: None

Abstract: National Wildlife Refuges are generally closed to hunting or fishing until specifically opened by rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AB25

1553. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

California orcutt grass
NPRM 00/00/00
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species,

Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AB31

1554. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DETERMINATION OF CRITICAL HABITAT FOR THE NORTHERN SPOTTED OWL

Significance: Regulatory Program

Legal Authority: 16 USC 1361 to 1407; 16 USC 1531 to 1544; 16 USC 4201 to 4245

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Judicial, April 29, 1991.
On February 26, 1991, the Court ordered the Service to issue a proposed rule on designating critical habitat by April 29, 1991, and to publish a final rule at the earliest possible time.

Abstract: The Service proposes to designate critical habitat for the Northern spotted owl (Strix occidentalis caurina), a subspecies federally listed as threatened under the Endangered Species Act, as amended. Located primarily on Federal land, and to a lesser extent on State and private lands, this proposed critical habitat designation would result in additional protection requirements under Section 7 of the Act with regard to activities that require Federal agency action.

Timetable:

Action	Date	FR Cite
NPRM	05/06/91	56 FR 20816
NPRM Comment Period End	06/05/91	56 FR 20816
Revised NPRM	08/13/91	56 FR 40002
NPRM Comment Period End	10/15/91	56 FR 40002
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Dale Hall, Assistant Regional Director for Fish and Wildlife Enhancement, Department of the Interior, United States Fish and Wildlife Service, 911 Northeast 11th Street, Portland, OR 97232, 503 231-6159

RIN: 1018–AB32

1555. AMENDMENTS TO THE MARINE MAMMAL PROTECTION ACT

Legal Authority: 16 USC 1361 to 1407

CFR Citation: 50 CFR 18

Legal Deadline: None

Abstract: The Service proposes to amend regulations to reflect the 1988 amendments to the Marine Mammal Protection Act pertaining to permits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 430 Arlington Square, Washington, DC 20240, 703 358-2093

RIN: 1018–AB34

1556. FEDERAL MIGRATORY BIRD HUNTING AND CONSERVATION STAMP LICENSING PROCEDURES AND GUIDELINES

Legal Authority: 16 USC 718

CFR Citation: 50 CFR 91

Legal Deadline: None

Abstract: The Service intends to develop rules governing the licensing of the Federal Migratory Bird Hunting and Conservation Stamp design, commonly referred to as the Federal Duck Stamp, for reproduction on appropriate products manufactured and offered for sale by private enterprises and organizations.

Timetable:

Action	Date	FR Cite
ANPRM	07/27/90	55 FR 30727
ANPRM Comment Period End	08/27/90	55 FR 30727
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Norma Opgrand, Chief, Federal Duck Stamp Program, Department of the Interior, United States Fish and Wildlife Service, MS - 2058 MIB, 1849 C Streets, NW., Washington, DC 20240, 202 208-4354

RIN: 1018–AB40

1557. ● SEASONS AND BAG LIMITS FOR SUBSISTENCE MANAGEMENT REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 3111 to 3126

CFR Citation: 50 CFR 100

Legal Deadline: None

Abstract: This rule amends management regulations for subsistence hunting, trapping, and fishing on Federal lands in Alaska. The regulations implement the subsistence priority provisions for rural residents for Alaska under the Alaska National Interest Lands Conservation Act and provide for issuance of subsistence hunting, trapping, and fishing seasons and bag limits. Due to a decision by State court, management responsibility for subsistence taking of fish and wildlife was assumed by the Federal land management agencies in 1990.

This rule also provides for the seasonal bag limits and dates for subsistence hunting, trapping, and fishing on Federal lands in Alaska. The seasons and bag limits are developed in cooperation with State and local governmental entities to ensure that fish and wildlife populations in the State are adequately protected.

Timetable:

Seasons and Bag Limits for Temporary Subsistence Mgmt. Regs.
NPRM 04/16/91 (56 FR 15402)
Final Action 06/26/91 (56 FR 29310)
Extension of Effective Date 11/00/91
1992-93 Seasons and Bag Limits
NPRM 10/00/91
Final Action 01/00/92

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ANILCA requires the Secretaries of Interior and Agriculture to implement a joint program to grant a preference in favor of subsistence uses of fish and wildlife resources on public lands unless the State of Alaska enacts and implements laws of general applicability consistent with ANILCA's requirements. The State implemented such a program; however in December 1989, the Alaska Supreme Court ruled such program unconsitutional. As a result of that

decision, the Departments of Interior and Agriculture were required to take over the implementation of Title VIII of ANILCA on Federal lands on July 1, 1990. On June 29, 1990, the temporary Subsistence Management Regulations for Public Lands in Alaska were published in the Federal Register. The Service proposes to extend the temporary subsistence managements regulations to June 1992 in a separate rulemaking action.

Agency Contact: Richard S. Pospahala, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503, 907 786-3447

RIN: 1018–AB43

1558. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: DEFINITION OF VERTEBRATE POPULATIONS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 424

Legal Deadline: None

Abstract: The Endangered Species Act of 1973 allows the Secretary of Interior or Commerce to determine "any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature" to be endangered or threatened. The agencies intend to provide guidelines as to what could be considered for listing, reclassification, or delisting under this Act with respect to vertebrate populations. Delineation of vertebrate populations will allow for protective measures under the Act to be applied or removed as needed for the conservation of the population.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 ARL SQ, 1849 C Street, NW., Washington, DC 20240, 705 358-2171

RIN: 1018–AB47

1559. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3371 et seq; 16 USC 1532 et seq; 16 USC 1382; 16 USC 703 et seq

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service will amend 50 CFR 14 to permit the use of the U.S. Customs Service's Automated Commercial System (ACS) for the declaration and clearance of importations and exportation of wildlife.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The ACS system is being tested in several ports of entry. The Service will amend 50 CFR 14 when system is fully implemented by the Customs Service.

Agency Contact: John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS 500 - Arlington Square, Washington, DC 20240, 703 358-1949

RIN: 1018–AB49

1560. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The Service proposes to amend 50 CFR 23, Subparts A and B to consider the following proposals recommended by the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora: (1) Whether or not to reduce the paperwork burden for trade in certain hybrid plants. Such reduction would cause slight risks to wild plants, but a substantial reduction of administrative and public burdens. (2) Whether to require a fitness to travel checklist to reduce the high mortality/morbidity in the shipment of live animals. Processing such checklists would increase costs but would also increase awareness of live animals transport requirements/needs. (3) To allow innocent infractions of regulations to be cured by by issuance of permits retroactively. While such action would increase costs slightly, there would be slight reductions in the cost of processing violations and such action would encourage voluntary compliance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Rulemaking under review by the Office of the Solicitor since July 11, 1990. Status undetermined at this time.

Agency Contact: Arthur Lazarowitz, Chief, Operations Branch, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, 703 358-2093

RIN: 1018–AB50

1561. CONFERRING DESIGNATED PORT STATUS ON BALTIMORE, MD

Significance: Agency Priority

Legal Authority: 16 USC 1538(f)

CFR Citation: 50 CFR 14.12

Legal Deadline: None

Abstract: The Service proposes to confer designated port status on Baltimore, Maryland pursuant to section 9(f) of the Endangered Species Act of 1973. Designated port status would allow the direct importation and exportation of fish and wildlife, including parts and products, through Baltimore, MD., a growing international port.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS

520-Arlington Square, Washington, DC 20240, 703 358-1949

RIN: 1018–AB55

1562. ● FARM-RAISED FISH; EXEMPTION FROM FISH AND WILDLIFE EXPORT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service has determined that the export of live farm-raised fish and farm-raised fish eggs does not adversely affect the wild resources. This rulemaking would exempt exporters from licensing requirements, designated port requirements, and payment of user fees. This rule will relieve exporters of the requirement of obtaining an import/export license ($125 per year), and of the payment of user fees ($25 per shipment).

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS 500 -Arlington Square, Washington, DC 20240, 703 358-1949

RIN: 1018–AB61

1563. ● NATIONAL MIGRATORY BIRD HARVEST INFORMATION PROGRAM

Significance: Agency Priority

Legal Authority: 16 USC 701 to 711; 16 USC 742(a) to 742(d); 16 USC 742(e) to 742(j); 16 USC 712

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: There is a need to obtain better estimates of migratory bird harvests toward the end of aiding decisions affecting the ability to maintain populations at healthy levels. Names and addresses of a representative sample of migratory bird hunters are needed in order to develop improved surveys that are free from bias. The action will be to develop, through existing State and Federal hunter licensing activities, a more reliable sample of names and addresses of persons who hunt migratory birds than is currently available. One proposed alternative would require all migratory bird hunters to obtain and maintain in their possession a program card. Cards would be available through the State license vendors, with States having the option to charge a fee to recover administrative and distribution costs. More efficient and less costly means of acquiring the necessary names and addresses may exist. Therefore, the FWS will solicit recommendations for alternatives to the previously identified option. The main benefit of the proposed action will be to increase the quality and extent of migratory bird harvest information.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/91	56 FR 28812
ANPRM Comment Period End	08/01/91	56 FR 28812
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Paul H. Geissler, Chief, Waterfowl Harvest Surveys Section, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Patuxent Wildlife Research Center, Route 197 and Powder Mill Road, Laurel, MD 20708-9619, 301 498-0401

RIN: 1018–AB65

1564. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: EMERGENCY RULE TO LIST THE KANAB AMBERSNAIL

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: The Service will exercise its emergency authority to determine the Kanab ambersnail to be an endangered species. Only two populations of this snail are known to exist, both on wetlands on private lands in Kane County, Utah. A status survey completed in 1991 discovered that one population is nearly extirpated, the other has been subjected to major habitat alteration and destruction. Both populations are exceptionally vulnerable to extinction from natural or human-caused events. Immediate listing would trigger the protections in Sections 7 and 9 of the Endangered Species Act. The Service finds that good cause exists to make this emergency rule effective upon publication. The emergency rule will implement Federal protection for 240 days. A proposed rule to list the Kanab ambersnail as endangered will follow this emergency rulemaking, and will allow for public comment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/08/91	56 FR 37668
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AB67

1565. ● THE NATIONAL COASTAL WETLAND CONSERVATION GRANT PROGRAM

Significance: Agency Priority

Legal Authority: 16 USC 3954

CFR Citation: 50 CFR 84

Legal Deadline: None

Abstract: The National Coastal Wetland Conservation Grant Program was established through the Coastal Wetlands Planning, Protection and Restoration Act. Funding for this grant program is provided from a portion of the funds deposited in the Sport Fish Restoration Account of the Federal Aid program. The proposed rules for 50 CFR 84 will be used for uniform administration of this new grant program. Such rules are needed to establish procedures from the selection and uniform administration of grants funded under the Act. Since grantees are State agencies, the requirements contained in 43 CFR 12 are applicable

to audits, costs, and administration of grants under this program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Columbus H. Brown, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 322 Arlington Square, Washington, DC 20240, 703 358-2156

RIN: 1018–AB68

1566. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: 49 HAWAIIAN PLANTS—16 FROM MOLOKAI, 22 FROM KAUAI, AND 11 FROM KOOLAU

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

(Kauai) Brighamia insignis
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Cyanea asarifolia
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Cyrtandra limahuliensis
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Delissea rhytidosperma
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Dielilia laciniata
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Exocarpos luteolus
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Hadyotis cookiana
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Hibiscus clayi
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Lipochaeta fauriei
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Lipochaeta micrantha
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Lipochaeta waimeaensis
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Lysimachia filifolia
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Melicope haupuensis
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Melicope knudsenii
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Melicope pallida
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Munroidendron racemosum
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Nothocestrum peltatum
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Peucedanum sandwicense
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Phyllostegia waimeae
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Pteralyxia kauaiensis
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Schiedea spergulina
NPRM 00/00/00
Final Action 00/00/00
(Kauai) Solanum sandwicense
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Chamaesyca deppeana
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Cyanea truncata
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Cyrtandra crenata
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Cyrtandra polyantha
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Eugenia koolauensis
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Hesperemannia arborescens
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Lobelia oahuensis
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Lycopodium nutans
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Melicope lydgatei
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Rollandia crispa
NPRM 00/00/00
Final Action 00/00/00
(Koolau) Tetraplasandra gymnocarpa
NPRM 00/00/00
Final Action 00/00/00
(Molokai) Bidens wiebkei
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Brighamia rockii
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Canavalia molokaiensis
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Claramontia oblongifolia ssp. brevipes
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Cyanea mannii
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Cyanea procera
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Hedyotis mannii
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Hibiscus arnottianus ssp. immaculatus
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Melicope reflexa
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Phyllostegia mannii
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Pritchardia munroi
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Schiedea lydgatei
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Silene alexandri
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Silene lanceolata
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Stenogyne bifida
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00
(Molokai) Tetramolopium rockii
NPRM 09/20/91 (56 FR 47718)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -

400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB69

1567. ● COMPATIBILITY OF PERMITTED USES ON NATIONAL WILDLIFE REFUGES

Legal Authority: 16 USC 668dd

CFR Citation: 50 CFR 25; 50 CFR 26; 50 CFR 29

Legal Deadline: None

Abstract: This rulemaking would revise portions of 50 CFR 25, 26 and 29 to define and provide standards for the compatibility of permitted uses on the National Wildlife Refuge System. Congress has expressed concern that all uses permitted on national wildlife refuges be consistently "compatible" with the purposes for which the respective refuges were established. This rulemaking would provide a uniform definition for "compatible" use and, consequently, allow enhanced protection to the national wildlife refuge system.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Shallenberger, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AB70

1568. ● APPLICATION FEES FOR CONTROLLED HUNTS ON NATIONAL WILDLIFE REFUGES

Legal Authority: 16 USC 668dd

CFR Citation: 50 CFR 25

Legal Deadline: None

Abstract: The popularity of controlled hunts has increased greatly over the last several years. Consequently, the number of applications for hunting permits has increased proportionately to such an extent that individual national wildlife refuges have been overburdened financially, and in terms of personnel work hours, with their review of such applications for permit eligibility and issuance. The purpose of this rulemaking is to provide a regulation that will pertain to the establishment of application fees for controlled hunts on national wildlife refuges. The establishment of an application fee would defray the additional burden placed upon the individual national wildlife refuge managing a controlled hunt.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AB71

1569. ● LIST OF MIGRATORY BIRDS

Legal Authority: 16 USC 704; 16 USC 712

CFR Citation: 50 CFR 10.13

Legal Deadline: None

Abstract: The List of Migratory Birds found at 50 CFR 10.13 is being revised to (1) bring the list into conformity with generally accepted taxonomy and nomenclature--English (common) and scientific names, as reflected in four published supplements to the 6th (1983) edition of the American Ornithologists' Union Check-list of North American Birds; and, (2) add species that are of regular occurrence in the United States that are not included on the current list.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas J. Dwyer, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, **703 358-1714**

RIN: 1018–AB72

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Final Rule Stage

1570. ● CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (ENDANGERED SPECIES CONVENTION)

Significance: Agency Priority

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 23

Legal Deadline: Other, Judicial, September 18, 1991.
In accordance with Article XVI, paragraph 2 of the Convention, this addition will take effect 90 days after notification of all Party Nations.

Abstract: The Service adds the American black bear (Ursus americanus) to 50 CFR 23 purusant to its addition to Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention). Any specimen of this species whether dead or alive including all readily recognizable parts and derivatives will be covered by the provisions of the Convention with the exception of the skull and/or skin with claws attached. This addition was initiated at the request of Canada. Appendix III comprises species subject to regulation in particular Party Nations that have requested the cooperation of other Parties in controlling trade in such species.

Timetable:

Action	Date	FR Cite
Final Action	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) regulates international trade in certain species of

animals and plants. Species for which trade is controlled are included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that although not necessarily now threatened with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control. Because the species covered in this rule will be added to Appendix III effective 9/18/91, the Service finds that good cause exists for making this rule effective upon the date that the species is added to Appendix III.

Agency Contact: Charles W. Dane, Chief, Office of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 725 Arlington Square, Washington, DC 20240, 703 358-1708

RIN: 1018–AA29

1571. REFUGE-SPECIFIC HUNTING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	08/26/91	56 FR 42018
NPRM Comment Period End	09/25/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Robert Shallenberger, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018–AA71

1572. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Inyo brown towhee (critical habitat)
NPRM 08/03/87 (52 FR 28787)
Final Action 00/00/00

Inyo brown towhee (listing)
NPRM 11/23/84 (49 FR 46174)
Final Action 08/03/87 (52 FR 28717)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: April 1985.

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AA85

1573. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Least Bell's vireo critical habitat
Final Action 00/00/00

Least Bell's vireo listing
NPRM 05/03/85 (50 FR 18968)
Final Action 05/02/86 (51 FR 16474)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AA95

1574. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Bruneau hot spring snail
NPRM 08/21/85 (50 FR 33803)
Final Action 00/00/00

Leopard, goral, serow in Nepal
NPRM 06/14/85 (50 FR 24917)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AA98

1575. PROPOSED DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF COLORADO SQUAWFISH

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to introduce Colorado squawfish (Ptychocheilus lucius) into the lower Colorado River in Arizona and to determine the population to be "nonessential experimental" population according to Section 10(j) of the Endangered Species Act. The Service will propose a special rule to allow take in accordance with State law. In the past, Colorado squawfish were more widespread in the State of Arizona, occurring in several river drainages. This action is being taken in an effort to establish an additional population within the species' historic range.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32143
NPRM Comment Period End	10/26/87	52 FR 32143

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington DC 20240, **703 358-2171**

RIN: 1018–AB09

1576. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATED PORTS FOR PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 24; 7 CFR 300 to 399; 50 CFR 17.12; 50 CFR 23.23

Legal Deadline: None

Abstract: The Service proposes to amend regulations by adding an additional part to the list of those designated for listed plants.

Timetable:

Action	Date	FR Cite
ANPRM	10/06/89	54 FR 41295
Comment Period End		
NPRM	12/05/89	54 FR 41295

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB28

1577. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: REVISION OF SPECIAL REGULATIONS FOR THE GRIZZLY BEAR

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to revise the special regulations for the threatened grizzly bear to allow supervised hunting of dangerous or incorrigible nuisance bears in a defined area encompassing the Idaho, Montana, and Wyoming portions of the Yellowstone ecosystem outside Yellowstone and Grand Teton National Parks.

Timetable:

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42524
NPRM Comment Period End	12/18/89	54 FR 42524
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB29

1578. HIGHLY TRADED APPENDIX II SPECIES

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in listed plants and animals. The Service, as management and scientific authorities, must make appropriate determinations concerning Appendix II listed species prior to granting export approval to these listed species. Notice in the Federal Register is required by United States law in the determination process.

Timetable:

American Alligators harvested in 1992-94
NPRM 09/25/91 (56 FR 48512)
Final Action 12/00/91

Export of American Ginseng harvested in 1991-93 seasons
NPRM 04/16/91 (56 FR 15318)
Final Action 08/23/91 (56 FR 41806)

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB30

1579. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and, where prudent, would identify critical habitat

for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Brazilian sideneck turtle
NPRM 04/25/90 (55 FR 17469)
Final Action 09/30/91 (56 FR 49649)
Cat Island turtle
NPRM 04/25/90 (55 FR 17469)
Final Action 00/00/00
Inagua Island turtle
NPRM 04/25/90 (55 FR 17469)
Final Action 09/30/91 (56 FR 49649)
Inflated heelsplitter
NPRM 10/27/89 (54 FR 43835)
Final Action 09/28/90 (55 FR 39858)
Maria Island ground lizard
NPRM 04/25/90 (55 FR 17469)
Final Action 09/30/91 (56 FR 49649)
Maria Island snake
NPRM 04/25/90 (55 FR 17469)
Final Action 09/30/91 (56 FR 49649)
South American red-lined turtle
NPRM 04/25/90 (55 FR 17469)
Final Action 09/30/91 (56 FR 49649)
White-necked crow
Final Action 04/03/91 (56 FR 13598)
White-necked crow (Comment period extended)
NPRM 04/30/90 (55 FR 18010)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB36

1580. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Dusky seaside sparrow, delisting
NPRM 04/25/90 (55 FR 17552)
Final Action 12/12/90 (55 FR 51112)
Gulf sturgeon
NPRM 05/02/90 (55 FR 18357)
Final Action 09/30/91 (56 FR 49653)
Leafy prairie clover
NPRM 03/27/90 (55 FR 11230)
Final Action 05/01/90 (55 FR 19953)
Little Aguja Creek pondweed
NPRM 03/15/90 (55 FR 9741)
Final Action 00/00/00
Prairie mole cricket
NPRM 04/25/90 (55 FR 17465)
Final Action 00/00/00
Terlingua Creek cat's-eye
NPRM 04/13/90 (55 FR 13919)
Final Action 09/30/91 (56 FR 49634)
Walker's manioc
NPRM 10/01/90 (55 FR 39989)
Final Action 10/00/91

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB38

1581. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Abutilon eremitopetalum
NPRM 09/17/90 (55 FR 38236)
Final Action 09/20/91 (56 FR 47686)
African elephant
NPRM 03/18/91 (56 FR 11392)
Final Action 03/00/92
African elephant, Extension of comment period
NPRM 07/19/91 (56 FR 33241)
Alamosa springsnail
NPRM 09/18/90 (55 FR 38343)
Final Action 09/30/91 (56 FR 49646)
Argali sheep
NPRM 10/05/90 (55 FR 40890)
Final Action 10/00/91
Baker's sticky seed
NPRM 06/06/90 (55 FR 23109)
Final Action 00/00/00
Burke's goldfields
NPRM 06/06/90 (55 FR 23109)
Final Action 00/00/00
Cumberland pigtoe mussel
NPRM 10/15/90 (55 FR 41718)
Final Action 05/07/91 (56 FR 21087)
Cyanea macrostegia var. gibsonii
NPRM 09/17/90 (55 FR 38236)
Final Action 09/20/91 (56 FR 47686)
Cyanea superba
NPRM 07/17/90 (55 FR 29072)
Final Action 09/11/91 (56 FR 46235)
Cyanea undulata
NPRM 09/17/90 (55 FR 38242)
Final Action 09/20/91 (56 FR 47695)
Dubautia pauciflorula
NPRM 09/17/90 (55 FR 38242)
Final Action 09/20/91 (56 FR 47695)
Felis concolor (mountain lion) in Florida
NPRM 08/21/90 (55 FR 34943)
Final Action 08/14/91 (56 FR 40265)
Gahnia lanaiensis
NPRM 09/17/90 (55 FR 38236)
Final Action 09/20/91 (56 FR 47686)
Hesperomannia lydgatei
NPRM 09/17/90 (55 FR 38242)
Final Action 09/20/91 (56 FR 47695)
Ka'u silversword
NPRM 08/06/90 (55 FR 31860)
Final Action 00/00/00
Kamakahala
NPRM 09/17/90 (55 FR 38242)
Final Action 09/20/91 (56 FR 47695)
Knieskern's beaked-rush
NPRM 08/08/90 (55 FR 32271)
Final Action 07/18/91 (56 FR 32978)
Louisiana black bear
NPRM 06/21/90 (55 FR 25341)
NPRM Reopen Comment Period 09/20/91 (56 FR 47732)
Final Action 00/00/00
Ma'oli'oli
NPRM 08/03/90 (55 FR 31612)
Final Action 09/30/91 (56 FR 49639)
Na Pali Beach Hedyotis
NPRM 08/03/90 (55 FR 31612)
Final Action 09/30/91 (56 FR 49639)
Ouachita rock-pocketbook mussel
NPRM 07/23/90 (55 FR 29865)
Final Action 00/00/00

Phyllostegia glabra var. lanaiensis
NPRM 09/17/90 (55 FR 38236)
Final Action 09/20/91 (56 FR 47686)
Razorback sucker
NPRM 05/22/90 (55 FR 21154)
Final Action 00/00/00
Saltwater crocodile in Australia
NPRM 09/27/90 (55 FR 39489)
Final Action 00/00/00
Schoepfia arenaria
NPRM 09/17/90 (55 FR 38102)
Final Action 04/19/91 (56 FR 16021)
Schweinitz's sunflower
NPRM 07/02/90 (55 FR 27270)
Final Action 05/07/91 (56 FR 21087)
Sebastopol meadowfoam
NPRM 06/06/90 (55 FR 23109)
Final Action 00/00/00
Socorro springsnail
NPRM 09/18/90 (55 FR 38343)
Final Action 09/30/91 (56 FR 49646)
Tetramolopium remyi
NPRM 09/17/90 (55 FR 38236)
Final Action 09/20/91 (56 FR 47686)
Texas trailing phlox
NPRM 05/29/90 (55 FR 21760)
Final Action 09/30/91 (56 FR 49636)
Ute ladies' tresses
NPRM 11/13/90 (55 FR 47347)
Final Action 11/00/91
Viola helenae
NPRM 09/17/90 (55 FR 38242)
Final Action 09/20/91 (56 FR 47695)
Viola lanaiensis
NPRM 09/17/90 (55 FR 38236)
Final Action 09/20/91 (56 FR 47686)
Winged mapleleaf freshwater mussel
NPRM 08/06/90 (55 FR 31864)
Final Action 06/20/91 (56 FR 28345)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB42

1582. MIGRATORY BIRD PERMITS: DETERMINATION THAT KANSAS MEET FEDERAL FALCONRY STANDARDS

Legal Authority: 16 USC 703 to 712

CFR Citation: 50 CFR 21

Legal Deadline: None

Abstract: The Service proposes to revise 50 CFR 21 to add Kansas to the list of States participating in the joint Federal/State falconry permit system. The Director has determined that the falconry laws of the State meet or exceed the minimum Federal standards for the use of certain migratory birds for falconry. The proposed rule would permit the practice of falconry in that State.

Timetable:

Action	Date	FR Cite
NPRM	11/14/90	55 FR 47498
NPRM Comment Period End	12/14/90	55 FR 47498

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, DC 20240, **703 358-1949**

RIN: 1018–AB45

1583. CABIN MANAGEMENT REGULATIONS ON NATIONAL WILDLIFE REFUGES IN ALASKA

Legal Authority: 16 USC 460k

CFR Citation: 50 CFR 36

Legal Deadline: None

Abstract: The Service proposes to revise and clarify regulations contained in 50 CFR 36.33.

Timetable:

Action	Date	FR Cite
NPRM	04/25/91	56 FR 19074
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Karges, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AB46

1584. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened or neither, and are based solely on the biological information available to the Department.

Timetable:

Abutilon sandwicense
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Alsinidendron obovatum
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Alsinidendron trinerve
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Banbury Springs limpet
NPRM 12/18/90 (55 FR 51931)
Final Action 12/00/91
Bliss Rapids snail
NPRM 12/18/90 (55 FR 51931)
Final Action 12/00/91
Butte County meadowfoam
NPRM 02/15/91 (56 FR 6345)
Final Action 02/00/92
Centarium sebaeoides ('awiwi)
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Chamaesyce celastroides var. kaenana ('akoko)
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Chamaesyce halemanui
NPRM 09/26/90 (55 FR 39301)
Final Action 00/00/00
Chamaesyce halemanui, reopen comment period
NPRM 12/26/90 (55 FR 53014)
Chamaesyce kuwaleana ('akoko)
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Cranichis ricartii
NPRM 10/10/90 (55 FR 41248)
Final Action 10/00/91
Cumberland rosemary
NPRM 01/18/91 (56 FR 1967)
Final Action 01/00/92
Cyanea pinnatifida (haha)
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Diellia falcata
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Dubautia herbstobatae (na'ena'e)
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Dubautia latifolia
NPRM 09/26/90 (55 FR 39301)
Final Action 00/00/00
Dubautia latifolia, reopen comment period
NPRM 12/26/90 (55 FR 53014)
Florida skullcap
NPRM 12/18/90 (55 FR 51936)
Final Action 12/00/91

Gouania meyenii
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Guthrie's ground plum
NPRM 10/10/90 (55 FR 41245)
Final Action 09/26/91 (56 FR 48748)
Hawaiian bluegrass
NPRM 09/26/90 (55 FR 39301)
Final Action 00/00/00
Hawaiian bluegrass, reopen comment period
NPRM 12/26/90 (55 FR 53014)
Hawaiian red flowered geranium
NPRM 01/23/91 (56 FR 2490)
Final Action 01/00/92
Hedyotis degeneri
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Hedyotis parvula
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Hesperomannia arbuscula
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Idaho springsnail
NPRM 12/18/90 (55 FR 51931)
Final Action 12/00/91
Indus River dolphin
NPRM 01/14/91 (56 FR 1464)
Final Action 01/00/92
Lepanthes eltorensis
NPRM 10/10/90 (55 FR 41248)
Final Action 10/00/91
Lipochaeta lobata var. (nehe) leptophylla
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Lipochaeta tenuifolia (nehe)
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Lobelia niihauensis
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Marsilea villosa ('ihi' ihi')
NPRM 02/15/91 (56 FR 6349)
Final Action 02/00/92
Neraudia angulata
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Northeastern bulrush
NPRM 11/08/90 (55 FR 46963)
Final Action 05/07/91 (56 FR 21091)
Nototrichium humile (kulu'i)
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Opuhe (Urera kaalae)
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Pamakani
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Penland alpine fen mustard
NPRM 10/15/90 (55 FR 41725)
Final Action 10/00/91
Phyllostegia mollis
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Poa siphonoglossa
NPRM 09/26/90 (55 FR 39301)
Final Action 00/00/00
Sanicula mariversa
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Schiedea kaalae
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Silene perlmanii
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Silver rice rat, Lower Keys Florida population
NPRM 10/25/90 (55 FR 43002)
Final Action 04/30/91 (56 FR 19809)
Snake River Physa snail
NPRM 12/18/90 (55 FR 51931)
Final Action 12/00/91
Stenogyne campanulata
NPRM 09/26/90 (55 FR 39301)
Final Action 00/00/00
Stenogyne campanulata, reopen comment period
NPRM 12/26/90 (55 FR 53014)
Stenogyne kanehoana
NPRM 01/23/91 (56 FR 2493)
Final Action 00/00/00
Telephus spurge
NPRM 12/18/90 (55 FR 51936)
Final Action 12/00/91
Tennessee yellow-eyed grass
NPRM 02/15/91 (56 FR 6341)
Final Action 07/26/91 (56 FR 34151)
Tetramolopium filiforme
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Tetramolopium lepidotum ssp. lepidotum
NPRM 09/28/90 (55 FR 39664)
Final Action 00/00/00
Uncompahgre fritillary butterfly
NPRM 10/15/90 (55 FR 41725)
Final Action 06/24/91 (56 FR 28712)
Utah valvata snail
NPRM 12/18/90 (55 FR 51931)
Final Action 12/00/91
Ute ladies tresses
NPRM 11/13/90 (55 FR 47347)
Final Action 11/00/91
White birds-in-a-nest
NPRM 12/18/90 (55 FR 51936)
Final Action 12/00/91
White irisette
NPRM 12/20/90 (55 FR 52191)
Final Action 09/26/91 (56 FR 48752)
Xylosma crenatum
NPRM 09/26/90 (55 FR 39301)
Final Action 00/00/00
Xylosma crenatum, reopen comment period
NPRM 12/26/90 (55 FR 53014)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB52

1585. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

'Oha wai
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Acaena exigua (lilliwai)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Alectryon macrococcus (mahoe)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Beach layia
NPRM 03/22/91 (56 FR 12318)
Final Action 03/00/92
Blue shiner
NPRM 04/19/91 (56 FR 16054)
Final Action 04/00/92
Capa rosa
NPRM 04/19/91 (56 FR 16059)
Final Action 04/00/92
Clover lupine
NPRM 03/22/91 (56 FR 12318)
Final Action 03/00/92
Cyanea lobata (haha)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Cyanea mceldowneyi (haha)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Cyrtandra munroi (ha'iwale)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Geranium multiflorum (nohanu)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Goldline darter
NPRM 04/19/91 (56 FR 16054)
Final Action 04/00/92
Guam bridled white-eye, critical habitat
NPRM 06/14/91 (56 FR 27485)
Final Action 00/00/00
Guam broadbill, critical habitat
NPRM 06/14/91 (56 FR 27485)
Final Action 00/00/00

Guam Micronesian kingfisher, critical habitat
NPRM 06/14/91 (56 FR 27485)
Final Action 00/00/00
Haleakala silversword, 'ahinahina
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Hedyotis coriacea (kio'ele)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Howell's spineflower
NPRM 03/22/91 (56 FR 12318)
Final Action 03/00/92
Ilex sintenisii
NPRM 04/19/91 (56 FR 16059)
Final Action 04/00/92
Ko'oko'olau
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Leedy's roseroot
NPRM 06/18/91 (56 FR 27938)
Final Action 06/00/92
Little Mariana fruit bat, critical habitat
NPRM 06/14/91 (56 FR 27485)
Final Action 00/00/00
Lycopodium mannii (wawae'iole)
NPRM 05/24/91 (56 FR 23842)
Final Action 00/00/00
Lysimachia lydgatei
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Marbled murrelet
NPRM 06/20/91 (56 FR 28362)
Final Action 06/00/92
Mariana crow, critical habitat
NPRM 06/14/91 (56 FR 27485)
Final Action 00/00/00
Mariana fruit bat, critical habitat
NPRM 06/14/91 (56 FR 27485)
Final Action 00/00/00
Melicope mucronulata (alani)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Menzie's wallflower
NPRM 03/22/91 (56 FR 12318)
Final Action 03/00/92
Monterey gilia
NPRM 03/22/91 (56 FR 12318)
Final Action 03/00/92
Myrtle's silverspot butterfly
NPRM 03/22/91 (56 FR 12318)
Final Action 03/00/92
Nehe (Lipochaeta kamolensis)
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Nelson's checker-mallow
NPRM 06/07/91 (56 FR 26373)
Final Action 06/00/92
Nelson's checker-mallow, extension of comment period
NPRM 07/23/91 (56 FR 33741)
Palo colorado
NPRM 04/19/91 (56 FR 16059)
Final Action 04/00/92
Palo de jazmin
NPRM 04/19/91 (56 FR 16059)
Final Action 04/00/92
Point Arena mountain beaver
NPRM 02/21/91 (56 FR 6353)
Final Action 02/00/92
Schiedea haleakalensis
NPRM 05/24/91 (56 FR 23842)
Final Action 05/00/92
Sonoma spineflower
NPRM 03/22/91 (56 FR 12318)
Final Action 03/00/92
Ternstroemia subsessilis
NPRM 04/19/91 (56 FR 16059)
Final Action 04/00/92

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB56

1586. IMPORTATION OR SHIPMENT OF INJURIOUS WILDLIFE; ZEBRA MUSSEL

Significance: Agency Priority

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16.13

Legal Deadline: None

Abstract: The Service will amend 50 CFR 16 by adding the Zebra mussel (Dreissena polymorpha) a small bivalve mollusk native to Europe, to the list of injurious fish, mollusks, and crustaceans. By this action, the Service will prohibit importation into, acquisition, or transportation of live Zebra mussels or viable eggs thereof between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (H.R. 5390), was passed by Congress on October 27, 1990. Section 1208 of that law contains a provision that amends the Lacey Act (18 USC 42) by adding the Zebra mussel to the list of injurious animals contained therein. This requires the addition of the zebra mussel to implementing regulations in 50 CFR 16.13. Therefore, this rulemaking will be published in final and effective upon publication.

Agency Contact: James G. Geiger, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS -820 Arlington Square, 1849 C Street, NW., Washington, DC 20240, **703 358-1718**

RIN: 1018–AB58

1587. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS - PROPOSED EXPERIMENTAL POPULATION DESIGNATION FOR THE RED WOLF

Significance: Agency Priority

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to determine a small number of red wolves as experimental and nonessential in the Great Smoky Mountains National Park (Park), North Carolina and Tennessee. The pro- posal also revises the current special rule for the experimental population on the Alligator River National Wildlife Refuge by adding an additional county to the area of experimental popula- tion designation and by changing the deadline for project evaluation. The species was successfully reintroduced in an experimental program at the Refuge in North Carolina in 1987. Since then, captive-born and raised animals have reproduced in the wild on the grounds of the Refuge. The Service expects mated pairs placed in the Park will have similar reproductive success. The absence of hunting and trapping within the Park, and lower vehicular traffic speed limits, increases the wolves' likelihood of survival.

Timetable:

Action	Date	FR Cite
NPRM	08/07/91	56 FR 37513
NPRM Comment Period End	09/06/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB62

1588. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Alabama moccasinshell mussel
NPRM 00/00/00
Final Action 00/00/00
American chaffseed
NPRM 09/11/91 (56 FR 46277)
Final Action 00/00/00
Arizona willow
NPRM 00/00/00
Final Action 00/00/00
Butterwort
NPRM 00/00/00
Final Action 00/00/00
Coastal California gnatcatcher
NPRM 09/17/91 (56 FR 47053)
Final Action 00/00/00
Comal Springs dryopoid beetle
NPRM 00/00/00
Final Action 00/00/00
Comal Springs riffle beetle
NPRM 00/00/00
Final Action 00/00/00
Coosa moccasinshell mussel
NPRM 00/00/00
Final Action 00/00/00
Dark pigtoe mussel
NPRM 00/00/00
Final Action 00/00/00
Fine-lined pocketbook mussel
NPRM 00/00/00
Final Action 00/00/00
Holy ghost ipomopsis
NPRM 00/00/00
Final Action 00/00/00
Hungeryford's crawling water beetle
NPRM 00/00/00
Final Action 00/00/00
Louisiana quillwort
NPRM 00/00/00
Final Action 00/00/00
Mitchell's satyr butterfly
Final Action (Emergency rule) 06/25/91 (56 FR 28825)
NPRM 09/11/91 (56 FR 46273)
Morefield's leather flower
NPRM 00/00/00
Final Action 00/00/00
Ohio emerald dragonfly
NPRM 00/00/00
Final Action 00/00/00
Orange-nacre mucket mussel
NPRM 00/00/00
Final Action 00/00/00
Ovate clubshell mussel
NPRM 00/00/00
Final Action 00/00/00
Peck's cave amphipod
NPRM 00/00/00
Final Action 00/00/00
Pecos pupfish
NPRM 00/00/00
Final Action 00/00/00
Sensitive joint-vetch
NPRM 07/26/91 (56 FR 34162)
Final Action 07/00/92
Siler pincusion cactus (downlisting)
NPRM 00/00/00
Final Action 00/00/00
Southern acornshell mussel
NPRM 00/00/00
Final Action 00/00/00
Southern clubshell mussel
NPRM 00/00/00
Final Action 00/00/00
Southern pigtoe mussel
NPRM 00/00/00
Final Action 00/00/00
Tarahumara frog
NPRM 00/00/00
Final Action 00/00/00
Triangular kidneyshell mussel
NPRM 00/00/00
Final Action 00/00/00
Upland combshell mussel
NPRM 00/00/00
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AB66

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Completed Actions

1589. MARINE MAMMALS: NATIVE EXEMPTIONS

Legal Authority: 16 USC 1361 to 1407

CFR Citation: 50 CFR 18

Legal Deadline: None

Abstract: The Service proposes to amend the regulations in 50 CFR 18 implementing the Marine Mammal Protection Act of 1972 (the Act), 16 USC 1361-1407. The proposed rule would prohibit the taking of sea otters by Alaskan Natives for use in creating and selling authentic Native articles of handicrafts and clothing under the Native Exemptions section of the Act, 16 USC 1371(b).

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45788
NPRM Comment Period End	11/30/89	54 FR 23233
Interim Final Rule	04/20/90	55 FR 14973

Small Entities Affected: None

Government Levels Affected: None

Additional Information: On February 15, 1989 (54 FR 6940), the Service extended the comment period on the proposed rule to April 13, 1989. On May 31, 1989 (54 FR 23233), the Service gave notice that the comment period was further extended through November 30, 1989, to allow time for public meetings to be conducted in selected coastal Alaska locations within the range of the sea otter, and at one location in California.

Agency Contact: James G. Geiger, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, 703 358-1718

RIN: 1018–AA20

1590. SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Agency Priority

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
NPRM	05/19/86	51 FR 18349
Withdrawn by agency	07/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The protocol has been reviewed by Canadian officials negotiations have been reopened. No significant action is expected in the next two years.

Agency Contact: **David L. Olsen**, Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, MS - 3248 MIB, 1849 C Street, NW., Washington, DC 20240, **202 208-5333**

RIN: 1018–AA92

1591. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: This rulemaking is the culmination of a phased, 6-year coordinated effort by the States and the Federal Government to eliminate lead poisoning among certain migratory birds by discontinuing the use of lead shot in favor of steel shot for taking waterfowl, coots and certain other species during the open seasons. This nationwide conversion in 1991-92 results from an SEIS completed in mid-1986 that considered the alternatives, as well as the costs/benefits of the various actions.

Timetable:

Action	Date	FR Cite
Final Action	05/13/91	56 FR 22100
Final Action Effective	09/01/91	56 FR 22100

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Thomas Dwyer**, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, **703 358-1714**

RIN: 1018–AA93

1592. MARINE MAMMALS: INCIDENTAL TAKING BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 101(a)(4); 16 USC 109(h)

CFR Citation: 50 CFR 18.22; 50 CFR 18.24

Legal Deadline: None

Abstract: The Service will develop regulations to implement provisions contained in the 1981 and 1988 amendments to the Marine Mammal Protection Act that amend Section 109(h) of the Act to: (1) allow the taking of marine mammals by Federal, in addition to the State, or local, government officials under certain conditions; and (2) allow importation of marine mammals into the United States in order to render medical treatment that is not otherwise available.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12043
NPRM Comment Period End	07/28/88	53 FR 24330
Withdrawn by agency	07/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The proposed rulemaking published April 12, 1988 (53 FR 12043) addressed two issues: (1) the provisions of Section 101(a)(4) of the Marine Mammal Protection Act (Act), as amended in 1981 authorizing incidental take of non-depleted marine mammals during commercial fishing operations; and (2) the taking of marine mammals by Federal, State, or local government officials under certain conditions. The 1988 amendments to the Act created an interim 5-year incidental take exemption for the commercial fisheries, thus essentially negating the 1981 amendments to Sec. 101 of the Act. Development of regulations for commercial fisheries is not necessary, and will not be done at this time.

Agency Contact: **James G. Geiger**, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, **703 358-1718**

RIN: 1018–AA96

1593. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Action	Date	FR Cite
Withdrawn Fish Creek Springs tui chub	03/10/86	51 FR 8215

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Larry Shannon**, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB02

1594. SUBSISTENCE TAKE OF MIGRATORY BIRDS IN ALASKA

Significance: Agency Priority

Legal Authority: 16 USC 703

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service will develop regulations that provide for subsistence harvest of migratory birds in Alaska. This action is being developed in cooperation with the State of Alaska, Alaskan Native organizations, and Canada.

Timetable:

Action	Date	FR Cite
Withdrawn by agency	07/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Appeals Court recently ruled that the Migratory Bird Treaty does not permit subsistence hunting.

Agency Contact: David L. Olsen, Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, MS - 3252 MIB, 1849 C Street, NW., Washington, DC 20240, 202 208-5333

RIN: 1018–AB03

1595. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Action	Date	FR Cite
Withdrawn	09/12/91	56 FR 46400

Gila trout

NPRM 10/06/87 (52 FR 37424)
NPRM Reopen Comment Period 06/26/89 (54 FR 26811)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After further review, the Service has withdrawn its rulemaking. No action will be taken at this time.

Agency Contact: Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AB14

1596. ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Legal Authority: 16 USC 669 to 669i; 16 USC 777 to 777k

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: The Service proposes to revise 50 CFR 80 to eliminate any requirements for grants and cooperative agreements to State and local units of Government (43 CFR 12) and to update programmatic requirements for the Federal Aid in Sport Fish and Federal Aid in Wildlife Restoration programs.

Timetable:

Action	Date	FR Cite
NPRM	04/06/90	55 FR 13166
NPRM Comment Period End	07/08/90	55 FR 13166
Withdrawn	10/09/91	56 FR 50844

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After further review, the Service has decided to withdraw this rulemaking. There will be no further action at this time.

Agency Contact: Columbus Brown, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 322 Arlington Square, Washington, DC 20240, 703 358-2156

RIN: 1018–AB15

1597. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SPECIAL RULES FOR MAMMALS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17.40

Legal Deadline: None

Abstract: This amendment brings the endangered species regulations into compliance with control procedures for African elephant ivory trade.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19416
NPRM Comment Period End	07/05/89	54 FR 19416
Withdrawn - Amendments not needed at this time	07/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, DC 202401, 703 358-1949

RIN: 1018–AB19

1598. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological

information available to the Department.

Timetable:

Action	Date	FR Cite
Final Action	11/27/89	54 FR 48749
Final Action Effective	12/27/89	54 FR 48749
Purple-spined hedgehog cactus NPRM 01/19/89 (54 FR 2173)		

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: **Larry Shannon**, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB23

1599. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SPECIAL RULE ALLOWING REGULATED TAKING OF THE UTAH PRAIRIE DOG

Significance: Agency Priority

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to amend the special regulation allowing a maximum of 5,000 nuisance Utah prairie dog (Cynomys parvidens) to be taken annually between June 1 and December 31 in parts of the Cedar and Parowan Valleys in Utah under permits issued by the Utah Division of Wildlife Resources. The amended regulation would expand the area of take to include all private land throughout the range of the Utah prairie dog. Also, the quarterly reporting requirement would be replaced by a requirement to make the State's records on permitted take available to the Service, on request.

Timetable:

Action	Date	FR Cite
NPRM	02/21/90	55 FR 6022
Final Action	06/14/91	56 FR 27438
Final Action Effective	06/14/91	56 FR 27438

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Larry Shannon**, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB39

1600. MARINE MAMMALS: INCIDENTAL TAKE DURING SPECIFIED ACTIVITIES

Legal Authority: 16 USC 1371

CFR Citation: 50 CFR 18.27

Legal Deadline: None

Abstract: The Service has received a request from Shell Western E & P Inc., to issue regulations to allow the incidental take of small numbers of polar bears and walrus during oil and gas exploratory activities in Alaska State waters and on the Outer Continental Shelf during the open water season in the Chukchi Sea adjacent to the coast of Alaska over the next 5 years. The Secretary of the Interior is required by the Marine Mammal Protection Act to consider such requests, and to prescribe regulations setting forth permissible methods of taking that will have a negligible impact on the species, stock, and its habitat and on the availability of the species for subsistence uses.

Timetable:

Action	Date	FR Cite
ANPRM	08/10/90	55 FR 32651
ANPRM Comment Period End	09/24/90	55 FR 32651
NPRM	02/25/91	56 FR 7645
Final Action	06/14/91	56 FR 27443
Final Action Effective	06/14/91	56 FR 27443

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **James G. Geiger**, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, **703 358-1718**

RIN: 1018–AB48

1601. PATUXENT WILDLIFE RESEARCH CENTER: SPORT FISHING

Legal Authority: 16 USC 7151

CFR Citation: 50 CFR 60

Legal Deadline: None

Abstract: In keeping with the Department of the Interior's efforts to develop recreational and environmental education opportunities for the public, including persons with disabilities, Patuxent Wildlife Research Center proposes to open the lakes and ponds that are located in the designated public use area to the general public for the purpose of sport fishing.

Timetable:

Action	Date	FR Cite
NPRM	11/08/90	55 FR 46968
NPRM Comment Period End	12/10/90	55 FR 46968
Final Action	04/25/91	56 FR 19040

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **John P. Stasko**, Chief, Branch of Facility Management, Department of the Interior, United States Fish and Wildlife Service, Patuxent Wildlife Research Center, Laurel-Bowie Road, Laurel, MD 20708, **301 498-0342**

RIN: 1018–AB51

1602. MIGRATORY BIRD HUNTING AND CONSERVATION STAMP (DUCK STAMP) CONTEST

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 9701

CFR Citation: 50 CFR 91

Legal Deadline: None

Abstract: The Service is revising the regulations governing the conduct of the annual Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest. The amendments include the following changes: (1) revising the Display Agreement; (2) listing the eligible species; (3) changing the scoring system; (4) establishing criteria for the selection of judges; and (5) listing the display locations.

Timetable:

Action	Date	FR Cite
NPRM	02/05/91	56 FR 4591
NPRM Comment Period End	03/07/91	56 FR 4591
Final Action	05/16/91	56 FR 22810

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Norma Opgrand**, Chief, Federal Duck Stamp Office, Department of the Interior, United States Fish and Wildlife Service, MS

2058-MIB, 1849 C Street, NW., Washington, DC 20240, **202 208-4354**

RIN: 1018–AB54

1603. REFUGE-SPECIFIC HUNTING REGULATIONS: USE OF NON-TOXIC STEEL SHOT

Significance: Agency Priority

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None

Abstract: The Service proposes to amend refuge-specific regulations in 50 CFR 32 to require the use of non-toxic shot on 37 Pacific Region (Region 1) national wildlife refuges for snipe and/or selected upland game bird hunting beginning with the 1991-92 season. The general purpose of this rule is to further reduce the number of migratory bird deaths caused by ingestion of spent lead shot. The majority of the refuges in this region open to hunting birds are located in low rainfall areas; consequently, most of the upland game bird cover is in/and adjacent to wetlands. This hunting contributes to the degradation of the aquatic environment and increases the risk of lead exposure for migratory birds.

Timetable:

Action	Date	FR Cite
Withdrawn - Steel shot required on all Federal lands	07/15/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Robert Karges**, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AB57

1604. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: PROPOSED ESTABLISHMENT OF A NONESSENTIAL EXPERIMENTAL POPULATION OF BLACK-FOOTED FERRETS IN SOUTHEASTERN WYOMING

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to reintroduce captive-bred black-footed ferrets into the Shirley Basin/Medicine Bow Management Area in southeastern Wyoming, with a back-up reintroduction site in northwestern Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	05/24/91	56 FR 23830
NPRM Comment Period End	06/24/91	56 FR 23830
Final Action	08/21/91	56 FR 41473
Final Action Effective	08/21/91	56 FR 41473

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Larry Shannon**, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB59

1605. MIGRATORY BIRD HUNTING: REGULATIONS FOR CERTAIN FEDERAL INDIAN RESERVATIONS AND CEDED LANDS

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting proposals for the current hunting season. This annual process consists of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections. In this coming season, for the first time, the final hunting regulations that will be established for Indian tribes will have separate rulemakings for early and late seasons. In the past, in these regulations, little detail has been included with only, in many instances, references to unfinalized State regulations and final Federal frameworks. Thus, the Service is modifying the tribal regulations procedure somewhat in an attempt to allow the final regulations to better stand alone, and thus, provide greater clarity of requirement with regard to season dates, season lengths, and bag/possession limits. (SEE RIN 1018-AB24)

Timetable:

Action	Date	FR Cite
ANPRM	03/15/91	56 FR 11336
NPRM	08/14/91	56 FR 42097
Final Action	08/30/91	56 FR 43542

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SMALL BUSINESSES: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis as required by 5 USC 601 et seq, have been combined into one analysis as provided for by both authorities. Copies of the combined analysis are available from the Agency Contact.

Agency Contact: **Thomas Dwyer**, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, **703 358-1714**

RIN: 1018–AB60

BILLING CODE 4310-55-F

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Prerule Stage

1606. NATIONAL CAPITAL REGION PARKS

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 9a; 16 USC 462(k); DC Code 8-137, 40-721

CFR Citation: 36 CFR 7.96

Legal Deadline: None

Abstract: Regulations governing special events and First Amendment demonstrations in the National Capital Region are being reviewed and updated in order to better manage these events with less impact on park resources. Regulations on sales, storage of property, leafletting, East Executive Park and structures in the parks are also being updated in order to protect park resources.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra A. Alley, Associate Regional Director, Public Affairs, Department of the Interior, National Park Service, 1100 Ohio Drive, SW., Washington, DC 20242, 202 485-9660

RIN: 1024–AB91

1607. ● RIGHTS-OF-WAY

Legal Authority: 16 USC 3; 16 USC 5; 16 USC 79

CFR Citation: 36 CFR 14

Legal Deadline: None

Abstract: The regulations for rights-of-way found at 36 CFR Part 14, Subparts A-H were promulgated as interim regulations in 1980. The regulations no longer meet the needs of the Service or of rights-of-way applicants. Final regulations need to be developed through a revision of Part 14.

Timetable:

Action	Date	FR Cite
Begin Review	06/25/91	
End Review	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street, NW., Washington, DC 20240, 202 208-4874

RIN: 1024–AC01

1608. ● GLACIER BAY: VESSEL MANAGEMENT PLAN/REGULATIONS

Legal Authority: 16 USC 3; 16 USC 3101; 16 USC 1361; 16 USC 1531

CFR Citation: 36 CFR 13.65

Legal Deadline: None

Abstract: Glacier Bay National Park is initiating a vessel management plan that will, during its formulation, review the existing vessel regulations for revisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marvin Jensen, Superintendent, Department of the Interior, National Park Service, Glacier Bay National Park, Gustavus, AK 99826, 907 697-2230

RIN: 1024–AC05

1609. ● PENALTY PROVISIONS

Legal Authority: 16 USC 1; 16 USC 3; 18 USC 3571

CFR Citation: 36 CFR 1.3

Legal Deadline: None

Abstract: Existing fine penalties at 36 CFR 1.3 were outdated by the Criminal Fine Improvement Act of 1987 (Pub. L. 100-185). These proposed regulations will establish penalty provisions in accordance with the Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street, NW., Washington, DC 20240, 202 208-4874

RIN: 1024–AC06

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Proposed Rule Stage

1610. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes mandated by congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28110
NPRM Comment Period End	09/04/86	51 FR 28110
Reproposal	10/00/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW., Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA96

1611. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None

Abstract: This revision applies to Everglades National Park in Florida. Section 7.45(a) will be revised to eliminate obsolete regulations remove expired material from the Code of Federal Regulations pertaining to commercial fishing, provide for consistency with State fishing rules, and ensure continued protection of park resources.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Reproposal	10/00/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW., Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AB10

1612. MINERALS MANAGEMENT - NONFEDERAL OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 16 USC 410g; 16 USC 4101; 16 USC 459d-3; 16 USC 459h-3; 16 USC 698c; 16 USC 698i; 16 USC 460-2(i); 16 USC 450kk; 16 USC 230a; PL 100-301, Sec 8; 31 USC 9701

CFR Citation: 36 CFR 9

Legal Deadline: Final, Statutory, January 29, 1989.
Section 8 of the Big Cypress National Preserve Addition Act directs the Secretary of the Interior to promulgate regulations governing nonfederal oil and gas development by 1/29/89.

Abstract: Several sections of 36 CFR Part 9, Subpart B contain ambiguous language which has caused confusion in interpreting the existing regulations. The NPS wants to make technical revisions to clarify requirements for both applicants and the Service. Also, the existing regulations exempt two classes of operators from compliance. Because of these exemptions, the regulations apply to only 30% of the existing operations resulting in avoidable impacts to park resources and visitor values from unregulated operations. Finally, the Service intends to propose revisions to the existing regulations to incorporate congressionally mandated requirements and timetables governing nonfederal oil and gas development in the Big Cypress National Preserve Addition. Examples of such revisions include: making the regulations applicable to all oil and gas operations within all units of the National Park System; updating terms for consistency with existing policies, practices, and laws; and removing the monetary ceiling and floor on bonds and security deposits so that bonds may be calculated and posted commensurate with reclamation costs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Einar Olsen, Environmental Protection Specialist, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St., NW., Washington, DC 20013-7127, **202 343-4968**

RIN: 1024–AB39

1613. APOSTLE ISLANDS NATIONAL LAKESHORE: SNOWMOBILING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.82

Legal Deadline: None

Abstract: This proposed rule designates routes and frozen water surfaces for use by snowmobiles at Apostle Islands National Lakeshore. The general regulations at 36 CFR 2.18 prohibit such use unless routes and water surfaces are specifically identified and promulgated as special regulations. The intended effect of this regulation is to remove that prohibition and allow the use of snowmobiles to conduct legislatively authorized fishing activities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Krambrink, Chief Ranger, Department of the Interior, National Park Service, RT 1, Box 4, Bayfield, WI 54814, **715 779-3397**

RIN: 1024–AB80

1614. YELLOWSTONE NATIONAL PARK: COMMERCIAL TRAFFIC ON U.S. HIGHWAY 191 WITHIN YELLOWSTONE NATIONAL PARK

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None

Abstract: The proposed regulation will exempt the section of U.S. 191 within Yellowstone National Park from the prohibition on the use of National Park Service roads by commercial vehicles when such use has in no way a connection with operation of the park; delete the special regulations establishing the speed limit on U.S. 191 within Yellowstone National Park; and restrict the amount and type of hazardous materials which may be transported on U.S. 191 within Yellowstone National Park. The special regulation establishing the present fee schedule for commercial traffic within Yellowstone will be eliminated and the Superintendent provided the discretion to establish and adjust fees for such use on an annual basis.

These actions will clearly define the management and regulation of commercial traffic on U.S. 191 through Yellowstone and assure a certain measure of protection against hazardous waste spills.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert D. Barbee, Superintendent, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, WY 82190, **307 344-7381**

RIN: 1024–AB82

1615. NATIONAL CAPITAL REGION PARKS: SPECIAL EVENT RULES

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 9a; 16 USC 460(q); 16 USC 462(k); DC Code 8-137; DC Code 40-721

CFR Citation: 36 CFR 7.96

Legal Deadline: None

Abstract: The National Park Service proposed rule and policy statement with request for comments relates to special events in the National Capital Region. A variety of special events, such as festivals and private rented events have occurred on park land for some time. These events have increased in number and size and have caused a strain on limited park resources and on the National Capital Region budget. The proposed rule would limit the number and size of festivals and private rented events, limit sales at such events, and require sponsors of the events to bear any unbudgeted costs of the National Park Service.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Stanton, Regional Director, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242, 202 619-7005

RIN: 1024–AB92

1616. NATIONAL PARK SERVICE SYMBOLS: UNITED STATES PARK POLICE INSIGNIA

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 11

Legal Deadline: None

Abstract: The National Park Service proposed rule and request for comments relates to the United States Park Police insignia. It will recognize an official United States Park Police insignia, provide for its future protection and prevent the unauthorized use of the insignia.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Stanton, Regional Director, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242, 202 619-7005

RIN: 1024–AB94

1617. SOLID WASTE DISPOSAL SITES IN UNITS OF THE NATIONAL PARK SYSTEM

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 16

Legal Deadline: None

Abstract: The National Park Service proposes to severely restrict the creation of any new solid waste management sites within the boundaries of any National Park unit. Sites in existence as of September 1, 1984, will be regulated to minimize the impacts upon the environment and the visitor experience.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Donohue, Program Specialist, Environmental Compliance Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4274

RIN: 1024–AB95

1618. NATIONAL NATURAL LANDMARKS PROGRAM

Significance: Agency Priority

Legal Authority: 16 USC 461 et seq

CFR Citation: 36 CFR 62

Legal Deadline: None

Abstract: This proposed rulemaking will amend the current regulations for the National Natural Landmarks Program. Proposed changes include strengthening and clarifying provisions for landowner notification, adding requirements for voluntary landowner consent for natural landmark designation, and providing for review of natural landmark nominations by the National Park System Advisory Board.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/90	55 FR 43384
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael A. Ruggiero, Chief, Wildlife and Vegetation Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-8100

RIN: 1024–AB96

1619. CONCESSION CONTRACTS AND PERMITS

Significance: Agency Priority

Legal Authority: 16 USC 3; 16 USC 20 et seq

CFR Citation: 36 CFR 51

Legal Deadline: None

Abstract: The National Park Service proposes to amend the regulations which describe NPS procedures for award of concession contracts and permits to clarify certain of the intentions of the regulations and to make somewhat more competitive, within the scope of existing law, the renewal of concession contracts and permits.

Timetable:

Action	Date	FR Cite
NPRM	08/23/91	56 FR 41894
NPRM Comment Period End	10/22/91	
Final Action	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Wendelin M. Mann, Chief, Contracts Branch, Concessions Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1561

RIN: 1024–AB98

1620. ● GLACIER BAY NATIONAL PARK, ALASKA FISHING REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 3101 et seq

CFR Citation: 36 CFR 13.65

Legal Deadline: None

Abstract: The proposed regulations will allow commercial fishing in Glacier Bay National Park as an exemption from currently existing servicewide regulations until December 31, 1997. Non-commercial consumptive fishing methods are designated, and subsistence uses are prohibited pursuant to statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37262
NPRM Comment Period End	10/04/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, Ranger Activities, P.O. Box 37127, Washington, DC 20013-7127, **202 208-4874**

RIN: 1024–AB99

1621. ● BLUE RIDGE PARKWAY: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.34

Legal Deadline: None

Abstract: The proposed rulemaking would revise the Park's fishing regulations by eliminating most of 36 CFR 7.34(b) in favor of adopting applicable State fishing regulations regarding seasons and creel limits. Special closures and other restrictions for specific park waters will be accomplished through annual Superintendent's orders established pursuant to 36 CFR 1.5.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bambi Teague, Department of the Interior, National Park Service, 200 BB&T Building, Asheville, NC 28801, **704 259-0760**

RIN: 1024–AC02

1622. ● ALASKA: SUBSISTENCE USES

Legal Authority: 16 USC 3; 16 USC 3101

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: The proposed rulemaking will amend 36 CFR Part 13, Subpart B - "Subsistence," to establish an alternative process for deletion of a resident zone community or area based upon an approved recommendation of a Subsistence Resource Commission (SRC) established pursuant to 16 USC 3118.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street, NW., Washington, DC 20240, **202 208-4874**

RIN: 1024–AC03

1623. ● GOLDEN GATE NATIONAL RECREATION AREA: OFF ROAD BICYCLE USE AREAS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.97

Legal Deadline: None

Abstract: This rulemaking will designate certain off-road routes within Golden Gate National Recreation Area as open to bicycle use, and to regulate their safe use in these areas. Areas to be designated are based on a "Trail Use Designation Plan" prepared by the Park with public input, and include sections of former ranch or military roads, or maintained fire roads.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gil Soper, Chief Ranger, Department of the Interior, National Park Service, Golden Gate National Recreation Area, Building 201 Fort Mason, San Francisco, CA 94123, **415 556-4283**

RIN: 1024–AC04

1624. ● NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT IMPLEMENTATION

Legal Authority: 25 USC 3001 to 3013

CFR Citation: 36 CFR 79; 36 CFR 800.1; 36 CFR 800.4; 36 CFR 800.5; 36 CFR 800.11; 36 CFR 296.7; 32 CFR 229.7; 43 CFR 7.7; 18 CFR 1312.7; 36 CFR 296.13; 32 CFR 229.13; 43 CFR 7.13; 18 CFP 1312.13

Legal Deadline: None

Abstract: Regulations will provide Federal agencies, museums that receive Federal funds, and Indian tribes and Native Hawaiian organizations with directions on procedures and actions needed to comply with the Native American Graves Protection and Repatriation Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Francis P. McManamon, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4101**

RIN: 1024–AC07

1625. ● CURATION OF FEDERALLY-OWNED AND ADMINISTERED ARCHAEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470aa to 470mm

CFR Citation: 36 CFR 79.5; 36 CFR 79.12

Legal Deadline: None

Abstract: These proposed amendments to the existing regulation specify the necessary distribution of reports, records, and other documents related to archeological collections and the

procedures for discarding certain kinds of materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Veletta Canouts, Archeologist, Department of the Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4101**

RIN: 1024–AC08

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Final Rule Stage

1626. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: PL 100-555; PL 100-588

CFR Citation: 43 CFR 7; 36 CFR 296; 18 CFR 1312; 32 CFR 229

Legal Deadline: None

Abstract: Amendments to the Archaeological Resources Protection Act of 1979 (PL 96-95) made by Congress in 1988 require amendments to the uniform regulations. Some of the amendments require changes in existing regulatory language, and some amendments add new responsibilities which may require additional regulatory guidance. Alternatives being considered are based upon the extent to which existing agency cultural resources management manuals address the new statutory responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	01/29/90	55 FR 2848
NPRM Comment Period End	02/28/90	55 FR 2848
Additional Proposed Amendments	09/11/91	56 FR 46259
Final Action	04/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Waldbauer, Archeologist, Department of the Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4113**

RIN: 1024–AA51

1627. MANAGEMENT OF MINERAL DEVELOPMENT ASSOCIATED WITH MINING CLAIMS

Significance: Agency Priority

Legal Authority: 16 USC 1901 et seq Mining in the Parks Act of 1976; 16 USC 1 et seq NPS Organic Act; 30 USC 21 et seq Mining Law of 1872

CFR Citation: 36 CFR 9, "Subpart A"

Legal Deadline: None

Abstract: The existing regulations at 36 CFR Part 9, Subpart A, promulgated in January of 1977, contain a provision regarding the use of water in connection with mining claims within National Park System units that creates a "catch 22" for miners seeking to use water in connection with their claims. In order to use water in a park, a miner must have a perfected water right. However, to obtain a perfected water right, a miner must use water. Herein lies the "catch 22." The National Park Service would like to rectify this dilemma through a rule change that would eliminate the perfected water right language while at the same time preserve the Service's ability to protect water quality and quantity.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19411
NPRM Comment Period End	07/05/89	54 FR 19411
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol McCoy, Chief, Policy and Regulations Section, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, **202 343-4962**

RIN: 1024–AB74

1628. ALASKA REGION: SAME-DAY-AIRBORNE HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.21

Legal Deadline: None

Abstract: The National Park Service is proposing rules what will prohibit the hunting of certain wildlife species in the National Preserve areas in Alaska on the same day in which a hunter is airborne. Hunting will continue to be allowed pursuant to State and Federal regulations. Access to those areas by aircraft for sport hunting and other purposes is also allowed. While the State of Alaska has a similar regulation in place, commonly referred to as the "same-day-airborne" regulation, recent changes to their regulation have allowed exceptions for some species in certain State of Alaska game management units including the National Preserve areas. This exception will allow "land-and-shoot" hunting of wolves in the National Preserves. The proposed National Park Service regulation will prohibit "land-and-shoot" hunting for big game including the following species: All species of Bears, Bison, Caribou, Elk, Mountain Goat, Moose, Musk Oxen, Dall Sheep, Wolf, Wolverine, Coyote, Arctic and Red Fox, and Lynx.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24852
NPRM Comment Period End	08/08/89	54 FR 24852
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steve Shackelton, Law Enforcement Specialist, Department of the Interior, National Park Service, 2525 Gambell St., Rm. 107, Anchorage, AK 99503-2892, **907 257-2548**

RIN: 1024–AB81

DOI—NPS

Final Rule Stage

1629. NATIONAL CAPITAL REGION PARKS: PROHIBITION OF STORAGE OF PROPERTY IN LAFAYETTE PARK

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 9a; 16 USC 460(q); 16 USC 462(k); DC Code 8-137; DC Code 40-721

CFR Citation: 36 CFR 7.96

Legal Deadline: None

Abstract: The National Park Service proposed rule and policy statement with request for comments relates to a prohibition of storage of property in Lafayette Park. An earlier rule of the Park Service which restricted the storage of property in the park was overruled in U.S. v. Picciotto, 875 F. 2d 345 (D.C. Cir. 1989) because the rule had not been published for notice and comment under the Administrative Procedure Act. This proposed rule will comply with the Administrative Procedure Act and attempts to meet the substantial Government interest in aesthetics and preservation of park resources by limiting the storage of property in Lafayette Park.

Timetable:

Action	Date	FR Cite
NPRM	10/04/90	55 FR 40679
NPRM Comment Period End	12/03/90	55 FR 40679
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Stanton, Regional Director, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242, **202 619-7005**

RIN: 1024–AB93

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Completed Actions

1630. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None

Abstract: This rule will define the statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve. Although a proposed rule was published in 1981, a revised proposed rulemaking will be developed.

Timetable:

Action	Date	FR Cite
NPRM	11/21/81	46 FR 55709
NPRM	05/10/88	53 FR 16561
NPRM Comment Period End	07/11/88	53 FR 16561
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW., Atlanta, GA 30303, **404 242-4916**

RIN: 1024–AA07

1631. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	
NPRM	08/05/86	51 FR 28204
NPRM Comment Period End	10/06/86	51 FR 28204
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-9536**

RIN: 1024–AA44

1632. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28216
NPRM Comment Period End	10/06/86	51 FR 28216
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-9536**

RIN: 1024–AA46

1633. ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT; DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Douglas Scovill, Acting Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1876**

RIN: 1024–AA49

1634. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, Gates of the Arctic National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboat and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension End	08/06/83	
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: David B. Ames, Associate Regional Director, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, **907 271-2664**

RIN: 1024–AA71

1635. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	52 FR 37586
NPRM Comment Period End	11/06/87	52 FR 37586
Final Action	08/29/91	56 FR 42788
Final Action Effective	09/30/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, **617 223-1178**

RIN: 1024–AA80

1636. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off-road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW., Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA89

1637. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHAEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally owned and administered prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), Section 110 of the National Historic Preservation Act of 1966 (as amended) and the Archeological Resources Protection Act of 1979. The regulation will establish (a) minimum standards for repositories that provide long-term curatorial services; (b) guidelines for Federal agencies for entering into contracts and agreements

with repositories and other parties for the care and management of collections; (c) guidelines for access to, loan of and use of collections; and (d) guidelines for the exchange and ultimate disposition of collections.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	08/28/87	52 FR 32740
NPRM Comment Period End	10/27/87	52 FR 32740
Final Action	09/12/90	55 FR 37616
Final Action Effective	10/12/90	55 FR 37616

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Michelle C. Aubry**, Archeological Program Specialist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1876**

RIN: 1024–AB13

1638. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29498
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **James L. Isenogle**, Superintendent, Jean Lafitte National Historical Park, Department of the Interior, National Park Service, 423 Canal Street, Rm. 206, New Orleans, LA 70130, **504 589-3882**

RIN: 1024–AB33

1639. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22662
NPRM Comment Period End	07/15/87	52 FR 22662
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Brian McHugh**, Chief Park Ranger, Cuyahoga Valley NRA, Department of the Interior, National Park Service, 15610 Vaughn Road, Brecksville, OH 44141, **216 526-5256**

RIN: 1024–AB44

1640. CANYON DECHELLY NATIONAL MONUMENT

Significance: Regulatory Program

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None

Abstract: This proposed rulemaking will establish criteria for the operation of horse rental facilities within Canyon DeChelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19735
NPRM Comment Period End	06/26/87	52 FR 19735
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Ken Mabery**, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, **505 988-6371**

RIN: 1024–AB47

1641. CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
Withdrawn - No action to be taken at this time.	10/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Thomas Hartman**, Superintendent, Cape Hatteras National Seashore, Department of the Interior, National Park Service, Route 1, Box 675, Manteo, NC 27954, **919 473-2111**

RIN: 1024–AB54

1642. WHISKEYTOWN NATIONAL RECREATION AREA FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The Service is proposing to allow fishing at Whiskeytown National Recreation area in any manner authorized under applicable State law.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3759
NPRM Comment Period End	03/10/88	53 FR 3759
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024–AB61

1643. BIGHORN CANYON NATIONAL RECREATION AREA - FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.92

Legal Deadline: None

Abstract: The Service proposes to authorize fishing at Bighorn Canyon National Recreation area in any manner authorized under the applicable laws of Montana and Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36409
NPRM Comment Period End	11/10/86	51 FR 36409
Final Action	09/15/87	52 FR 34777
Final Action Effective	10/16/87	52 FR 34777

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Lake, Chief, Park Ranger, Bighorn Canyon NRS, Department of the Interior, National Park Service, PO Box 458, Ft Smith, MT 59035, 406 666-2412

RIN: 1024–AB63

1644. SEQUOIA AND KINGS CANYON NATIONAL PARKS: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.8

Legal Deadline: None

Abstract: The proposed rulemaking would revise the Parks' fishing regulation. The changes would simplify existing fishing regulation, maintain the existing variety of recreational fishing opportunities, help restore the natural distribution and abundance of native species, help retard expansion of introduced species, and open most streams to fishing which are currently closed. Anglers would have to be able to identify fish they kept, and in some areas they would be required to use single barbless hooks.

Timetable:

Action	Date	FR Cite
NPRM	10/30/90	55 FR 45619
NPRM Comment Period End	11/29/90	55 FR 45619
Final Action	08/26/91	56 FR 41942
Final Action Effective	09/26/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold Werner, Fish and Wildlife Biologist, Department of the Interior, National Park Service, Sequoia and Kings Canyon National Parks, Three Rivers, CA 93271, 209 565-3341

RIN: 1024–AB76

1645. OZARK NATIONAL SCENIC RIVERWAYS: POWER BOAT OPERATION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.83

Legal Deadline: None

Abstract: This proposed rulemaking will amend the current regulation by adding a section which will designate zones of motorboat operation and place horsepower limitations on motorboats. This addition is necessary in order to resolve user conflicts, protect the quality of the river and the recreational experiences, as well as address visitor safety concerns. The effects will be to increase safety, reduce conflicts, and provide maximum recreational benefits to all river users.

Timetable:

Action	Date	FR Cite
NPRM	03/08/90	55 FR 8487
NPRM Comment Period End	04/09/90	55 FR 8487
Final Action	07/05/91	56 FR 30694

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 208-4206

RIN: 1024–AB85

1646. RECREATION FEES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 71

Legal Deadline: None

Abstract: This revision is necessary to incorporate recent legislation effecting recreation fees in the National Park System.

Timetable:

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4206

RIN: 1024–AB87

1647. VOYAGEURS NATIONAL PARK: DESIGNATION OF AIRCRAFT LANDING AREAS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.33

Legal Deadline: None

Abstract: This proposed rule designates locations where the use of aircraft will be allowed and permitted. The general regulation, 36 CFR 2.17(a)(1), prohibits such use other than at locations designated pursuant to special regulations. The intended effect of this special regulation is to remove that prohibition at designated locations within Voyageurs National Park, allowing and permitting sea planes and ski-equipped planes on specified lake surfaces.

Timetable:

Action	Date	FR Cite
Withdrawn pending completion of wilderness EIS.	10/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 208-4206

RIN: 1024–AB88

DOI—NPS

Completed Actions

1648. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: determinations of eligibility under the Abandoned Shipwreck Act; procedures for processing nominations from the former Trust Territories of the Pacific Islands; and procedures for appealing determinations of eligibility made by Federal agencies.

Timetable:

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	10/01/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carol D. Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-9536

RIN: 1024–AB89

1649. ALASKA MINERAL RESOURCE ASSESSMENT PROGRAM

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 1131; 16 USC 3150

CFR Citation: 36 CFR 9, "Subpart D"

Legal Deadline: None

Abstract: Under Section 1010 of the Alaska National Interests Lands Conservation Act of 1980, Congress directed the Secretary of the Interior to assess the mineral potential of all Federal lands in Alaska, including those lands set aside as conservation system units (e.g., units of the National Park System). Congress further directed the Secretary to develop regulations to govern the con of mineral resource assessments in conservation system units. The purpose of the regulations is to ensure that the mineral assessments are conducted in an environmentally sound manner that protects the natural systems of units of the National Park System and are compatible with the purposes for which the units are established.

Timetable:

Action	Date	FR Cite
NPRM	03/08/91	56 FR 9917
NPRM Comment Period End	04/08/91	56 FR 9917
Final Action	05/16/91	56 FR 22644
Final Action Effective	06/16/91	56 FR 22644

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sharon Kliwinski, Environmental Protection Specialist, Mining and Minerals Branch, Land Res. Div., Department of the Interior, National Park Service, P.O. Box 37127, WASO 660, Washington, DC 20013-7127, 202 343-4964

RIN: 1024–AB97

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Prerule Stage

1650. ● ADULT AND JUVENILE DETENTION CENTERS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 13; 25 USC 413

CFR Citation: 25 CFR 296

Legal Deadline: None

Abstract: The Bureau of Indian Affairs (BIA) is proposing to add a new Part 296 to formalize the procedures applicable to the priority ranking process for Adult and Juvenile Detention Centers projects federally owned, leased, contracted or granted. The new Part 296 will be added under a new subchapter P of Title 25 of the Code of Federal Regulations entitled Facilities Management Program. The priority ranking process will result in the establishment of a priority listing of Adult and Juvenile Detention Center projects for possible funding as authorized and appropriated by Congress.

Timetable:

Action	Date	FR Cite
Public Consultation	10/00/91	
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jerry Schweigert, Chief, Division of Operation & Construction, Department of the Interior, Bureau of Indian Affairs, Room 2417 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3405

RIN: 1076–AC60

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1651. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 USC 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6482
NPRM Comment Period End	05/04/87	52 FR 11503
Public Consultation	01/23/91	
Reproposal	02/00/92	
Comment Period End	04/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Originally scheduled: January 1980. Reproposed 06/00/91

Agency Contact: Reginald Rodriquez, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, MS-3530 MIB, 1849 C Street, NW., Washington, DC 20240, 202 208-4871

RIN: 1076–AA10

1652. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41

Legal Deadline: None

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the 1990 Amendments Act. The revision will govern the new requirements which include: (1) Planning Grants; (2) Forward Funding; (3) Facility Construction; (4) Endowments; and (5) New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriquez, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-2570

RIN: 1076–AA11

1653. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Legal Deadline: None

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	52 FR 49172
NPRM Comment Period End	02/29/88	52 FR 49172
Public Consultation	01/23/91	
Reproposal	02/00/92	
Comment Period End	04/00/92	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriquez, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 1849 C Street, NW., Washington, DC 20240, 202 208-4871

RIN: 1076–AA15

1654. LEASING AND PERMITTING

Significance: Regulatory Program

Legal Authority: 25 USC 395; 25 USC 402; 25 USC 403; 25 USC 466

CFR Citation: 25 CFR 162

Legal Deadline: None

Abstract: The Bureau proposes to reorganize Part 162 into subparts to facilitate the use of the regulations for easier reference and to incorporate requirements for grazing permits within the rule for Leasing and Permitting. The inclusion of the requirements for grazing permits in this part will result in the removal of 25 CFR Part 166, General Grazing Regulations, from the 25 CFR.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Pennington, Natural Resources Officer, Billings Area Office, Department of the Interior, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 58101, 406 657-6145

RIN: 1076–AA29

1655. LAND ACQUISITIONS FOR TRIBES AND INDIVIDUAL INDIANS

Significance: Regulatory Program

Legal Authority: 25 USC 465; 25 USC 2202

CFR Citation: 25 CFR 151

Legal Deadline: None

Abstract: As a result of the Indian Land Consolidation Act, PL 97-495, many of the current provisions within 25 CFR 151 require updating. These changes will have a major impact on the ability of tribes and individual Indians to manage their real estate more effectively and efficiently. In addition to those provisions that are affected by the Act, other provisions within existing regulations are in need of updating as well. The proposed changes will enhance the review and processing of land acquisition transactions for tribes and individual Indians.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee Maytubby, Supervisory Realty Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW., Washington, DC 20240, 202 208-4317

RIN: 1076–AA81

1656. OIL AND GAS AND GEOTHERMAL SOLID MINERAL AGREEMENTS LEASING OF TRIBAL LANDS FOR MINERAL DEVELOPMENT; LEASING OF ALLOTTED LANDS FOR MINERAL DEVELOPMENT

Significance: Regulatory Program

Legal Authority: 25 USC 10; 25 USC 289; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477; PL 97-382; 52 Stat. 347; 35 Stat. 783; 25 USC 290; 25 USC 396

CFR Citation: 25 CFR 225; 25 CFR 211; 25 CFR 212

Legal Deadline: None

Abstract: The Bureau proposes to publish regulations in 25 CFR Part 225 that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382. This Act authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

The regulations in 25 CFR Part 211 govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This part has been redesignated from 25 CFR Part 171.

As a result of the public comments on the previously proposed rules for 25 CFR Parts 211 and 225, it has been determined that 25 CFR Part 212 will not be removed. Public response to the proposed rule contained reasonable and compelling arguments for retaining 25 CFR Part 212 and for restructuring the format of the regulation. 25 CFR Part 212 will not be removed. Public response

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Reproposal	11/00/91	
Comment Period Ends	01/00/92	
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Dick Wilson, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202-208-3607 or, 303 236-5070

RIN: 1076–AA82

1657. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Legal Authority: 25 USC 47; 25 USC 318a; 23 USC 202; 23 USC 204

CFR Citation: 25 CFR 170

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing to revise 25 CFR Part 170 to reflect the current Bureau of Indian Affairs (BIA) and Federal Highway Administration (FHWA) policies for the road systems on Indian reservations. This change is proposed to assure that funds are apportioned from the Highway Trust Fund (HTF) for construction projects on Indian reservations roads in accordance with the relative needs of the reservation, and to implement tribal self-determination.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard B. Geiger, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-4359

RIN: 1076–AB05

1658. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: 25 USC 355; 25 USC 365; 25 USC 325; 28 USC 179; 28 USC 179a; 25 USC 356

CFR Citation: 25 CFR 213

Legal Deadline: None

Abstract: This rule is being revised to ensure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dick Wilson, Chief, Division of Energy and Minerals, Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-3607

RIN: 1076–AB41

1659. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: The Bureau is amending existing Financial Assistance and Social Services program regulations. The proposed regulations define the extent of the programs, establish eligibility requirements and set the parameters for assistance payments. General Assistance, Child Welfare Assistance and Services to Families and Communities will be revised. Adult Care Services, Tribal Work Experience Program and Miscellaneous Assistance Programs will be added to the regulations in more detail.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	04/00/93	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This revision of 1076-AC13 merges 1076-AB99 and 1076-AC13 from the October 1990 agenda.

Agency Contact: David Hickman, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-2721

RIN: 1076–AC13

1660. CERTIFICATES OF DEGREE OF INDIAN BLOOD

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 70

Legal Deadline: None

Abstract: This rulemaking action is to add a new Part 70 to govern the issuance of Certificates of Degree of Indian Blood (CDIB's). There has been a sharp increase in the number of requests for CDIB's over the past few years. More and more programs are requiring individuals to submit CDIB's to document possession of Indian blood. This rulemaking action is intended to clarify the circumstances under which the Bureau will issue CDIB's; the documents and records on which the Bureau will base the issuance of CDIB's; and the procedures that individuals will need to follow, including any documentation requirements, to obtain CDIB's.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, MS-2614 MIB, 1849 C Street, NW., Washington, DC 20240, 202 208-3702

RIN: 1076–AC19

1661. REVISED PROCEDURES FOR IMPLEMENTATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS OF 1988

Significance: Regulatory Program

Legal Authority: 25 USC 450; 5 USC 5911; 43 USC 1396

CFR Citation: 25 CFR 271; 25 CFR 272; 25 CFR 274; 25 CFR 275; 25 CFR 276; 25 CFR 277; 25 CFR 278

Legal Deadline: NPRM, Statutory, August 5, 1989. Final, Statutory, October 5, 1989.

Abstract: The primary purpose of the amendments to 93 USC 638 is to permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services while maintaining the Federal Government's unique and continuing relationship with and responsibility to individual Indian tribes and to the Indian people as a whole. In addition to extensive consultation with the tribes and Native American groups, the Bureau of Indian Affairs is examining all of its planning administrative procedures from the perspective of maximizing tribal participation. Due to the broad scope of the review, an estimate of the potential cost and potential benefit is premature. The changes are one of process rather than increases or decreases in budget or program funding.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	07/00/92	
Final Action	01/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Denise Homer, Chief, Indian Self Determination, Department of the Interior, Bureau of Indian Affairs, Room 4627-MIB, 1849 C Street, NW., Washington, DC 20240, 202 208-5727

RIN: 1076–AC20

1662. MINIMUM STANDARDS FOR AND APPLICATION AND APPROVAL PROCEDURES FOR BIA EARLY CHILDHOOD DEVELOPMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 20 USC 3385; 25 USC 2003

CFR Citation: 25 CFR 35

Legal Deadline: None

Abstract: Publication of this proposed rule is necessary so that tribes, tribal organizations, and consortia of tribes who have combined memberships of 500 members or more may provide the necessary services to parents and children under six years old whose needs are not being met by existing programs. National studies show that for every dollar spent on early childhood development programs there is a return of six dollars. The benefits include increasing the literacy rate, the graduation rate, and the rate of enrollment in higher education. High quality early childhood programs can also decrease the rate of cognitive learning and emotional handicaps; teenage pregnancy; welfare dependency and the incidence of arrest and juvenile delinquency.

Timetable:

Action	Date	FR Cite
Public Consultation	01/21/91	
NPRM	11/00/91	
NPRM Comment Period End	03/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Mehojah, Chief, Branch of Elementary and Secondary Education, Department of the Interior, Bureau of Indian Affairs, MS-3530 MIB, 1849 C Street, NW., Washington, DC 20240, 202 208-4194

RIN: 1076–AC25

1663. LEASING OF OSAGE RESERVATION LANDS FOR MINING FOR MINERALS OTHER THAN OIL AND GAS

Legal Authority: PL 59-321

CFR Citation: 25 CFR 214

Legal Deadline: None

Abstract: The BIA is proposing to revise the regulations at 25 CFR 214 governing management of non-oil and gas minerals on Osage Reservation Lands in Oklahoma. The proposed revisions eliminate specific royalties for minerals not found within the Osage Mineral estate and give authority to the Osage Tribal Council, with the approval of the Superintendent of the Osage Agency, to to set applicable royalty rates. This revision also replaces outmoded methods of exchange with modern methods, and correctly designates those officials responsible

for the management of non-oil and gas minerals within the Osage Mineral estate. The proposed revisions are intended to enhance the management ability of the Department over the production of these minerals, and to eliminate various inaccuracies in the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Shoemate, Superintendent, Department of the Interior, Bureau of Indian Affairs, Osage Agency, Pawhuska, OK 74056, 918 287-2481

RIN: 1076–AC28

1664. LEAD AND ZINC MINING OPERATIONS, QUAPAW AGENCY

Legal Authority: PL 66-359; PL 75-39

CFR Citation: 25 CFR 215

Legal Deadline: None

Abstract: BIA proposes to amend 25 CFR 215 to update the operations and procedures for leasing, discovery, testing, processing, developing, mining and processing lead and zinc minerals on lands under the jurisdiction of the Bureau's Miami Agency in Ottawa County, Oklahoma. Current regulations governing such leases were developed over 30 years ago and no longer reflect current practices or standards in the mining industry. The proposed revisions will assist affected Indians with the efficient development of their lead and zinc deposits without waste, avoidable loss or damage to their natural resources, the environment, or other resources. The Bureau also proposes to retitle 25 CFR 215 as "Lead and Zinc Mining Operations and Leases, Miami Agency."

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dick Wilson, Chief, Division of Energy and Minerals, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-3607

RIN: 1076–AC30

1665. SAFETY AND HEALTH INSPECTION PROGRAM

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13; 5 USC 7902; 7 USC 135 et seq; 21 USC 301 et seq; 23 USC 208; 33 USC 467 et seq

CFR Citation: 25 CFR 50

Legal Deadline: None

Abstract: This proposed rule establishes a new part containing requirements for determining whether plant conditions at Bureau-funded schools are an immediate hazard to health and safety. The Bureau is required to develop rules for a safety and health inspection program by PL 100-297, which states that schools may be closed or consolidated, or programs substantially curtailed, for plant conditions constituting an immediate hazard to health or safety only if a Bureau health and safety officer determines that such conditions exist. This rule is administrative in nature and outlines the responsibilities of the Division of Safety Management for conducting safety and health inspections.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Jaynes, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management, P.O. Box 2186, Albuquerque, NM 87103, 505 474-2863

RIN: 1076–AC31

1666. MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2001

CFR Citation: 25 CFR 36

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing to revise the regulations in 25 CFR 36 which govern the provisions of academic and dormitory programs for bureau-funded schools. The proposed revisions will satisfy the requirements of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (PL 100-297) which require the establishment of standards for immunization of students, an alcohol and substance abuse curriculum and a process for substituting alternative dormitory standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	04/00/92	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Martin, Chief, Planning, Oversight and Evaluation Staff, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-3550

RIN: 1076–AC32

1667. INDIAN SCHOOL EQUALIZATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 2008; 25 USC 2010

CFR Citation: 25 CFR 39

Legal Deadline: None

Abstract: The Bureau is revising 25 CFR 39 to satisfy the requirements of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (PL 100-297), which requires amendments to the Indian School Equalization Program formula weight factors affecting students enrolled in the seventh and eighth grades, small schools, school board expenses, and gifted and talented students.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	03/00/92	

Action	Date	FR Cite
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Martin, Chief, Planning, Oversight and Evaluation Staff, Department of the Interior, Bureau of Indian Affairs, MS-3530, MIB, 1849 C Street, NW., Washington, DC 20240, **202 208-3550**

RIN: 1076–AC33

1668. TRIBAL REORGANIZATION UNDER A FEDERAL STATUTE

Legal Authority: 5 USC 301; 25 USC 473a; 25 USC 476; 25 USC 477; 25 USC 503; PL 100-581

CFR Citation: 25 CFR 81

Legal Deadline: None

Abstract: These regulations establish uniform procedures for conducting Secretarial elections for voting on proposed constitutions when tribes wish to reorganize, adopt constitutional amendments, ratify and amend charters, or revoke existing constitutions. This proposed rule will revise the regulations to bring them into compliance with PL 100-581.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hilda Manuel, Acting Chief, Division of Tribal Government Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 208-7446**

RIN: 1076–AC34

1669. PETITIONING AND OTHER PROCEDURES FOR TRIBES REORGANIZED UNDER FEDERAL STATUTE AND OTHER ORGANIZED TRIBES

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 473a; 25 USC 476; 25 USC 477; 25 USC 503

CFR Citation: 25 CFR 82

Legal Deadline: None

Abstract: The rules in 25 CFR 82 provide uniformity and order in formulation and submission of petitions requesting the Secretary to call elections to amend tribal constitutions, to issue charters and for other actions where constitutions provide for petitioning to effect actions by the Secretary or the commissioner. This rulemaking action will amend the regulations to allow the spokesman for the petitioners to make technical changes to petitions in consultation with the Bureau and to change the petition format.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hilda Manuel, Acting, Chief, Division of Tribal Government Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 208-7446**

RIN: 1076–AC35

1670. LEASING OF CERTAIN LANDS ON THE WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

Legal Authority: 43 USC 361

CFR Citation: 25 CFR 227

Legal Deadline: None

Abstract: The regulations at 24 CFR 227 are being revised to reflect organizational changes in the Bureaus of Indian Affairs and Land Management. The principal changes update the references to the Bureau of Land Management official assigned various responsibilities by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharlene Roundface, Realty Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Real Property Management, 316 North 26th Street, Billings, MT 59101, **406 657-6301**

RIN: 1076–AC36

1671. LOANS TO INDIANS FROM REVOLVING LOAN FUND

Significance: Regulatory Program

Legal Authority: 25 USC 1469; 25 USC 1490; 25 USC 1498

CFR Citation: 25 CFR 101; 25 CFR 103

Legal Deadline: None

Abstract: Parts 101 and 103 of Title 25 are being revised to clarify that OMB Circulars A-70 and A-129 relating to Federal credit policy and managing Federal credit programs apply to BIA Indian loan programs and compliance is required. A new minimum equity requirement of 20 percent is required to receive a loan or loan guaranty. A new provision reflecting an amendment to the statute allows "any person" to purchase a guaranteed loan. Some wording has been changed to clarify the intent of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/23/91	56 FR 48082
NPRM Comment Period End	10/23/91	
Final Action	02/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Nephew, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 208-3660**

RIN: 1076–AC38

1672. GENERAL FOREST REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 2; 25 USC 301; 25 USC 406; 25 USC 407; 25 USC 413; 25 USC 466

CFR Citation: 25 CFR 163

Legal Deadline: Final, Statutory, May 28, 1992.

Abstract: The Bureau of Indian Affairs is revising 25 CFR Part 163 to reflect those changes necessary to implement the National Indian Forest Resources Management Act, PL 101-630. This action includes revisions and amendments to existing regulations as well as the addition and deletion of sections affected by the Act. The regulations will provide uniform guidance for forest management and administration and implement Indian and Alaskan Native forestry education assistance programs.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	05/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Agency Contact: Jim Stires, Forester, Branch of Forestry, Department of the Interior, Bureau of Indian Affairs, Billings Area Office, 1316 N. 26th Street, Billings Montana 59101, 406 657-6358

RIN: 1076–AC44

1673. DEPOSIT AND EXPENDITURE OF INDIVIDUAL FUNDS OF MEMBERS OF THE OSAGE TRIBE OF INDIANS WHO DO NOT HAVE CERTIFICATES OF COMPETENCY

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 117

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is publishing a proposed rule to amend the regulations governing the deposit and expenditure of individual funds belonging to persons of Osage blood who do not possess a certificate of competency. The regulations are being amended to correspond to current administrative and economic conditions. The promulgation of these amendments will improve the management of the restricted funds of such persons and estates of such deceased persons.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Shumate, Superintendent, Osage Agency, Department of the Interior, Bureau of Indian Affairs, Osage Agency, Grandview Agency, Tulsa, OK 74056, 918 287-2495

RIN: 1076–AC45

1674. PROCEDURES FOR ESTABLISHING THAT AN AMERICAN GROUP EXISTS AS AN INDIAN TRIBE

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 83

Legal Deadline: None

Abstract: The proposed revisions will resolve problems with existing regulations published more than 10 years ago. They will clarify terms and definitions, interpret criteria, improve the appeals process, and respond to changing conditions. The revisions will be based on ten years experience with the regulations and will reflect comments received from the Congress, Indian groups and tribes, and other Federal agencies and national organizations.

Timetable:

Action	Date	FR Cite
NPRM	09/18/91	56 FR 47320
NPRM Comment Period End	12/17/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Holly Reckord, Acting Chief, Branch of Acknowledgement and Research, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-3592

RIN: 1076–AC46

1675. PREPARATION OF A ROLL OF INDEPENDENT SEMINOLE INDIANS OF FLORIDA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 101-227

CFR Citation: 25 CFR 67

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing to add a new Part 67 to provide procedures to govern the preparation, certification, and approval of a descendancy roll of independent Seminole Indians of Florida. The Act of April 30, 1990, provides for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission. Section 7 directs the Secretary of the Interior to compile a roll of independent individuals of Seminole descent. The descendancy roll will be used as the basis for a per capita distribution of a portion of the Seminole judgement funds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	04/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, MS-2614 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3702

RIN: 1076–AC48

1676. NEW SCHOOL CONSTRUCTION PROJECTS

Significance: Regulatory Program

Legal Authority: 31 USC 9701; 25 USC 2; 25 USC 13; 25 USC 413

CFR Citation: 25 CFR 37

Legal Deadline: None

Abstract: The purpose of these regulations is to formalize procedures and the approval process for the acquisition of sites, construction, or renovation (including all necessary equipment) for schools for Indian children under funds authorized and

appropriated under Federal statutes for new school construction application evaluations and priority rankings. These appropriations include, but are not limited to, the following: facility structures that require new addition to an existing structure, new school facilities, dormitories, gymnasiums, cafeterias, libraries, and multi-purpose rooms.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Jerry Schweigert, Chief, Division of Operation and Construction, Department of the Interior, Bureau of Indian Affairs, Room 2417 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3405

RIN: 1076–AC49

1677. BUY INDIAN ACT PROCEDURES FOR CONTRACTING

Significance: Regulatory Program

Legal Authority: 48 USC 47

CFR Citation: 48 CFR 1480

Legal Deadline: Final, Statutory, March 1, 1991.
Interim Final - 03/01/91.

Abstract: This rule will be codified as the new 48 CFR 1480, replacing 41 CFR Part 14H, and will establish policies and procedures concerning the Bureau of Indian Affairs' acquisition management system. This rule pertains to contracts (excluding building construction) entered into pursuant to the Act of June 25, 1910 (25 USC 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
NPRM	09/12/91	56 FR 46468
NPRM Comment Period End	01/10/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Kimberly A. Romine, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, MS 334-A, SIB, 1849 C Street, NW., Washington, DC 20240, 202 208-2825

RIN: 1076–AC50

1678. OPERATION AND MAINTENANCE OF IRRIGATION PROJECTS

Legal Authority: 25 USC 145; 25 USC 383; 25 USC 385; 25 USC 338; 25 USC 43

CFR Citation: 25 CFR 171

Legal Deadline: None

Abstract: The purpose of these revisions is to provide for consistent administration, to establish policies for updating practices and procedures of operation and maintenance of the irrigation system and to provide uniform accounting procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mort Dreamer, Supervisory General Engineer, Department of the Interior, Bureau of Indian Affairs, Room 4559, MIB, 1849 C Street, NW., Washington, DC 20240, 202 208-5696

RIN: 1076–AC53

1679. OPERATION OF ALASKA RESUPPLY PROGRAM

Legal Authority: 5 USC 301; 25 USC 13; 48 USC 50

CFR Citation: 25 CFR 142

Legal Deadline: None

Abstract: The proposed revisions will accommodate the new delivery methods which are a result of a test period utilizing the Air Force's contracts with commercial enterprises. This system has replaced the use of the vessel known as the USMS NORTH STAR III. Additionally, the proposed revisions will serve to clarify certain administrative functions resulting from recent management audits as well as other changing conditions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Hillman, Acting Director Seattle Support Center, Department of the Interior, Bureau of Indian Affairs, P.O. Box 80947, Seattle, Washington 98108, 206 764-3328

RIN: 1076–AC54

1680. INDIAN CHILD WELFARE ACT

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 23

Legal Deadline: None

Abstract: The regulations (25 CFR Part 23) are being revised to authorize the provision of funds to Indian tribes on a non-competitive basis. The revised rule will also incorporate provisions for maintaining a competitive grant award process for non-reservation Indian organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	02/00/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: David Hickman, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, Room 310, SIB, 1849 C Street, NW., Washington, DC 20240, 202 208-2721

RIN: 1076–AC55

1681. ● OPERATION AND MAINTENANCE

Legal Authority: 5 USC 297, 25 USC 2; 25 USC 13

CFR Citation: 25 CFR 297

Legal Deadline: None

Abstract: The Bureau of Indian Affairs (BIA) is proposing to add a new Part 297 to establish an allocation formula for distributing the funds to sustain the routine operation and maintenance activities at Bureau, contract, grant or self governance educational or non-educational facilities. The formula is intended to provide for an equitable distribution of available funding.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James R. Getter, Chief, Division of Program, Planning and Operations, Department of the Interior, Bureau of Indian Affairs, Room 2417 MIB, 1849 C Street NW., Washington, DC 20240, **202 208-3405**

RIN: 1076–AC62

1682. ● FACILITIES IMPROVEMENT AND REPAIR AND REPLACEMENT

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 13; 25 USC 413; 25 USC 2005; 31 USC 9701

CFR Citation: 25 CFR 295

Legal Deadline: None

Abstract: The Bureau of Indian Affairs (BIA) is proposing to add a new part 295 to formalize the procedure applicable to the priority ranking process for certain facilities improvement and repair and replacement projects. This includes improvement and repair, facility component replacement, and additions and expansions of federally owned, leased, contracted or granted facilities. The priority ranking process will result in the establishment of priority listings of both Educational and non-Educational facilities improvement and repair and replacement projects for possible funding.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jerry Schweigert, Chief, Division of Operation and Construction, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Room 2417 MIB, **202 208-3405**

RIN: 1076–AC63

1683. ● INDIVIDUAL INDIAN MONIES

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 29; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None

Abstract: This regulation will modify existing regulations governing the individual Indian Monies Trust (IIM) Funds and establish guidelines on accepting new IIM accounts. The Federal Government has sole responsibility for the protection of Indian trust funds which have been either collected from receipts from Indian trust land or through judgment awards to tribes and/or individuals.

The Bureau of Indian Affairs has established the Office of Trust Funds Management to oversee Indian Trust Funds operations. The modified and new regulations will result in the added protection, and more efficient handling of the Indian trust funds.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
NPRM Comment Period End	04/00/92	
Final Action	09/00/92	
Final Action Effective	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jim Parris, Director, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, 505 Marquette, NW Suite 700, Albuquerque, New Mexico 87102, **505 766-3230**

RIN: 1076–AC65

1684. ● LAW AND ORDER ON INDIAN RESERVATIONS

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The Bureau of Indian Affairs has recently revised its regulations governing Courts of Indian Offenses to provide those courts with an updated code of laws and to clarify the jurisdiction of those courts and their relationships to tribal governments and the Department of the Interior.

New provisions concern drug abuse, abuse of psychotoxic substances, child abuse prostitution, domestic violence and increased maximum penalties for various offenses in the Code. Other added provisions include a change in the method of listing Indian reservations to which the Code applies, together with a repeal of the supersession provision by which tribal ordinances, inconsistent with the regulations, may override the Code's text. A clarifying provision on jurisdictional limitations is added, specifically excluding from jurisdiction under this part Federal employees acting within the scope of their employment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
NPRM Comment Period End	08/00/92	
Final Action	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hilda A. Manuel, Chief, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, Division of Tribal Government Services, 1849 C Street, NW MS-2612 MIB, Washington, DC 20240, **202 208-4400**

RIN: 1076–AC66

DOI—BIA

Proposed Rule Stage

1685. ● COMMUNITY AND ECONOMIC DEVELOPMENT GRANT PROGRAM (CEDGP)

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 287

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is adding a new part to 25 CFR to provide application and approval procedures for the award of Community and Economic Development Grants to tribal governments. The purposes of the grants are to contribute to the stability of tribal governments and to set a climate for community and economic development and other activity designed to reduce tribal dependency and promote self determination.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	12/00/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick Hayes, Deputy to the Assistant Secretary - Indian Affairs Office of Trust & Economic Dev., Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-5831

RIN: 1076–AC67

1686. ● MUTUAL FUND INVESTMENT OF TRUST FUNDS

Significance: Regulatory Program

Legal Authority: 25 USC 151; 25 USC 305

CFR Citation: 25 CFR 144

Legal Deadline: None

Abstract: This proposed regulation will address the general guidelines related to the investment of tribal and individual Indian funds exceeding $50,000. These funds are in a mutual account comprised entirely of public debt obligations of the United States or other obligations which are unconditionally guaranteed by the United States as to both principal and interest.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	04/00/92	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jim Parris, Director, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, 505 Marquette NW Suite 700, Albuquerque, N.M. 87102, 505 766-3230

RIN: 1076–AC70

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Final Rule Stage

1687. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The present regulations contain an incomplete criminal code that does not cover many areas of the law that are usually in the laws of the States where the reservation is located. The current regulations also contain very sketchy provisions on criminal and civil procedure. This rule proposes to update the sections on criminal offenses and create new sections on criminal procedures, domestic relations, probate proceedings, appellate proceedings and juvenile proceedings. This will provide the Courts with more complete and up-to-date proceedings and rules. Courts will have a six month period from the date of publication of the final rule to the effective date in which to revise their court codes. It is not anticipated that this revision will have any effect on the annual caseload for these courts or routine additional staffing. Therefore, the initiation of these rules should not result in additional costs.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Hilda A. Manuel, Chief, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, Division of Tribal Government Services, 1849 C Street NW., MS-2242, Washington, DC 20240, 202 208-4400

RIN: 1076–AA01

1688. HOUSING IMPROVEMENT PROGRAM

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 256

Legal Deadline: None

Abstract: Congressional direction contained in the FY 1984 Department of the Interior and Related Agencies Appropriation Conference Report directed the Bureau to develop a program which is more cost effective and better meets identified needs. In response to this directive, the Bureau developed a new system to achieve the results intended. The redirected Housing Improvement Program is being promulgated as proposed regulations in conformity with Section 552 and 553 of Title 5, United States Code, as required by the Indian Self-Determination and Education Assistance Act Amendments of 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/13/90	55 FR 37492
NPRM Comment Period End	11/13/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: A. Ronald Thurman, Acting Chief, Division of Housing.

Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-5427

RIN: 1076–AC22

1689. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470

CFR Citation: 25 CFR 262

Legal Deadline: None

Abstract: The proposed rule will add a new part to Title 25 of the Code of Federal Regulations. The rule is in response to direction in the Archeological Protection Act of 1979. Key areas of the proposed rule will address the permit requirements specific to Indian Tribes and individuals, and the custody of archeological resources.

Timetable:

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2580
NPRM Comment Period End	02/24/90	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Sutherland, Archeologist, Office of Environmental Quality, Department of the Interior, Bureau of Indian Affairs, Mail Stop 4544-MIB, 1849 C Street, NW., Washington, DC 20240, 202 208-4791

RIN: 1076–AC23

1690. CHARGES FOR GOODS AND SERVICES PROVIDED TO NON-FEDERAL USERS

Significance: Agency Priority

Legal Authority: 31 USC 9701 (b); 25 USC 2; 25 USC 13; 25 USC 413

CFR Citation: 25 CFR 143

Legal Deadline: None

Abstract: This interim rule will give the Bureau authority to bill and collect for services currently provided to non-Federal users. These rules must be promulgated before fees are charged by the Bureau for services and goods to non-Federal users under the Independent Offices Appropriations Act. Billing and collecting for the goods and services will not increase or decrease the current appropriated funding level. This rule is only to clarify the legality of the process that is already in effect. Since less than 90 locations will be affected, this rule will not have a significant effect on the national economy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/90	55 FR 19620
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patrick Hayes, Dep. to Assist. Sec., Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-5831

RIN: 1076–AC29

1691. OFF RESERVATION LAND ACQUISITIONS FOR INDIAN TRIBES

Significance: Agency Priority

Legal Authority: 25 USC 465; 25 USC 2202

CFR Citation: 25 CFR 151

Legal Deadline: None

Abstract: This proposed rule will provide stronger and more consistent guidelines for reviewing trust applications than the current case-by-case review, which uses general criteria. The Secretary of the Interior announced on July 19, 1990, a new policy for Indian Tribes acquiring in trust for gaming and non-gaming purposes lands contiguous to or outside the tribe's existing reservation boundaries. This proposed revision will add two new sets of criteria that will be used in evaluating tribal off-reservation acquisition for gaming and non-gaming purposes.

Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32278
NPRM Comment Period End	09/15/91	56 FR 32278
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee Maytubby, Chief, Branch of Technical Services, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Room 4522 - MIB, 1849 C Street NW., Washington, DC 20240, 202 208-4861

RIN: 1076–AC51

1692. ● LAW AND ORDER ON INDIAN RESERVATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: As a result of recent decisions by Federal and State courts, questions have been raised on whether the State of Oklahoma possesses criminal jurisdiction over offenses committed by Indians on certain Indian lands in the former Indian Territory, the historic realm of the Five Civilized Tribes, and what now constitutes 40 counties in eastern Oklahoma. The unfortunate effect of these decisions is to create a jurisdictional void since state police officers are reluctant or unwilling to prosecute Indian crimes committed on Indian lands. Moreover, none of the Indian tribes in the Muskogee Area has tribal courts to exercise criminal jurisdiction over misdemeanors committed by Indians on Indian lands. Therefore it is necessary for the BIA to establish a Court of Indian Offenses for the Muskogee Area to protect the lives, persons and property of people residing on Indian country lands.

Timetable:

Action	Date	FR Cite
NPRM	05/16/91	56 FR 22808
NPRM Comment Period End	07/16/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis Springwater, Assistant Area Director Muskogee Area Office, Department of the Interior, Bureau of Indian Affairs, Old Federal Building and Courthouse, Muskogee, Oklahoma 74401, 918 687-2296

RIN: 1076–AC64

1693. ● INDIAN SCHOOL EQUALIZATION PROGRAM SUBPART J = ADMINISTRATIVE COST FORMULA

Significance: Regulatory Program

DOI—BIA

Final Rule Stage

Legal Authority: 25 USC 13; 25 USC 2008

CFR Citation: 25 CFR 39

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is revising 25 CFR Part 39.124 to reflect those changes necessary to implement formula funding for the OLEP Agency and Area education offices.

Specifically, the regulations will provide area and agency education offices uniform funding based on a workload formula that considers the number and size of the education programs and the number of students and schools administered by the education office.

Timetable:

Action	Date	FR Cite
NPRM	07/26/91	56 FR 35794
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joe Christie, Deputy Director, OIEP, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., MS-3530, Washington, DC 20240, **202 208-6175**

RIN: 1076–AC69

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Completed Actions

1694. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None

Abstract: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Merged with RIN 1076-AA82 - Merger with RIN 1076-AA82	07/18/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished as a proposed rule on 10/21/87 (52 FR 39332) to allow for additional public comment.

Agency Contact: Kim Snyder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 208-3607**

RIN: 1076–AA38

1695. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Regulatory Program

Legal Authority: 25 USC 396

CFR Citation: 25 CFR 212

Legal Deadline: None

Abstract: As a result of the public comments on the proposed rules for 25 CFR Parts 211 and 225, it has been determined that this part will not be removed. Public response to the proposed rule contained reasonable and compelling arguments for retaining 25 CFR Part 212 and for restructuring the format of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Merged with RIN 1076-AA82	07/18/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished for proposed removal with the proposed rulemaking actions for 25 CFR Parts 211 and 225 on 10/21/87 (52 FR 39332).

Agency Contact: Kim Snyder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 208-3607**

RIN: 1076–AA39

1696. WIND RIVER RESERVATION GAME CODE

Legal Authority: 43 USC 1457; 25 USC 2; 25 USC 9; 18 USC 1165; 16 USC 3371; 16 USC 3378

CFR Citation: 25 CFR 244

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is deleting the regulation contained in 25 CFR 244 governing the game code on the Wind River Reservation. The Shoshone-Arapahoe tribes of the Reservation have developed and adopted a tribal fish and game code to replace 25 CFR 244.

Timetable:

Action	Date	FR Cite
NPRM	12/20/90	55 FR 52264
NPRM Comment Period End	01/22/91	55 FR 52264
Final Action	04/11/91	56 FR 14835

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife and Recreation, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 208-4088**

RIN: 1076–AB43

1697. INDIAN ELECTRIC POWER UTILITIES

Significance: Regulatory Program

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 175; 25 CFR 176; 25 CFR 177

Legal Deadline: None

Abstract: This proposed rule consolidates and revises former CFR parts 175, 176, and 177 to promote consistent and effective administration of utilities and to provide for public hearing and review of the rate setting process in a timely manner. Indian electric power utilities are required to

maintain budgets that do not reflect deficiencies due to operating, maintenance, and replacement costs. The former rules normally require one to two years to implement rate adjustments, and the resulting delays have caused revenue shortages. The revised rules will enable power rate adjustments to be made in a timely manner by the Area Director after public notice, comment, and hearing period. The rule revision also allows for appeals to be heard by the Interior Board of Indian Appeals. Under the revised rule all rate adjustments are made after a public notice, comment, and hearing period. Rate adjustments are predominately the result of the cost of labor, materials, equipment, power, and services. Increases or decreases in the cost of electric service will affect all customers served by the utility.

Timetable:

Action	Date	FR Cite
NPRM	07/10/90	55 FR 28229
NPRM Comment Period End	08/10/90	
Final Action	04/15/91	56 FR 15136

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mort Dreamer, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-5696

RIN: 1076–AC24

1698. BOND GUARANTY

Significance: Regulatory Program

Legal Authority: 25 USC 1498

CFR Citation: 25 CFR 104

Legal Deadline: None

Abstract: The BIA has no existing rules to support program changes as specified in the 1988 amendments to the Indian Financing Act of 1974 (25 USC 1498). Requirements for eligibility and procedures for participating in these new programs must be announced to the public. To enable public participation in these programs the BIA must inform the public of provisions for new guaranty authority contained in the 1988 Amendments. The BIA is currently analyzing its financial programs and the requirements for eligibility and procedures for participating in these programs. New action dates may be initiated once the BIA's analysis has been completed. Accordingly, the next action is undetermined.

Timetable:

Action	Date	FR Cite
Withdrawn - Letter of explanation on file.	07/17/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard K. Nephew, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-3657

RIN: 1076–AC26

1699. SUPPLEMENTAL SURETY BOND GUARANTY

Significance: Regulatory Program

Legal Authority: 25 USC 1498

CFR Citation: 25 CFR 105

Legal Deadline: None

Abstract: To enable full public participation in the new programs established by the 1988 amendments to the Indian Financing Act of 1974 (25 USC 1498), requirements for eligibility and procedures for participation in these programs must be announced. The supplemental surety bond guaranty program will enable Indian contractors who obtain surety bond guarantees from the Small Business Administration to obtain a supplemental guarantee to cover bids on and performance of contracts that could not be obtained without such guarantees. The BIA is currently analyzing its financial programs and the requirements for eligibility and procedures for participating in these programs. New action dates may be initiated once the BIA's analysis has been completed. Accordingly, the next action is undetermined.

Timetable:

Action	Date	FR Cite
Withdrawn - Letter of explanation on file.	07/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard K. Nephew, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-3657

RIN: 1076–AC27

1700. INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Agency Priority

Legal Authority: 25 USC 1524

CFR Citation: 25 CFR 286

Legal Deadline: None

Abstract: This proposed revision is to revise section 286.17(b) of proposed rule 25 CFR 286, "Indian Business Development Program," which says that a grant may be made only to an applicant who is able to obtain at least 60 percent of the necessary financing from other sources. The Bureau of Indian Affairs (BIA) has required applicants to provide at least 75 percent of necessary financing since appropriations for IBDP (Indian Business Development Program) were reauthorized in 1984. From 1983 to 1985 the BIA administered a similar business development grant program called Special Grants for Economic Development (25 CFR 278) under authority of the Snyder Act. The IBDP supplants that program. Part 273 required 75 percent of project costs from non-Federal sources. Since 1983, we have been requiring 75 percent matching funds and this revision is to reflect this requirement. Since this policy has been in practice there will be no significant change as far as potential cost or benefit due to this revision.

Timetable:

Action	Date	FR Cite
Final Action	03/25/91	56 FR 12436

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Woody Sneed, Financial Analyst, Department of the Interior, Bureau of Indian Affairs, MS-4060 MLB, 1849 C Street, NW., Washington, DC 20240, 202 208-4796

RIN: 1076–AC42

BILLING CODE 4310-02-F

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Prerule Stage

1701. VALUATION OF GAS PRODUCTION UNDER UNITIZATION OR COMMUNITIZATION AGREEMENTS

Significance: Regulatory Program

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 202

Legal Deadline: None

Abstract: The current gas valuation regulations provided that when the lessee of any gas lease committed to a Federally approved unitization or communitization agreement does not take the full share of production under the terms of the agreement, the entitled, but not taken, production is still subject to royalty payment and reporting requirements. This rulemaking would eliminate the requirement that the actual disposition of any part of production to which a lessee was entitled but did not take governs the valuation of that part. Under the rulemaking, the regulations would be amended to allow lessees to value their entitled, but not taken, production at prices based upon information that is accessible to the lessee. This rule will reduce the administrative burden for payors and MMS so that there is certainty in the determination of royalty values. The adoption of these rules would not affect the requirement in Indian leases and the current regulations for the performance of major portion analyses or dual accounting.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/92	
ANPRM Comment Period End	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB57

1702. REQUIREMENTS FOR CRANES INSTALLED ON FIXED PLATFORMS IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.20

Legal Deadline: None

Abstract: The rules at 30 CFR 250.22(c) are being evaluated to determine whether the requirements for the operation and maintenance of cranes installed on fixed platforms are adequate to promote safety on the Outer Continental Shelf. The advance NPRM will discuss current maintenance, testing, and inspection requirements contained in the regulations through incorporation by reference of the American Petroleum Institute's Recommended Practice for Operation and Maintenance of Offshore Cranes (API RP 2D). Alternative rules will be discussed in the notice. The advance NPRM will also discuss training, crane operator qualifications, and the need for certifying crane operators. The oil and gas industry and general public will be requested to comment and make recommendations concerning regulation of cranes on offshore platforms.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/92	
ANPRM Comment Period End	04/00/92	
NPRM	07/00/92	
NPRM Comment Period End	09/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB62

1703. ● EFFECTIVENESS OF THE OPERATING REGULATIONS IN MEETING THE GOALS OF THE OUTER CONTINENTAL SHELF LANDS ACT

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: The objective of the review is to identify areas where improvements are possible, based on experience gained in operating under the rules or to respond to current issues, in order to more effectively meet the goals of the Outer Continental Shelf Lands Act.

Timetable:

Action	Date	FR Cite
Begin Review	07/12/91	56 FR 31870
End Review	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB70

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Proposed Rule Stage

1704. AMENDMENT OF VALUATION BENCHMARKS IN GAS REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The existing regulations provide for the valuation of unprocessed gas, residue gas, or any gas plant product which is not sold

pursuant to an arm's-length contract to be determined in accordance with a benchmark method. In the final regulations, MMS adopted as the first benchmark the lessee's gross proceeds received under its non-arm's-length transaction if they were equivalent to the gross proceeds received under comparable arm's-length contracts for like-quality production in the same field or area. The criteria to be considered in defining comparable contracts were also outlined. However, since the adoption of the revised regulations, numerous questions have been raised as to the interpretation of the first benchmark. These questions have identified the need to further clarify MMS's intention in this regard.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB29

1705. ALLOWANCE FOR EXTRAORDINARY COSTS AND THRESHOLDS FOR TRANSPORTATION AND PROCESSING ALLOWANCES

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Sections 206.104, 206.157, 206.158, and 206.159 of Minerals Management Service's Oil and Gas Valuation regulations, which were effective March 1, 1988, allow deductions for transportation and processing costs, limited to "reasonable actual costs," with an MMS approval threshold(s). Paragraph 206.158(d)(2) authorizes an additional allowance if the lessee incurs extraordinary costs for processing gas production and can demonstrate that the costs are "extraordinary, unusual, or unconventional." Amendments are needed to MMS's regulations to establish the criteria that must be met before any extraordinary gas processing cost allowance would be granted and to revise the MMS approval thresholds for transportation and processing allowances, if needed, based on actual experience since the effective date of the regulations. Amendments may also be needed to establish criteria for any extraordinary cost allowances that may be granted for other minerals such as oil, coal, and geothermal.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB43

1706. AUDIT PROCEDURES AND PAYOR REQUIREMENTS AND RESPONSIBILITIES DURING AUDITS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 217

Legal Deadline: None

Abstract: The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) requires that the Secretary of the Interior establish a comprehensive inspection and auditing system to provide the capability to accurately determine royalties, interest, fines, penalties, fees, deposits, and other payments owed on Federal or Indian oil and gas leases. This responsibility has been delegated to MMS. However, performance of the required audits may be delegated to States or Indian tribes pursuant to sections 202 and 205 of FOGRMA or to independent certified public accountants under contract. The FOGRMA also requires the promulgation of regulations to establish audit standards and procedures, payor requirements and responsibilities, and authorities and responsibilities which may be delegated by MMS to a State, Indian tribe, or an independent certified public accountant. The purpose of this rulemaking action is to establish the regulations required by FOGRMA.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB44

1707. RESPONSIBILITIES OF LESSEES, PAYORS AND ASSIGNEES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Responsibilities of Minerals Management Service include the collection of royalties, bonuses, rentals, and related revenues from Federal and Indian mineral leases. These monies are, for the most part, collected from the current designated payor on the lease. However, if MMS is unable to collect from the current payor, it must pursue collections from a prior payor(s), the lessee, or an assignee of the lease. Existing regulations are unclear as to the responsibilities and liabilities of the parties involved. Therefore, MMS is proposing to amend its regulations to clarify payor, lessee, and assignee requirements and responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
NPRM Comment Period End	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB45

1708. AMENDMENTS TO 30 CFR 250.67 - HYDROGEN SULFIDE

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.67

Legal Deadline: None

Abstract: The rules for Hydrogen Sulfide are being amended to revise the requirements for visual and audible warning systems, personnel protection, hydrogen sulfide (H2S) and sulphur dioxide (SO2) detection and monitoring, and the criteria for the activation of visual and audible warning systems. These amendments are necessary to be consistent with the new personnel exposure limits for H2S and SO2 established by the Occupational Safety and Health Administration. Amending the rule would reduce personnel exposure limits, thereby decreasing the risks associated with hazardous environments. An NPRM was published in the Federal Register on August 15, 1990 (55 FR 33326), soliciting comments. The comments received were reviewed and revisions were written. Due to the extensive nature of the revisions, a decision was made to repropose the rule soliciting further comments. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program.

Timetable:

Action	Date	FR Cite
NPRM	08/15/90	55 FR 33326
NPRM Comment Period End	10/15/90	55 FR 33326
Further Notice of Proposed Rulemaking	02/00/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB50

1709. AMENDMENT TO RULES GOVERNING INSTALLATION OF SHUTDOWN VALVES ON PIPELINES

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.154

Legal Deadline: None

Abstract: The development of this notice of proposed rulemaking resulted from the recommendation of a task force that examined many contributing causes to recent fatal accidents in the North Sea and the Gulf of Mexico. The task force identified areas where changes in regulations should be considered. This action considers changes to the regulations concerning better communication among personnel, protection of pipeline risers, safe fuel storage, fire survivability of the accommodation, and the placement of shutdown valves on pipelines as a means to isolate the pressurized hydrocarbons in the pipeline from potential danger that could result from a fire or other damage to the pipeline. An alternative is to leave the rules unchanged.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/90	55 FR 29860
ANPRM Comment Period End	09/21/90	
NPRM	02/00/92	
NPRM Comment Period End	03/00/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB52

1710. GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1331 et seq; 42 USC 4332 et seq

CFR Citation: 30 CFR 251

Legal Deadline: None

Abstract: This rule is revised to reflect the current requirements and practices and to conform with new or changed laws and regulations. It expands the requirements for filing notice to include all geological and geophysical research not conducted pursuant to a permit. It clarifies that these regulations are applicable only to oil, gas, and sulphur, as all other mineral resources on the Outer Continental Shelf are covered by 30 CFR Part 280. This rule will provide other pertinent information, such as current filing location addresses.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	02/00/92	
Final Action	09/00/92	
Final Action Effective	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB56

1711. ARCHAEOLOGICAL SURVEYS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.33; 30 CFR 250.34; 30 CFR 250.157

Legal Deadline: None

Abstract: This rule proposes to amend the regulations to specifically express the authority under which Regional Directors may require archaeological resource surveys and reports. The requirements under consideration are comparable to requirements previously included in lease stipulations and are

not expected to add significant costs to the lessee.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB63

1712. BID ACCEPTANCE

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 256.47(e)

Legal Deadline: None

Abstract: The proposed amendment to 30 CFR Part 256 pertains specifically to Section 256.47(e)(2). The current regulations require that all bid evaluations be completed 90 days from the date of sale or, with no exceptions, the bid is automatically rejected. Occasionally, 90 days does not allow adequate time to obtain legal or administrative clearance pertaining to a tract or a bid. The amendment would authorize the Director to extend the present 90-day time period for a period not to exceed an additional 90 days.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	03/00/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB64

1713. OFFSHORE PIPELINE INSPECTION AND BURIAL

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.153

Legal Deadline: Final, Statutory, May 18, 1992.

Abstract: P.L. 101-599 requires that the Secretary of Transportation establish standards to ensure continued burial of offshore pipelines lying between the mean high water mark and the point where the subsurface is under 15 feet of water as measured from mean low water. The Department of the Interior has jurisdiction over gathering pipelines on Federal offshore oil and gas leases. The Minerals Management Service will promulgate burial and inspection regulations for these pipelines. As of September 1989, there were 292 platforms on Federal leases in the Gulf of Mexico that were installed in water depths of between 7 and 16 feet.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
NPRM Comment Period End	05/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB65

1714. ● REDUCTION IN ROYALTY RATES FOR OFFSHORE OIL AND GAS LEASES

Legal Authority: 43 USC 1337(a)(3)

CFR Citation: 30 CFR 203.50; 30 CFR 257.57

Legal Deadline: None

Abstract: Existing regulations at 30 CFR 203.50 would be amended to cross reference 30 CFR 256.57. The substance of the existing regulations would be recodified at 30 CFR 256.57 and amended to broaden the rules to include enhanced oil recovery projects as recommended by the General Accounting Office as well as to encourage investment in economically borderline new production on existing producing leases. The rule would retain current incentives to continue production that has declined to its economic limit. The rule could result in a substantial increase in production of otherwise unrecoverable oil and gas. The alternative would be to leave the existing regulations in place.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB68

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Final Rule Stage

1715. REVISION OF REGULATION GOVERNING EFFECTIVENESS OF DECISIONS AND ORDERS PENDING APPEAL

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq; 5 USC 301 et seq

CFR Citation: 30 CFR 243

Legal Deadline: None

Abstract: The MMS regulations at 30 CFR 243.2 address the effectiveness of its Royalty Management Program decisions and orders pending administrative appeal. At the time the rule was issued in 1984, it was MMS's interpretation that most decisions and orders would not be suspended pending appeal. However, in 1986, the Interior Board of Land Appeals (IBLA) determined that unless there were special circumstances, the Director, MMS, was required to stay effectiveness of decisions and orders pending appeal provided the appellant posted adequate surety (Marathon Oil Company, 90 IBLA 236 (1986)). In view of the IBLA decision, an amendment is needed to MMS regulations at 30 CFR 243.2 to reflect clearly that MMS decisions and orders are stayed pending administrative appeal, the types of sureties which would be acceptable to MMS, and related issues.

Timetable:

Action	Date	FR Cite
NPRM	02/23/90	55 FR 6401
NPRM Comment Period End	05/24/90	55 FR 12386
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB13

1716. GEOTHERMAL RESOURCES USED TO GENERATE ELECTRICITY, PRODUCT VALUATION FOR ROYALTY PURPOSES

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Existing regulations governing the valuation of geothermal resources provide insufficient guidance for the valuation of geothermal resources utilized to generate electricity in a lessee-owned power plant. Consequently, the Minerals Management Service has issued a report entitled "Valuation of Federal Geothermal Resources--Electrical Generation" which describes a "geothermal netback procedure" to value these "no sales" resources. An amendment is needed to the existing regulations to provide regulatory guidance after receipt and consideration of comments from the public to the existing geothermal netback procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 354
NPRM Comment Period End	06/06/90	55 FR 18911
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB22

1717. CLARIFICATION OF DATA FOR RELEASE TO THE PUBLIC OF CERTAIN DATA AND INFORMATION SUBMITTED IN ASSOCIATION WITH DRILLING AND PRODUCTION OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.18

Legal Deadline: None

Abstract: The rule is intended to remove apparent inconsistencies in current regulations concerning the release of data and information submitted to MMS on certain MMS forms. Section 250.18 specifies periods of time that certain geological and geophysical data will be protected from disclosure to the public when submitted on specific forms, but release dates for similar data and information on other forms are not mentioned in the regulations. The alternatives of providing guidance through an OCS Order and through a Notice to Lessees and Operators on a region-to-region basis does not ensure that information is uniformly available to the public. This rulemaking does not involve any significant additional costs. Its benefits are the removal of ambiguity in the current regulations and the availability of data and information to the public on a uniform basis in all OCS Regions.

Timetable:

Action	Date	FR Cite
NPRM	08/04/89	54 FR 32316
NPRM Comment Period End	10/03/89	54 FR 32316
Further Notice of Proposed Rulemaking	06/18/91	56 FR 27929
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB34

1718. ASSESSMENT FOR FAILURE TO SUBMIT PAYMENT OF SAME AMOUNT WITH REPORT OR BILL OR TO PROVIDE ADEQUATE INFORMATION

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: The MMS Auditing and Financial System (AFS) matches and applies each payment received to its corresponding report or bill. If a payment cannot be automatically matched and applied by the AFS because of inadequate or erroneous information, it must be manually

matched and applied by MMS personnel. The manual matching of payments to reports and bills results in MMS incurring substantial costs so that the AFS can operate properly to account for and distribute royalties. This situation also delays the payment application process and can result in delay in distribution of royalties and related information to States and Indian Tribes and allottees. To recover the costs, MMS is proposing to amend its regulations to add a new assessment amount not to exceed $250 per incident. The new assessment would encourage payors to submit their payment, when required, together with the applicable report or copy of the bill and for the same amount as the report or bill. The new assessment would also encourage payors to adequately identify payments to the report or bill to be paid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/90	55 FR 10630
NPRM Comment Period End	05/21/90	55 FR 10630
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB35

1719. AMENDMENT TO THE REGULATIONS CONCERNING THE REQUIREMENT FOR SUBMISSION OF A CORPORATE SURETY BOND TO INDEMNIFY THE U.S. FROM DEFAULT BY A LESSEE ON THE CONDITIONS AND TERMS OF AN OCS LEASE

Legal Authority: 43 USC 1335

CFR Citation: 30 CFR 256

Legal Deadline: None

Abstract: This rulemaking would amend current regulations requiring lessee surety bonds. The monetary value of surety bonds designated in current regulations was established over 20 years ago and is seriously inadequate to protect the Government from loss due to lessee failure to meet the terms of the OCS lease for royalty payments, proper abandonment of wells, site cleanup, and ongoing lease operations. Bond requirements may be increased on a case-by-case basis, as an alternative to rule change. This might result in inconsistent requirements. The potential costs are whatever increase is incurred in obtaining a higher value bond. Benefits would be a reduced potential for Government loss and a greater protection of the public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/24/90	55 FR 2388
NPRM Comment Period End	03/26/90	55 FR 2388
Final Action	10/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB38

1720. REGULATIONS GOVERNING RECOUPMENT OF OVERPAYMENTS ON INDIAN LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Because royalty payments are a major source of income to many Indian allottees, and the only source in some instances, it has been a longstanding Department of the Interior policy that overpayments made by lessees and other royalty payors to Indians cannot be recovered by refund. This policy was established to prevent an undue financial burden on Indian allottees who may have limited financial means to refund the overpayment. However, the adopted policy permits lessees and payors to recoup overpayments as a credit against future rental or royalty accruals due to Indian tribes or allottees. Lessees and operators were instructed to follow this recoupment policy in "Notice to Lessees and Operators of Indian Oil and Gas Leases No. 1A" (NTL-1A), issued by the Conservation Division of U.S. Geological Survey in 1977. The MMS published revised final oil and gas product valuation regulations at 30 CFR Part 206 on January 15, 1988 (53 FR 1184 and 53 FR 1230), effective March 1, 1988. Section 206.150(e)(2) of the revised regulations terminated NTL-1A. Although the Indian lease overpayment recoupment policy has been the same for many years, MMS believes that its (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/31/90	55 FR 3232
NPRM Comment Period End	03/02/90	55 FR 3232
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: regulations should state the policy. Consequently, MMS proposes to add new sections at 30 CFR 218.53 (previously reserved) and 30 CFR 218.203 to codify the policy and procedure.

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB40

1721. EXTENSION OF TIME PERIOD FOR MAINTAINING RECORDS ON OUTER CONTINENTAL SHELF NET PROFIT SHARE OIL AND GAS LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 220

Legal Deadline: None

Abstract: There is a conflict in MMS regulations at 30 CFR 220.030 with the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) as to the time period that an offshore net profit share (NPSL) lessee must maintain records and all other documentation pertaining to the NPSL capital account. Therefore, MMS is

proposing to amend 30 CFR 250.030 to extend the time period to 6 years, from 36 months, consistent with the statutory requirement of FOGRMA. The MMS is also proposing to remove 30 CFR 220.033 which includes language that conflicts with the recordkeeping requirements of FOGRMA and MMS regulations at 30 CFR 212.50 and 212.51.

Timetable:

Action	Date	FR Cite
NPRM	06/07/90	55 FR 23248
NPRM Comment Period End	07/09/90	55 FR 23248
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, **303 231-3432**

RIN: 1010–AB46

1722. OFFSETTING ROYALTY UNDERPAYMENTS AND OVERPAYMENTS BETWEEN DIFFERENT FEDERAL OR INDIAN LEASES (CROSS-LEASE NETTING)

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218; 30 CFR 230

Legal Deadline: None

Abstract: It is MMS's current practice to only allow the offsetting of underpayments and overpayments within an individual lease and not between leases unless both of the leases are included in the same unitization or communitization agreement. However, it may not be appropriate, in certain cases of obvious payor reporting errors, for MMS to assess late payment interest charges or deny a request for refund of an overpayment on a Federal offshore lease which is subject to the filing and reporting requirements of section 10 of the Outer Continental Shelf Lands Act, 43 USC 1339. This rulemaking would amend MMS regulations to allow payors to offset royalty underpayments on one lease against overpayments on a different lease (referred to as cross-lease netting) in certain cases where reporting errors do not result in harm to the royalty recipients. The rule specifies the conditions that must be met before MMS would allow cross-lease netting.

Timetable:

Action	Date	FR Cite
NPRM	07/12/91	56 FR 31891
NPRM Comment Period End	09/10/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, **303 231-3432**

RIN: 1010–AB58

1723. ● OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, REPORTING FORMS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: This final rule amends Minerals Management Service (MMS) regulations at 30 CFR Part 250 that govern Outer Continental Shelf (OCS) reporting forms used for collecting information related to oil and gas and sulphur drilling and production in the OCS. The current OCS reporting forms are being updated and modernized as part of the effort to reduce the paperwork and respondent burden imposed on the public as required by the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 USC 3501 et seq.). These revisions are a result of an analysis by an MMS task force and comments received from industry in response to several Federal Register notices published in August 1990 on the proposed forms. These changes will enable MMS to process the data submitted by industry more efficiently, reduce the reporting requirements for industry, and establish a consistent format and syntax to facilitate submission of information by electronic data transmission.

Timetable:

Action	Date	FR Cite
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB66

1724. ● DISCLOSURE OF ESTIMATED PUBLIC REPORTING BURDEN FOR THE COLLECTION OF INFORMATION

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206; 30 CFR 207; 30 CFR 208; 30 CFR 210; 30 CFR 216; 30 CFR 218; 30 CFR 219; 30 CFR 220; 30 CFR 228

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) is amending its regulations to codify statements on estimated public reporting burden associated with the collection of information in accordance with the requirements of the Office of Management and Budget in its regulations at 5 CFR 1320.21, "Agency Disclosure of Estimated Burden." The MMS is also amending its regulations to reflect the current MMS mailing addresses to be used for mailing or delivering requests, forms, and/or payments to MMS.

Timetable:

Action	Date	FR Cite
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, **303 231-3432**

RIN: 1010–AB69

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Completed Actions

1725. REVISION OF ROYALTY VALUATION REGULATIONS GOVERNING GAS SALES UNDER PERCENTAGE-OF-PROCEEDS CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of gas from Federal leases onshore and on the Outer Continental Shelf and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1230). The proposed gas valuation provisions of section 206.153, in part, govern the determination of value in situations where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchases proceeds resulting from processing the gas. However, the inclusion of these percentages-of-proceeds contracts under section 206.153 has created unreasonable burdens on lessees. Consequently, MMS is proposing to amend its regulations to provide for the valuation of gas under percentage-of-proceeds contracts to be under the unprocessed gas valuation standards of section 206.152, rather than section 206.153.

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	53 FR 50422
NPRM Comment Period End	02/03/89	54 FR 1398
Final Action	09/16/91	56 FR 46527
Final Action Effective	11/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB17

1726. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, SUBPART P, SULPHUR OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.250

Legal Deadline: None

Abstract: The rules at 30 CFR 250 which govern oil and gas and sulphur operations in the Outer Continental Shelf (OCS) are revised to address sulphur exploration, development, and production operations with more specificity. Sulphur operations were addressed through rules applicable to oil, gas, and sulphur and through OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf of Mexico OCS Region. Comments received as the result of the publication on March 18, 1986 (51 FR 9316), of a proposed rule to consolidate rules governing oil, gas, and sulphur operations in the OCS included recommendations for the development of regulations which treat sulphur operations in the OCS with greater specificity. Other alternatives considered were not revising the regulations. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	54 FR 36244
NPRM Comment Period End	10/30/89	
Final Action	07/15/91	56 FR 32091
Final Action Effective	08/14/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB23

1727. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF: REPORTS AND INVESTIGATIONS OF APPARENT VIOLATIONS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.25

Legal Deadline: None

Abstract: This action adds a provision to the regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf to clarify that any person observing an apparent violation of Minerals Management Service's (MMS) regulations can report the apparent violation, and that MMS will then investigate the allegation. The provision was a part of the regulations in effect prior to 1988 but was dropped when the offshore operating rules were revised in 1988. Although allegations of violations of MMS regulations are investigated under existing rules, incorporation of the new provision into Part 250 assures that more people are aware that allegations of violations of MMS regulations will be investigated. The alternative of using other means to inform the public, such as use of a press release, would be a less effective means of assuring that the public was aware of this provision.

Timetable:

Action	Date	FR Cite
NPRM	08/16/90	55 FR 33539
NPRM Comment Period End	09/17/90	
Final Action	05/02/91	56 FR 20127
Final Action Effective	06/03/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB53

1728. CIVIL PENALTY ASSESSMENT

Legal Authority: 43 USC 1350(b)

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: This action enables the Minerals Management Service (MMS) to assess a civil penalty without first providing notice and time for corrective action in cases where the failure constitutes or constituted a threat of serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment.

Timetable:

Action	Date	FR Cite
NPRM	11/27/90	55 FR 49301
NPRM Comment Period End	01/28/91	
Final Action	05/13/91	56 FR 21953
Final Action Effective	06/12/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John V. Mirabella, Acting Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB60

1729. PRODUCTION ACCOUNTING

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 216

Legal Deadline: None

Abstract: "Reporting Instructions," of the Minerals Management Regulations at 30 CFR Part 216.15 refer to the Production Accounting and Auditing System (PAAS) Reporter Handbook and the PAAS Onshore Oil and Gas Reporter Handbook for specific guidance on how to prepare and submit the mandatory information collection reports and forms to MMS. Although the Handbooks identify the specific MMS address to which the completed reports and forms should be mailed, there are many instances when the documents are mailed or delivered by the reporter to the wrong address, such as to the contractor performing work for MMS. Consequently, there is a delay in receipt of the document by the appropriate MMS office, which could result in assessments for late reporting. This amendment provides clear direction to the reporter, improves timely reporting by companies, and establishes consistency with the Auditing and Financial System that already has address information in the regulations. The regulations also are amended to codify MMS's policy to consider documents received after 4 P.M. as next day receipts.

Timetable:

Action	Date	FR Cite
Final Action	05/02/91	56 FR 20126
Final Action Effective	06/03/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB61

1730. ● OUTER CONTINENTAL SHELF OIL AND GAS LEASING; TECHNICAL AMENDMENT

Legal Authority: 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 260

Legal Deadline: None

Abstract: Revised final gas product valuation regulations were published in the Federal Register on January 15, 1988 (53 FR 1230). At the time the final regulations were published, the Minerals Management Service (MMS) inadvertently failed to revise a citation in 30 CFR 260.110(b) that references 30 CFR 206.150 of the old regulations. The citation to the corresponding provisions in the revised regulations should be sections 206.102, 206.152, and 206.153. The MMS is publishing a final rule amendment to correct this technical error.

Timetable:

Action	Date	FR Cite
Final Action	05/23/91	56 FR 23647
Final Action Effective	05/23/91	56 FR 23647

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010–AB67

BILLING CODE 4310-MR-F

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

1731. SURFACE COAL MINING AND RECLAMATION OPERATIONS; TWO ACRE EXEMPTION REPEAL

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 700.11; 30 CFR 870.11

Legal Deadline: None

Abstract: Section 528(2) of the Surface Mining Control and Reclamation Act of 1977, exempted from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." On May 7, 1987, the President signed PL 100-34 which repealed the exemption. The rule action would remove the exemption provision from the regulations at 30 CFR 700 and 30 CFR 870.

Timetable:

Action	Date	FR Cite
Notice of Suspension: Two-Acre Exemption Repeal	06/04/87	52 FR 21228
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 208-2651

RIN: 1029–AB16

1732. FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 750

Legal Deadline: None

Abstract: In response to comments received concerning the rulemaking under RIN 1029-AB15, OSMRE will conduct a study of possible fees for permit revisions, renewals, and certain other permitting-related activities in the coming year and intends to propose further rulemaking where the results of that study indicate that such fees are justified and that fee collection would be administratively feasible.

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, **202 208-2651**

RIN: 1029–AB29

1733. INDIVIDUAL CIVIL PENALTIES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 724; 30 CFR 846

Legal Deadline: NPRM, Judicial. NPRM due 270 days from effective date of settlement agreement in "Save Our Cumberland Mountains, Inc., et al., and Manuel Lujan, Jr., Secretary, US Department of the Interior, et al."

Abstract: OSM will propose a rule to require that an individual civil penalty be proposed, and in accordance with existing regulations assessed against each officer, director, or agent of a corporate permittee, after the officer, director, or agent has been served with a notice of potential liability for an existing violation and has not demonstrated that he or she has taken all reasonable steps to bring about the abatement of the violation by the corporate permittee.

Timetable:

Action	Date	FR Cite
NPRM	09/26/91	56 FR 48924
NPRM Comment Period End	11/25/91	
Final Action	02/28/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: George Stone, Chief, Branch of Inspection and Enforcement, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, **202 208-2550**

RIN: 1029–AB31

1734. CESSATION OF OPERATIONS: TEMPORARY CESSATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: This rule will clarify that a permittee must obtain approval from the regulatory authority before ceasing coal mining operations on a permit that results in the delay of contemporaneous reclamation on areas which are incidental to, or necessary to facilitate, continued mining of the remaining coal reserves. The rule will state that an application to temporarily cease mining operations may be approved if the regulatory authority finds that recoverable coal reserves remain, that the bond is adequate, and that based on pre-approval inspection, the site is in compliance with all applicable requirements, including contemporaneous reclamation, drainage control, and structure certifications. The rule will specify that temporary cessation may be approved for a period not to exceed one year, after which time the permittee may file for subsequent one year renewals.

Timetable:

Action	Date	FR Cite
NPRM	11/01/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Daniel E. Stocker, Inspection and Enforcement Program Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, **202 208-2550**

RIN: 1029–AB33

1735. STANDARDS FOR REVIEW OF OWNERSHIP, CONTROL, AND VIOLATION INFORMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773; 30 CFR 774; 30 CFR 843

Legal Deadline: NPRM, Judicial. NPRM due 180 days from effective date of settlement agreed to in "Save Our Cumberland Mountains, Inc., et al., and Manuel Lujan, Jr., Secretary, US Department of the Interior, et al."

Abstract: The proposed rule will establish standards for review and rebuttal of presumptions regarding ownership and control relationships between permit applicants and violators as well as between permittees and violators. The rule will also specify requirements for verifying whether the ownership and control information specified on a permit application is complete, require use of OSM's applicant violator computer system and other available data by regulatory authorities when conducting violation reviews and establish procedures for regulatory authorities to use in determining the status of outstanding violations. The rule will prescribe sanctions in cases where a permit applicant intentionally fails to provide complete or accurate ownership and control information. The rule will also require regulatory authorities to conduct an annual verification of certain ownership and control information for all permittees. In addition, the rule will specify measures for OSM to take should a state regulatory authority fail to implement these new requirements. Regulations which may be modified include 30 CFR 773, 774, and 843.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dr. Annetta Cheek, Chief, Applicant Violator System Staff,

Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 208-4421

RIN: 1029–AB34

1736. PERMANENT REGULATORY PROGRAM: PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS; STATE PROGRAM AMENDMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 732.1

Legal Deadline: None

Abstract: The proposed rule would ensure that State programs for the regulation of surface coal mining and the surface effects of underground mining reflect Federal rule changes in a timely way following notice to the States of such Federal rule changes.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Richard Bryson, Chief, Branch of State Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 208-2651

RIN: 1029–AB38

1737. PREVIOUSLY MINED AREAS AND COAL PREPARATION PLANTS - REMAND

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 827.131(a)

Legal Deadline: None

Abstract: This rule will amend the definition of "previously mined area" at 30 CFR 701.5 and the requirements for coal preparation plants at 30 CFR 827.13 in response to a February 12, 1990, District Court decision.

Timetable:

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48714
NPRM Comment Period End	11/25/91	
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Suzy Hudak, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2700

RIN: 1029–AB45

1738. WETLANDS RULE

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701; 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: This rule will add a definition of "wetland" and would establish standards for wetland success.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Ten Parkway Center, Pittsburgh, PA 15220, 412 937-2858

RIN: 1029–AB47

1739. DEFINITION OF COAL

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.5

Legal Deadline: None

Abstract: This rule will revise the definition of "coal" by deleting reference to coal classifications published by the American Society of Testing and Materials (ASTM) and substitute a generic definition that will not require revision when ASTM standards change.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kewal Kohli, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Ten Parkway Center, Pittsburgh, PA 15220, 412 937-2175

RIN: 1029–AB48

1740. ABANDONED MINE LAND RECLAMATION FUND REAUTHORIZATION

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 870; 30 CFR 872; 30 CFR 874; 30 CFR 875; 30 CFR 876; 30 CFR 878

Legal Deadline: None

Abstract: Pursuant to the recently enacted Abandoned Mine Reclamation Act of 1990, the regulations found at 30 CFR Subchapter R require revision and amendment to reflect and implement the new provisions contained in the statute. The subject provisions address the eligibility of both coal and noncoal reclamation projects and also relate to the collection and allocation of abandoned mine land fees to eligible reclamation projects, including the Rural Abandoned Mine Program and the Small Operator Assistance Program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Danny Lytton, Chief, Branch of Program Policy, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Office of Surface Mining, 1951 Constitution Ave NW., Washington, DC 20240, 202 208-2819

RIN: 1029–AB49

1741. WIRE TRANSFER OF FEES

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 870

Legal Deadline: None

Abstract: The proposed rule would lower the threshold for requiring the

payment of abandoned mine land reclamation fees by electronic transfer from $100,000 to $25,000. The proposed rule will increase the number of payments received by electronic transfer and reduce the float time for such payments.

Timetable:

Action	Date	FR Cite
NPRM	12/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Delleane McKenzie, Accountant, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Office of Surface Mining, 1951 Constitution Ave NW., Washington, DC 20240, **202 208-2560**

RIN: 1029–AB50

1742. ● PERMIT RIGHTS (TRANSFER, ASSIGNMENT, OR SALES)

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 774

Legal Deadline: None

Abstract: This rule will clarify language in the regulations regarding transfer, assignment and sale of permit rights. The rule would define what enforcement action and remedial measures to take when a successor in interest (including an operator) mines without prior written approval by the appropriate regulatory authority.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathy Parry, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Washington, DC 20240, **202 208-2634**

RIN: 1029–AB56

1743. ● PAPERWORK REDUCTION RULE

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 779; 30 CFR 783; 30 CFR 784; 30 CFR 780

Legal Deadline: None

Abstract: OSM proposes to either delete or restructure sections of its rules to reduce the burden of collecting excessive information. The provisions to be deleted or restructured pertain to mapping and identification of vegetative communities, previous mining in the permit area, slope measurements, and grazing management plans for post mining land use. All of the information is deemed duplicative of other information collection requirements in the regulations or else is not needed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Archana K. Puri, Civil Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Washington, DC 20240, **202 343-3871**

RIN: 1029–AB57

1744. ● REMOVAL OF PARTS 718 AND 720

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 718; 30 CFR 720

Legal Deadline: None

Abstract: OSM proposes to remove Parts 718 and 720 of the Initial Program regulation because they have been superseded by the Permanent Program regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel E. Stocker, Inspection and Enforcement Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Washington, DC 20240, **202 208-2550**

RIN: 1029–AB58

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Final Rule Stage

1745. RECLAMATION TECHNOLOGY RULE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.74; 30 CFR 816.81; 30 CFR 816.89; 30 CFR 780.14; 30 CFR 780.35; 30 CFR 784.23; 30 CFR 785.16

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical, Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution

Avenue, NW., Washington, DC 20240, 202 208-1504

RIN: 1029–AA57

1746. PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 845.15; 30 CFR 846.12

Legal Deadline: None

Abstract: The proposed regulation is in accordance with a court approved settlement agreement and would provide a method of calculating civil penalties when compliance with section 816.102(a) cannot be accomplished using best technology currently available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k).

Timetable:

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41666
NPRM Comment Period End	01/07/88	52 FR 41666
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-1504

RIN: 1029–AB10

1747. BOND RELEASE CERTIFICATION

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 800.40

Legal Deadline: None

Abstract: OSM will propose a rule that will require that an operator requesting the release of performance bonds certify that reclamation has been completed in accordance with the approved reclamation plan.

Timetable:

Action	Date	FR Cite
NPRM	09/25/90	55 FR 39240
NPRM Comment Period End	11/26/90	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: John Mosesso, Chief, Division of Technical Services, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-1487

RIN: 1029–AB30

1748. REQUIREMENTS FOR COAL EXPLORATION

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 772

Legal Deadline: None

Abstract: OSM is proposing to amend 30 CFR Part 772 to ensure that exploration permits will not be issued to applicants with unresolved violations of SMCRA and other applicable laws or who possess a history of violations of SMCRA indicating an intent not to comply with the Act's provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/12/91	56 FR 32050
NPRM Comment Period End	09/10/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 208-2860

RIN: 1029–AB32

1749. PERMANENT REGULATORY PROGRAM: BEST TECHNOLOGY CURRENTLY AVAILABLE

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: The requirement that all runoff from mined areas must pass through a siltation structure was suspended in compliance with a court-ordered remand. The rule will remove or reinstate suspended requirements that relate to the best technology currently available or may consider other alternatives.

Timetable:

Action	Date	FR Cite
NPRM	11/13/90	55 FR 47430
NPRM Comment Period End	02/28/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Douglas I. Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Research and Technical Standards Branch, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 208-1507

RIN: 1029–AB36

1750. PERMANENT REGULATORY PROGRAM; PERFORMANCE STANDARDS; PERMANENT AND TEMPORARY IMPOUNDMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.46; 30 CFR 816.49; 30 CFR 817.46; 30 CFR 817.49

Legal Deadline: None

Abstract: The proposed rule would clarify the design precipitation requirements for impoundments that rely primarily on storage to control stormwater runoff. It would also add a hazard consideration top the criteria for determining which design precipitation event is applicable in each case for spillway design.

Timetable:

Action	Date	FR Cite
NPRM	06/28/91	56 FR 29774
NPRM Comment Period End	08/27/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation

and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-1504

RIN: 1029–AB40

1751. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 761.5

Legal Deadline: None

Abstract: This rule will amend the portions of the permanent program which address the circumstances which constitute valid existing rights to mine coal in areas where Congress has otherwise prohibited mining under section 522(e) of the Surface Mining Control and Reclamation Act of 1977. This revision is in response to a court decision in round III of the litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/18/91	56 FR 33152
NPRM Comment Period End	09/16/91	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federa

Agency Contact: Patrick W. Boyd, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2564

RIN: 1029–AB42

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Completed Actions

1752. ASSESSMENT CONFERENCE SCHEDULING

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 723; 30 CFR 845

Legal Deadline: None

Abstract: The rule would eliminate some procedural inconsistencies remaining from previous 30 CFR 723 and 845 rulemakings. In particular, the rules would allow for a more efficient and practical time frame for scheduling assessment conferences. OSM is undertaking this action in response to suggestions from OSM personnel involved in administering the existing 30 CFR parts 723 and 845.

Timetable:

Action	Date	FR Cite
NPRM	04/04/90	55 FR 12624
NPRM Comment Period End	05/21/90	
Final Action	03/08/91	56 FR 10060
Final Action Effective	04/08/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: John Trelease, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 208-2550

RIN: 1029–AB22

1753. INTERIM PROGRAM REVISIONS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 710; 30 CFR 715; 30 CFR 716; 30 CFR 717; 30 CFR 718; 30 CFR 720; 30 CFR 721; 30 CFR 722

Legal Deadline: None

Abstract: The rule would amend those portions of the OSMRE interim regulatory program regulations which are different from the permanent regulatory program. OSMRE is undertaking this action to provide equity and regulatory consistency between the programs.

Timetable:

Action	Date	FR Cite
NPRM	07/03/90	55 FR 27588
NPRM Comment Period End	09/04/90	
Final Action	02/14/91	56 FR 6224
Final Action Effective	03/18/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Stephen M. Sheffield, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 208-2954

RIN: 1029–AB24

1754. SERVICE OF DOCUMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 724; 30 CFR 843; 30 CFR 845; 30 CFR 846

Legal Deadline: None

Abstract: OSM intends to propose a rule revising the procedures governing the service of documents by allowing service by certified mail in those areas where the regulations do not already provide for such service. The proposed rule will also change certain terminology pertaining to the service of documents to make it consistent throughout the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/27/90	55 FR 39580
Final Action	06/20/91	56 FR 28442
Final Action Effective	07/22/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: John Trelease, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 208-2550

RIN: 1029–AB41

1755. APPLICABILITY OF THE PROHIBITIONS OF THE SURFACE MINING ACT TO THE SURFACE IMPACTS OF UNDERGROUND COAL MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 761.11(h)

Legal Deadline: None

Abstract: This rule will clarify the applicability of the prohibitions in section 522(e) of the Surface Mining Control and Reclamation Act to the surface impacts of underground coal mining. The rule will also address whether and to what extent subsidence caused by underground coal mining is prohibited in the protected areas.

Timetable:

Action	Date	FR Cite
Withdrawn - no action to be taken at this time	07/18/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick W. Boyd, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, **202 208-2564**

RIN: 1029–AB43

1756. SUBSIDENCE CONTROL IN FEDERAL PROGRAM STATES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 905; 30 CFR 910; 30 CFR 912; 30 CFR 921; 30 CFR 922; 30 CFR 933; 30 CFR 937; 30 CFR 939; 30 CFR 942; 30 CFR 947

Legal Deadline: None

Abstract: The proposed rule would provide guidance in Federal program States concerning repair or compensation for damage to structures caused by subsidence.

Timetable:

Action	Date	FR Cite
Withdrawn - no action to be taken at this time	03/26/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Nancy Prolman, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, **202 208-2701**

RIN: 1029–AB44

1757. OBLIGATION TO REPAIR SUBSIDENCE-CAUSED MATERIAL DAMAGE TO STRUCTURES AND FACILITIES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784.20(g); 30 CFR 817.121(c)

Legal Deadline: None

Abstract: This rule will bring application information requirements and subsidence control performance standards into conformance with the February 12, 1990 decision of the District Court by striking the references to State law. The obligation of underground coal mine operators to repair damage to structures and facilities should not be limited by any provisions of State law.

Timetable:

Action	Date	FR Cite
Withdrawn - no action to be taken at this time	03/26/91	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Patrick W. Boyd, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, **202 208-2564**

RIN: 1029–AB46

BILLING CODE 4310-05-F

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Proposed Rule Stage

1758. RECLAMATION ACQUISITION REGULATION SYSTEM

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1400 Appendix A et seq

Legal Deadline: None

Abstract: This rule will establish the Reclamation Acquisition Regulation System containing rules implementing and supplementing the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Diana Cardon, Procurement Analyst, Policy Branch, Acquisition and Assistance Division, Department of the Interior, Bureau of Reclamation, P.O. Box 2500, Denver, CO 80225, **303 236-3758**

RIN: 1006–AA20

1759. ● PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN PERMITTING SUCH USE

Significance: Regulatory Program

Legal Authority: 43 USC 387; 31 USC 483

CFR Citation: 43 CFR 429

Legal Deadline: None

Abstract: The existing regulations will be revised to include procedures for issuing competitive rights-of-use, to provide for the use of forms, to provide for additional contacts with respondents, to provide for reporting requirements as a condition for issuance of rights-of-use, and to update list of addresses.

DOI—RB

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/10/92	
NPRM Comment Period End	02/11/92	
Final Action	03/28/92	
Final Action Effective	04/30/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alonzo D. Knapp, Chief, Lands Branch, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Denver, CO 80225, 303 236-8503

RIN: 1006–AA23

1760. ● REGULATIONS FOR ADMINISTERING ENTITLEMENTS TO COLORADO RIVER WATER IN THE LOWER COLORADO RIVER BASIN

Legal Authority: 43 USC 617; 43 USC 391; 43 USC 485; 43 USC 390; 5 USC 552; 373 US 546, Arizona v. California

CFR Citation: 43 CFR 415

Legal Deadline: None

Abstract: Colorado River water has been apportioned for consumptive use among water users with valid water rights within the States of Arizona, California, and Nevada. Future requests for delivery of this water are expected to exceed the amount that will be available. Formal rules will help ensure that water is put to beneficial use and that unauthorized uses are eliminated. The rules will provide a basis for the Secretary of the Interior to curtail unauthorized water use and establish a due process for water users to appeal adverse action decisions. Without formal rules and an appeals process, it is likely that the Secretary would be unable to enforce an action to curtail unauthorized water use and be subject to legal action by valid water users for not preventing unauthorized diversions of water. The initial cost of implementing the rule is estimated at $125,000; annual costs thereafter - $12,000, all costs in 1991 dollars. Costs are expected to be recovered from beneficiaries.

Timetable:

Action	Date	FR Cite
ANPRM	04/22/91	56 FR 16291
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	09/00/92	
Final Action Effective	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dale Ensminger, Repayment Specialist, Department of the Interior, Bureau of Reclamation, P.O. Box 61470, Attn: LC-449, Boulder City, NV 89006-1470, 702 293-8536

RIN: 1006–AA24

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Final Rule Stage

1761. ACREAGE LIMITATION RULES

Legal Authority: 5 USC 552; PL 97-293 Reclamation Reform Act of 1982; PL 100-203

CFR Citation: 43 CFR 426

Legal Deadline: None

Abstract: Under existing regulations, a party affected by a determination from a Regional Director may appeal the determination to the Commissioner. Since the Regional Directors' determinations are often based on policies issued by the Commissioner, the potential exists for the Commissioner to become the final arbiter of his/her own decisions. In order to serve parties appealing Regional Director decisions, the current regulations will be revised to allow appellants that receive adverse Commissioner decisions to further elevate their appeals to the Office of Hearings and Appeals.

Timetable:

Action	Date	FR Cite
NPRM	10/04/90	55 FR 40687
NPRM Comment Period End	11/05/90	55 FR 40687
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alonzo D. Knapp, Chief, Lands Branch, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, D-5410, Denver, CO 80225, 303 236-8503

RIN: 1006–AA21

BILLING CODE 4310-09-F

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Proposed Rule Stage

1762. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
Reproposal	10/00/93	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Frank W. Snell, Chief, Division of Recreation, Cultural, and Wilderness Resources, Department of the Interior, Bureau of Land

Management, 1849 C Street, NW., Washington, DC 20240, 202 208-6064

RIN: 1004–AA27

1763. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR 8300

Legal Deadline: None

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bob Schneider, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-3353

RIN: 1004–AA35

1764. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-8815

RIN: 1004–AA38

1765. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Legal Deadline: None

Abstract: The rule will adapt a governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing system of review.

Timetable:

Action	Date	FR Cite
NPRM	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-9353

RIN: 1004–AA69

1766. RECREATION AND PUBLIC PURPOSES: SOLID WASTE DISPOSAL

Significance: Regulatory Program

Legal Authority: 43 USC 869 et seq; 43 USC 1701 et seq; 31 USC 9701

CFR Citation: 43 CFR 2740

Legal Deadline: None

Abstract: The Recreation and Public Purposes Amendment Act of 1988 (P.L. 100-648) enacted on November 10, 1988, amended the Recreation and Public Purposes Act of 1926. The regulations at 43 CFR 2740 need to be amended in order to add provisions of the new law that pertain to solid waste disposal.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Roger Zortman, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AA73

1767. EXPLORATION ACTIVITY; OIL AND GAS LEASING; GEOTHERMAL RESOURCE LEASING-GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3200

Legal Deadline: None

Abstract: The rule will issue corrections and clarifications to published final rules of May 16, 1988 and June 17, 1988.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lois Mason, Division of Fluid Mineral Leasing, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2190

RIN: 1004–AA97

1768. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Don Simpson, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AB10

1769. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None

Abstract: This rulemaking will revise provisions related to geothermal leasing and geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB18

1770. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR 2093

Legal Deadline: None

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mike Ford, Chief, Branch of Lands, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AB20

1771. ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS; ONSHORE OIL AND GAS ORDER NO. 5 - MEASUREMENT OF GAS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3164.1

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 5 on Measurement of Gas to provide clarifications of recordkeeping and orifice meter standards, and to provide for approval by the jurisdictional Bureau of Land Management State Office of gas measurement by electronic flow computers, using an orifice, that calculate volume using equations specified by the American Gas Association Committee Report No.3.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB22

1772. ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS - ONSHORE OIL AND GAS ORDER NO. 3 - SITE SECURITY

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3164.1

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 3 - Site Security by specifying in the operators' self-inspection program three options for operators in exercising their responsibilities in the measurement, or the monitoring of the measurement by the purchaser, of the oil or gas produced.

Timetable:

Action	Date	FR Cite
ANPRM	04/15/91	56 FR 15061
ANPRM Comment Period End	06/14/91	
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB24

1773. EXCHANGES - GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732

CFR Citation: 43 CFR 2200

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34380
NPRM Comment Period End	12/01/89	54 FR 43185
Reproposal	10/02/91	56 FR 49962
NPRM Comment Period End	12/02/91	
Final Action	03/15/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Roger Taylor, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AB28

1774. SALES OF FOREST PRODUCTS; GENERAL - PREPARATION FOR SALE

Legal Authority: 16 USC 617

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None

Abstract: This rule will implement the Forest Resources Conservation and Shortage Relief Act of 1990 by prohibiting the export of unprocessed timber from western Federal timber lands and direct and indirect substitution for such timber.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard W. Bird, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-8864

RIN: 1004–AB34

1775. ONSHORE OIL AND GAS ORDER NO. 9 - WASTE PREVENTION AND BENEFICIAL USE OF OIL AND GAS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1; 43 CFR 3162.4; 43 CFR 3162.5; 43 CFR 3162.7-1; 43 CFR 3162.7-2; 43 CFR 3162.7-3; 43 CFR 3165.3; 43 CFR 3165.4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR 3160. This order details the requirements in order to prevent wastes and promote beneficial uses of oil and gas. This order also provides the enforcement actions that will result when violations of standards occur. It also replaces NTL-4A. This order is to be referenced in the table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Chief, Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB47

1776. CLASSIFICATIONS

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Legal Deadline: None

Abstract: This rule will amend Part 2400 to include conformance with land-use planning and environmental analysis for establishing and terminating classifications

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Paugh, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AB57

1777. VILLAGE SELECTIONS

Legal Authority: 43 USC 1613

CFR Citation: 43 CFR 2651

Legal Deadline: None

Abstract: This rule would amend the existing regulations to allow underselected Alaska Native Village Corporations to select lands identified and made available by the Secretary enabling them to fulfill their statutory entitlement under the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Brooks, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-6511

RIN: 1004–AB58

1778. CAVE MANAGEMENT

Legal Authority: 16 USC 4301 et seq; 43 USC 1740

CFR Citation: 43 CFR 37

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This rule will provide criteria to determine whether caves on Federal lands are significant and thereby to be given special attention in planning and other decisions affecting Federal lands.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Del Price, Outdoor Recreation Planner, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-3353

RIN: 1004–AB59

1779. LAW ENFORCEMENT—CRIMINAL

Legal Authority: 102 Stat. 4571

CFR Citation: 43 CFR 9260

Legal Deadline: None

Abstract: This rule will amend the penalty provision in 43 CFR 9260 to provide for the penalty called for in the Arizona-Idaho Conservation Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Dennis McLane, Chief Ranger, Department of the Interior, Bureau of Land Management, 206 Premier Bldg, 1849 C Street, NW., Washington, DC 20240, 202 653-8815

RIN: 1004–AB67

1780. LAW ENFORCEMENT—CRIMINAL

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9260

Legal Deadline: None

Abstract: This rule will prohibit individuals from harassing, threatening, giving false information to, or otherwise interfering with officers, volunteers, human resource program enrollees, or other personnel of or associated with the Bureau of Land Management.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Douglas J. Blankinship, Chief, Volunteer Programs, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 208-5261**

RIN: 1004–AB68

1781. MANAGEMENT OF DESIGNATED WILDERNESS AREA

Legal Authority: 43 USC 1701 et seq; 16 USC 1131 et seq

CFR Citation: 43 CFR 8560

Legal Deadline: None

Abstract: This rule will amend the existing regulations to remove obsolete provisions, clarify and simplify the regulations, and add provisions on access to inholdings, rights-of-way, use of mechanized equipment by certain individuals, access by Native Americans.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hal Hallett, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 208-6064**

RIN: 1004–AB69

1782. AVAILABILITY OF PUBLIC RECORDS

Legal Authority: 43 USC 1201; 43 USC 1460; 43 USC 1734; 43 USC 1737; 5 USC 552

CFR Citation: 43 CFR 1814

Legal Deadline: None

Abstract: This rule will establish specific procedures for public access to Bureau of Land Management records on all media, including paper, microform, computer, and audiovisual, in order to facilitate public access. It will also provide information on fees that may be required for providing records or services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothy A. Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 653-8853**

RIN: 1004–AB70

1783. ONSHORE OIL AND GAS OPERATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3163.1

Legal Deadline: None

Abstract: This rule amends the provision on remedies for acts of noncompliance to require mandatory assessment for all major violations, authorize automatic assessment for minor violations after notice to repeat offenders, and remove State Director authority to reduce automatic assessments.

Timetable:

Action	Date	FR Cite
ANPRM	05/09/91	56 FR 21464
ANPRM Comment Period End	07/08/91	
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 653-2127**

RIN: 1004–AB71

1784. ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS; ONSHORE OIL AND GAS ORDER NO 1 - APPROVAL OF OPERATIONS ON ONSHORE FEDERAL AND INDIAN OIL AND GAS LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3164.1

Legal Deadline: None

Abstract: This rule will amend Order No. 1 to conform to the regulations in 43 CFR 3160 and for consistency with the Federal Onshore Oil and Gas Leasing Reform Act of 1987. The rule will specify the requirements for the approval of all proposed exploratory, development, and service wells, and for approval of certain subsequent operations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 653-2127**

RIN: 1004–AB72

1785. ONSHORE OIL AND GAS UNIT AGREEMENTS—UNPROVEN AREAS

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3180

Legal Deadline: None

Abstract: This rule will clarify the effective date of approval of a unit agreement, and will provide for State Director review in cases of appeals by adversely affected parties. It will also condition Federal approval of a unit agreement on its containing a provision for payment to the Government of compensatory royalties for oil and gas drained from unleased Federal lands located within participating areas of the unit, in order to prevent loss through drainage through adjacent non-Federal wells without compensation to the Government.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB73

1786. DRAINAGE, OPERATIONS, AND LEASING OBLIGATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 43 USC 1701 et seq; 25 USC 2102; 16 USC 668dd to ee; 31 USC 483a

CFR Citation: 43 CFR 3100.2; 43 CFR 3100.2-1; 43 CFR 3100.2-2; 43 CFR 3162.2

Legal Deadline: None

Abstract: This rule will clarify the responsibilities of fluid mineral lessees for protecting Federal-leased fluid minerals from drainage by operations on nearby lands that would result in lower royalties for Federal or Indian lessors by specifying requirements before the obligation of lessees to protect from such drainage begins, by providing a profitability threshold for lessee responsibility, by allocating burden of proof of drainage, and by specifying the responsibilities of multiple lessees and assignees. It will also clarify responsibility of the liable parties for other obligations arising from lease terms and operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB74

1787. MINERAL MATERIALS DISPOSAL

Legal Authority: 30 USC 601 et seq

CFR Citation: 43 CFR 3600

Legal Deadline: None

Abstract: This rule will improve the economies of scale of mineral materials production by providing for contracts with a longer term than the current 10 years, either a longer fixed term, or a term based on the duration of production tied to diligence requirements. It will also provide for contracts for concomitantly larger quantities of mineral materials, the quantity available at the contract site.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Durga Rimal, Geologist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4147

RIN: 1004–AB76

1788. SALES - FEDERAL LAND POLICY AND MANAGEMENT ACT

Legal Authority: 43 USC 1701; 43 USC 1713

CFR Citation: 43 CFR 2710

Legal Deadline: None

Abstract: This rule will amend 43 CFR Part 2710 to provide for improved administration of sales of public land under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jim Paugh, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AB77

1789. ONSHORE OIL AND GAS OPERATIONS: ONSHORE OIL AND GAS ORDER NO. 4 - MEASUREMENT OF OIL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 4 on Measurement of Oil to provide clarification of tank gauging sampling procedures, thermometer standards, sales meter proving requirements, oil removal documentation, and will make other minor editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, Washington, DC 20240, 202 653-2133

RIN: 1004–AB80

1790. ONSHORE OIL AND GAS GEOPHYSICAL EXPLORATION

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 43 USC 1701 et seq

CFR Citation: 43 CFR 3150

Legal Deadline: None

Abstract: This rule will establish new procedures for permitting oil and gas geophysical exploration operations outside of Alaska.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Hopkins, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2182

RIN: 1004–AB82

1791. AWARD OF CONTRACT

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5450

Legal Deadline: None

Abstract: This rule will require purchasers of timber with previous defaults on U.S. Forest Service timber sale contracts to establish their responsibility in the same manner required of purchasers with previous defaults on BLM timber sale contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-8864

RIN: 1004–AB83

1792. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

Legal Authority: 16 USC 1331 to 1340

CFR Citation: 43 CFR 4700

Legal Deadline: None

Abstract: This rule will clarify existing BLM policy on several matters, including adoption fees (they are nonrefundable) and the status of foals born to wild horses and burros after proper execution of a Private Maintenance and Care Agreement. The rule will also change the process of issuing decisions and administrative remedies and make necessary corrections in other portions of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John S. Boyles, Chief, Division of Wild Horses and Burros, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-9215

RIN: 1004–AB84

1793. CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS

Legal Authority: 43 USC 1719; 43 USC 1740

CFR Citation: 43 CFR 2720

Legal Deadline: None

Abstract: This rule will clarify terminology and required procedures for the conveyance of mineral interests owned by the United States where the surface is or will be in non-Federal ownership.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Amy Lueders, Economist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4537

RIN: 1004–AB86

1794. PUBLIC LAW 167; ACT OF JULY 23, 1955

Significance: Regulatory Program

Legal Authority: 30 USC 22; 30 USC 612; 43 USC 1701 et seq

CFR Citation: 43 CFR 3710

Legal Deadline: None

Abstract: This rule will enumerate the restrictions on use and occupancy of unpatented mining claims and mill sites on public lands.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rick Deery, Division of Mining Law and Salable Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4147

RIN: 1004–AB88

1795. GRAZING ADMINISTRATION EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315; 43 USC 1701 et seq

CFR Citation: 43 CFR 4100

Legal Deadline: None

Abstract: This rule will clarify the public participation role in management of the public rangelands, provide authority for non-monetary settlement for unauthorized grazing use determined by the BLM to have resulted from circumstances beyond the control of the permittee or lessee, and provide for decisions to be placed in full force and effect pending appeal when necessary to assure orderly administration, management, or proper use of the rangelands.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: George Ramey, Range Conservationist, Department of the Interior, Bureau of Land Management, 1849 C St., NW., Washington, DC 20240, 202 653-9195

RIN: 1004–AB89

1796. UTILIZATION OF GEOTHERMAL RESOURCES

Legal Authority: 30 USC 1001 to 1027

CFR Citation: 43 CFR 3250

Legal Deadline: None

Abstract: This rule will provide that decisions involving geothermal resources operations are in full force and effect pending appeal.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management (610), Department of the Interior, Bureau of Land Management, 1849 C St., NW., Washington, DC 20240, 202 653-2133

RIN: 1004–AB90

1797. ● FEDERAL LAND WITHDRAWALS; AMENDMENT TO WITHDRAWAL PROCEDURES

Legal Authority: 43 USC 1714

CFR Citation: 43 CFR 2310

Legal Deadline: None

Abstract: This rule will amend existing regulations by removing references to emergency withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vanessa Engle, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-6486

RIN: 1004–AB92

1798. ● LAND WITHDRAWALS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 2300

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify and simplify the procedures for implementing the authority of the Secretary of the Interior to process withdrawal applications, and, where appropriate, to make, modify, or extend Federal land withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis Samuelson, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-6486

RIN: 1004–AB94

1799. ● RESTORATIONS AND REVOCATIONS

Legal Authority: 43 USC 1701 et seq; 43 USC 1201; 40 USC 472

CFR Citation: 43 CFR 2370

Legal Deadline: None

Abstract: This rule will amend the existing regulations to improve and define more precisely the procedures for the revocation and restoration of Federal land withdrawals that are no longer needed by a Federal agency.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis Samuelson, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-6486

RIN: 1004–AB95

1800. ● SALES OF FOREST PRODUCTS; DESIGNATION OF SURPLUS SPECIES

Legal Authority: 16 USC 620 et seq

CFR Citation: 43 CFR 5400

Legal Deadline: None

Abstract: This rule will declare values of grades and species of unprocessed Federal timber that are surplus to domestic processing needs and that are therefore not restricted from export from the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard W. Bird, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-8864

RIN: 1004–AB96

1801. ● SALES OF FOREST PRODUCTS; LAW ENFORCEMENT

Legal Authority: 43 USC 1181e; 30 USC 601 et seq; 43 USC 1701 et seq; 43 USC 1201; 18 USC 1851 to 1858

CFR Citation: 43 CFR 5460; 43 CFR 5510; 43 CFR 9230; 43 CFR 9260

Legal Deadline: None

Abstract: This rule will amend current regulations to make them more orderly and easier to follow, and add a list of prohibited acts to the sections on forest product contracts and free use permits to provide guidance for the administration of contracts and permits and a basis for law enforcement.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard W. Bird, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-8864

RIN: 1004–AB97

1802. ● SURFACE MANAGEMENT

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1701 et seq

CFR Citation: 43 CFR 3809

Legal Deadline: None

Abstract: This rule will revise the regulations used to manage surface-disturbing mining activities on public lands. Topics that may be addressed in a proposed rule are: reconsideration of the 5-acre threshold, revision of the definition of "unnecessary or undue degradation," civil and/or criminal penalties for noncompliance, administrative deadlines, and further environmental and reclamation requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jennifer Fox, Geologist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4147

RIN: 1004–AB99

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Final Rule Stage

1803. ONSHORE OIL AND GAS ORDER NO. 7 - DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	01/19/90	55 FR 1837
NPRM Comment Period End	03/20/90	55 FR 1837
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AA66

1804. ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 2 by requiring new casing rather than used casing in all cases except certain circumstances prescribed by the authorized officer and changing the location of required centralizers.

Timetable:

Action	Date	FR Cite
NPRM	01/18/91	56 FR 1965
NPRM Comment Period End	03/19/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Kent, Petroleum Engineer, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2174

RIN: 1004–AB21

1805. MINING CLAIMS UNDER THE GENERAL MINING LAWS

Significance: Regulatory Program

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1744; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR 3809

Legal Deadline: None

Abstract: This rule will require submission of financial guarantees for reclamation for all mining operations greater than casual use, create additional financial instruments for this purpose, and require operators with a record of noncompliance to file plans of operations.

Timetable:

Action	Date	FR Cite
NPRM	07/11/91	56 FR 31602
NPRM Comment Period End	09/09/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Reed Smith, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4147

RIN: 1004–AB36

1806. ONSHORE OIL AND GAS ORDER NO. 8 - WELL WORKOVERS, COMPLETIONS, ABANDONMENTS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This order is being issued under the Oil and Gas Operations regulations as found in 43 CFR Part 3160. The order details the minimum standards of performance when conducting workover, completions, and abandonment of existing wells on Federal and Indian lands (except Osage Tribe). It also will contain enforcement actions that will result from the failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	05/06/91	56 FR 20568
NPRM Comment Period End	07/26/91	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB37

1807. MINING CLAIMS UNDER THE GENERAL MINING LAW—NATURE AND CLASSES OF MINING CLAIMS ASSESSMENT WORK

Legal Authority: 43 USC 1732 to 1733; 30 USC 28-1; 30 USC 28-2; 30 USC 26; 30 USC 33; 43 USC 1782

CFR Citation: 43 CFR 3800; 43 CFR 3840; 43 CFR 3850

Legal Deadline: None

Abstract: This rulemaking will amend the existing regulations to include the criteria for the standard of discovery as applied to oil shale placer mining claims and provide clarification of what constitutes substantial compliance with assessment work requirements under the Mining Law.

Timetable:

Action	Date	FR Cite
NPRM	01/09/91	56 FR 938
NPRM Comment Period End	03/11/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Reed Smith, Chief, Division of Mining Law and Salable Minerals, Department of the Interior, Bureau of Land Management, 1849 C St., NW., Washington, DC 20240, 202 208-4147

RIN: 1004–AB43

1808. COAL MANAGEMENT—GENERAL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3400

Legal Deadline: None

Abstract: This rule will revise the exploration and mining operations regulations, as well as other operations-related regulations, to streamline them and to have them reflect current policy and standard industry operating practices relating to Federal coal.

Timetable:

Action	Date	FR Cite
NPRM	07/12/91	56 FR 32002
NPRM Comment Period End	09/10/91	
Final Action	06/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-7722

RIN: 1004–AB44

1809. LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2920

Legal Deadline: None

Abstract: This rule will amend the existing regulations to provide for improved administration of Leases, Permits and Easements under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	11/21/90	55 FR 48810
NPRM Comment Period End	01/22/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Puchalla, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AB51

1810. MINING IN MILITARY WITHDRAWALS

Legal Authority: 100 Stat. 3457, Sec. 12; 30 USC 22; 43 USC 1701 et seq

CFR Citation: 43 CFR 3828; 43 CFR 3811

Legal Deadline: None

Abstract: This proposed rule establishes guidelines for mining in certain military installations under the Mining Law of 1872, as amended, and for assuring the safe, uninterrupted, and unimpeded use of the lands for military purposes. The Military Lands Withdrawal Act of 1986 specifically provided for certain military lands previously withdrawn from mining to be considered for opening to the operation of the Mining Law of 1872, as amended, with certain special restrictions. Military Lands identified as suitable for mining through the Bureau of Land Management's planning system are proposed to be opened on the effective date of an opening order that will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30367
NPRM Comment Period End	09/02/91	
Final Action	04/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Reginald E. Reid, Geologist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4147

RIN: 1004–AB52

1811. PUBLIC AVAILABILITY OF MINERALS RESOURCES INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 3000

Legal Deadline: None

Abstract: This rule will remove conflicts between existing mineral regulations relating to public availability of mineral resources information and the Freedom of Information Act. The rule will also remove discrepancies among the various mineral regulations regarding public release of information.

Timetable:

Action	Date	FR Cite
NPRM	05/31/91	56 FR 24767
NPRM Comment Period End	07/31/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorothy Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-8853

RIN: 1004–AB55

1812. CONTRACT EXTENSION (TIMBER SALES)

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5473; 43 CFR 5474

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning extension of time for cutting and removal on timber sale contracts. Shorter contract terms and increased seasonal restrictions on operations have caused a problem with the reappraisal requirement for contract extensions. This regulation would allow contract extensions without reappraisal under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	07/03/90	55 FR 27477
NPRM Comment Period End	09/04/90	
Reproposal	06/25/91	56 FR 28850
Interim Final Rule	07/23/91	56 FR 33830
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1849 C

Street, NW., Washington, DC 20240, **202 653-8864**

RIN: 1004–AB56

1813. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

Legal Authority: 16 USC 1331 to 1340

CFR Citation: 43 CFR 4770

Legal Deadline: None

Abstract: The rule will allow the Secretary of the Interior to protect adopted wild horses and burros from abuse and neglect by authorizing full force and effect decisions to cancel Private Maintenance and Care Agreements when the condition of the animals warrants such action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/09/91	56 FR 786
Interim Final Rule Comment Period End	03/11/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **John S. Boyles**, Chief, Division of Wild Horses and Burros, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 653-9215**

RIN: 1004–AB81

1814. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

Legal Authority: 16 USC 1331 et seq

CFR Citation: 43 CFR 4700

Legal Deadline: None

Abstract: This rule will enhance the ability of the Secretary of the Interior to control the number of wild horses and burros on the public lands and protect the range from deterioration by avoiding lengthy delays in removals of excess animals pending rulings on appeals to the Interior Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30372
NPRM Comment Period End	08/01/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **John S. Boyles**, Chief, Division of Wild Horses and Burros, Department of the Interior, Bureau of Land Management, 1849 C St., NW., Washington, DC 20240, **202 653-9215**

RIN: 1004–AB87

1815. ● VISITOR SERVICES: RULES OF CONDUCT

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8365

Legal Deadline: None

Abstract: This rule will require the use of safety belts in vehicles operated on roadways on Federal lands managed by the Bureau of Land Management.

Timetable:

Action	Date	FR Cite
NPRM	05/30/91	56 FR 24363
NPRM Comment Period End	07/30/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Paul V. Lynch**, Chief, Safety Staff, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 653-8851**

RIN: 1004–AB91

1816. ● HOMESTEADING; DESIGNATION OF AREAS AND SITES; PROGRAMS AND OBJECTIVES (ADMINISTRATIVE FINAL RULE)

Legal Authority: 43 USC 161 to 164; 43 USC 166 to 169; 43 USC 185; 43 USC 201; 43 USC 231; 43 USC 1201; 43 USC 1411

CFR Citation: 43 CFR 2510; 43 CFR 2070; 43 CFR 1720; 43 CFR 8350

Legal Deadline: None

Abstract: This rule will remove Parts 2510, 2070, and 1720 and Subpart 8352 of Title 43 of the Code of Federal Regulations. The authorities for these parts have all either been repealed or have expired under their own terms.

Timetable:

Action	Date	FR Cite
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Jim Paugh**, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 208-4200**

RIN: 1004–AB98

1817. ● OIL AND GAS LEASING: WAIVER, SUSPENSION OR REDUCTION OF RENTAL, ROYALTY OR MINIMUM ROYALTY

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3100

Legal Deadline: None

Abstract: This rule will amend 43 3103.4-1 relating to waiver, suspension, or reduction of rental, royalty, or minimum royalty to encourage production.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Rudy Baier**, Division of Fluid Mineral Lease and Reservoir Management, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, **202 653-2153**

RIN: 1004–AC00

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

1818. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
Withdrawn - No further action at this time.	08/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: J. Michael Berch, Branch of Rights-of-Way and Use Permits, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AA98

1819. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 16 USC 1134; 43 USC 1732; 43 USC 1740; 43 USC 1746; 43 USC 1761

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
Withdrawn - No further action at this time.	08/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. William Weigand, Branch of Rights-of-Way and Use Permits, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AB00

1820. MINING CLAIMS UNDER THE GENERAL MINING LAWS; SURFACE MANAGEMENT

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1701 et seq

CFR Citation: 43 CFR 3809

Legal Deadline: None

Abstract: This rule will require submission of financial guarantees for reclamation for all mining operations greater than casual use, create additional financial instruments for this purpose, and require operators with a record of noncompliance to file plans of operations.

Timetable:

Action	Date	FR Cite
Merged with RIN 1004-AB36	07/19/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Deery, Department of the Interior, Bureau of Land Management, 1849 C St., NW., Washington, DC 20240, 202 208-4147

RIN: 1004–AB04

1821. SPECIAL LAWS AND RULES; RESTATEMENT OF PROCEDURES FOR THE SEGREGATION AND OPENING OF PUBLIC LANDS; AMENDMENT

Legal Authority: 43 USC 1202; 43 USC 851 to 852; 43 USC 869 et seq; 43 USC 641 et seq; 43 USC 321 to 323; 43 USC 231; 25 USC 334; 26 Stat. 794; 25 USC 336; 16 USC 485; 72 Stat. 339 to 340; 43 USC 852 note; 16 USC 818; 43 USC 315f; 43 USC 1601 et seq

CFR Citation: 43 CFR 2090; 43 CFR 2091

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify procedural aspects of specific actions covering the segregation of public lands as well as procedures under which those lands are opened to the public land and mineral laws.

Timetable:

Action	Date	FR Cite
Combined with RINs 1004-AB57, 1004-AB77, 1004-AB28	07/24/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 43 USC 321; 43 USC 325; 43 USC 327 to 329

Agency Contact: Jim Paugh, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 18th & C Street, NW., Washington, DC 20240, 202 208-4200

RIN: 1004–AB54

1822. OIL AND GAS LEASING: SURFACE USE RIGHTS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 43 USC 3101 et seq

CFR Citation: 43 CFR 3101.1-2

Legal Deadline: None

Abstract: This rule will clarify the extent to which BLM may prescribe measures on lease surface-use activities by specifying deadlines and distance requirements that may be imposed as conditions for approval of applications for permit to drill.

Timetable:

Action	Date	FR Cite
Withdrawn - No action to be taken at this time.	07/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Hopkins, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240, 202 653-2182

RIN: 1004–AB85

BILLING CODE 4310-84-F

[FR Doc. 91–21596 Filed 10–18–91; 8:45 am]

Federal Register

Monday
October 21, 1991

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. I

28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its October 1991 regulatory agenda pursuant to Executive Order No. 12291 "Federal Regulation," 3 CFR part 127 (1981 Compilation), and the Regulatory Flexibility Act, 5 U.S.C. 601-612 (West 1984).

FOR FURTHER INFORMATION CONTACT: Brian D. Miller, Office of Policy Development, Department of Justice, Room 4243, 10th and Constitution Avenue NW., Washington, DC 20530, (202) 514-3643.

Dated: September 19, 1991.

Steven R. Schlesinger,

Director, Office of Policy Development.

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1823	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1190-AA03

Civil Rights Division—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1824	Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities	1190-AA19
1825	Nondiscrimination on the Basis of Disability in State and Local Government Services	1190-AA21
1826	Unfair Immigration-Related Employment Practices	1190-AA24

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1827	Prescriptions for Controlled Substances, Requirements for Use of Automated Data Processing Systems	1117-AA03

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1828	Transfer of Glutethimide from Schedule III to Schedule II	1117-AA06
1829	Definition and Exemption of Affiliated Practitioners	1117-AA11
1830	Records and Reports of Listed Chemicals and Certain Machines	1117-AA12

Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1831	Prescriptions for Controlled Substances in Schedule II for Patients in Long Term Care Facilities and the Terminally Ill	1117-AA04
1832	Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances	1117-AA08
1833	Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances	1117-AA09
1834	Addition of New Listed Chemicals and Thresholds	1117-AA10

DOJ

General Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1835	Debt Collection	1103-AA23

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1836	Determination for Access to National Security Information: Eligibility, Adjudication, and Appeal Procedures	1103-AA18

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1837	Procedures for Collection of Past Due Legally Enforceable Debt Through Federal Tax Refund Offset	1103-AA16

Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1838	Nonimmigrant Visitors for Business	1115-AC89

Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1839	Prosecution for Escape From Service Custody	1115-AB15
1840	Nonimmigrant Classes; Special Requirement for Admission, Extension and Maintenance of Status, Control of Employment of Alien	1115-AB52
1841	Field Officers; Powers and Duties; Subpoena	1115-AB63
1842	Change of Address Notification; Immigration Forms	1115-AB65
1843	Definition of Crewman	1115-AB80
1844	Suspension or Disbarment	1115-AB87
1845	Progressive Clearance	1115-AB90
1846	Nonimmigrant Classes, School Approvals and Reporting Requirements	1115-AB97
1847	Immigration and Nationality Petitions/Applications; Certification of Documents	1115-AC07
1848	Proof of Official Records	1115-AC11
1849	Availability of Material Under the Freedom of Information Act	1115-AC15
1850	Changes in Processing Procedures for Certain Applications and Petitions for Immigration Benefits	1115-AC20
1851	Exclusion of Aliens: Proceedings to Determine Deportability of Aliens in the United States; Apprehension, Custody, Hearing, and Appeal; Rescission of Adjustment of Status	1115-AC22
1852	Change of Nonimmigrant Classification	1115-AC23
1853	Detention of Crewmen Prior to Examination	1115-AC25
1854	Contractual Augmentation of Federal Inspectional Services	1115-AC27
1855	Departure Manifests and Lists for Vessels; and Lists for Aircraft; Notification of Changes in Employment for Aircraft	1115-AC29
1856	Treaty Aliens, E Classification	1115-AC51
1857	Conditional Basis of Lawful Permanent Residence for Certain Alien Investors, Their Spouses, and Sons and Daughters	1115-AC53
1858	Representations and Appearances; Suspension or Disbarment	1115-AC61
1859	Enhancing the Enforcement Authority of Immigration Officers	1115-AC63
1860	Registration of Special Groups	1115-AC68

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Immigration and Naturalization Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1861	Parole	1115-AC69
1862	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s	1115-AC70
1863	Judicial Recommendations Against Deportation; Controlled Substance Violations	1115-AC73
1864	Landing Requirements; Place of Landing	1115-AC74
1865	Notice to Transportation Lines; National Fines Office	1115-AC75
1866	Landing of Alien Crewmen; Examination of Crewmen; Requirements for Admission; Revocation of Conditional Landing Permits; Deportation	1115-AC76
1867	Control of Alien Crewmen	1115-AC77
1868	Discharge of Alien Crewmen	1115-AC78
1869	Procedure Under Section 257 of the Immigration and Nationality Act	1115-AC79
1870	Prevention of Unauthorized Landing of Aliens	1115-AC80
1871	Unlawful Bringing of Aliens into the United States	1115-AC81
1872	Collection of Refunded Transportation Costs	1115-AC82
1873	Fees for Processing Certain Asylee/Refugee Related Applications	1115-AC93
1874	Non-Mariel Cuban Parole Determinations	1115-AC98
1875	Fees for New Processes Established by the Immigration Act of 1990	1115-AC99
1876	Ports of Entry for Aliens Arriving by Vessel or by Land Transportation	1115-AD00
1877	Detention of Crewmen Prior to Examination	1115-AD02

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1878	Nonimmigrant Classes; Temporary Employees	1115-AA25
1879	Contracts with Transportation Lines	1115-AA88
1880	Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing and Appeal; Suspension of Deportation and Voluntary Departure	1115-AB19
1881	Waiver of Certain Types of Visas	1115-AB40
1882	Aliens, Exclusion Grounds, Immigration, Nationality, and Waivers of Inadmissibility	1115-AB45
1883	Apprehension, Custody, and Detention: Clarification of Force and Effect of Service Detainers (Form I-247)	1115-AB48
1884	Statement of Organization; Ports of Entry for Aliens Arriving by Vessel or by Land Transportation, and by Aircraft	1115-AB53
1885	Changes to Chapter 15 of the U.S.-Canada Free-Trade Agreement	1115-AB72
1886	Termination of Temporary Resident Status	1115-AB74
1887	Adjustment of Status; Nurses	1115-AB76
1888	Establishment of Pilot Programs to Charge a User Fee at Selected Ports of Entry	1115-AB78
1889	Claims to Asylum or Withholding of Deportation Made by Aliens Fleeing Coercive Family Planning Policies	1115-AB86
1890	Visa Waiver Pilot Program (Second Program)	1115-AB93
1891	Student Employment Authorization Procedures	1115-AB94
1892	Rescission of Adjustment of Status	1115-AB98
1893	Posthumous U.S. Citizenship for Certain Aliens; Immigration and Nationality Forms; Display of Control Numbers; Fees	1115-AC06
1894	One-Year Extension of Deadline for Filing Applications for Adjustment From Temporary to Permanent Residence for Legalized Aliens	1115-AC13
1895	Suspension of Immediate and Continuous Transit Agreements	1115-AC17
1896	Adjustment of Status to That of Persons Admitted for Lawful Temporary or Permanent Resident Status Under Section 245a of the Immigration and Nationality Act, as Amended	1115-AC18
1897	Removal of the Republic of Hungary From the List of Countries to Which Section 243(g) of the Immigration and Nationality Act Applies	1115-AC21
1898	Petition for Alien to Perform Agricultural Labor or Services of a Temporary or Seasonal Nature (H-2A); Petition Agreements	1115-AC28
1899	Temporary Protected Status	1115-AC30
1900	Transition for Employees of Certain U.S. Businesses Operating in Hong Kong	1115-AC31
1901	International Cultural Exchange Visitors, Q Classification	1115-AC32
1902	Nonimmigrant Classes; Students	1115-AC33
1903	Special Classes of Persons Who May be Naturalized; Veterans of the U.S. Armed Forces Who Served During WWI or WWII or Enlisted Under Act of June 30, 1950, as Amended	1115-AC34
1904	Application for the Exercise of Discretion Under 212c Aggravated Felons	1115-AC35
1905	Penalties for Document Fraud	1115-AC36
1906	Consent to Reapply for Admission After Deportation, Removal, or Departure at Government Expense	1115-AC37
1907	Applicant Processing for Family Unity Benefits	1115-AC39

Immigration and Naturalization Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1908	Denial of Crewman Status in the Case of Certain Labor Disputes and Specifications of Authorized Employment	1115-AC42
1909	Exemption to General Prohibition Against Approval of Application for Immigration Benefits Based on Marriage Entered Into During Deportation or Exclusion Proceedings	1115-AC43
1910	Family Sponsored Immigrants	1115-AC45
1911	Conditional Basis of Lawful Permanent Residence for Certain Alien Spouses and Sons and Daughters; Battered Wife Exception	1115-AC47
1912	Special Immigrant Status; Certain Aliens Declared Dependent on a Juvenile Court	1115-AC48
1913	Adjustment Procedures for Aliens Granted Asylum	1115-AC50
1914	Administrative Naturalization	1115-AC58
1915	Employment-Based Immigration	1115-AC59
1916	Release Procedures; Lawful Permanent Residents Convicted of Aggravated Felonies	1115-AC60
1917	Procedures for Asylum and Withholding of Deportation	1115-AC65
1918	Asylum and Withholding of Deportation Procedures; Aggravated Felons	1115-AC66
1919	Asylum Application Mail-in Program to Asylum Offices; Issuance of Charging Documents in Exclusion and Deportation Proceedings by Supervisory Asylum Officers	1115-AC67
1920	Aliens in Religious Occupations (R Nonimmigrants)	1115-AC71
1921	Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act	1115-AC72
1922	Registration and Fingerprinting of Certain Nonimmigrants Bearing Iraqi and Kuwaiti Travel Documents	1115-AC83
1923	Revision of Grounds for Deportation; Conforming Regulations	1115-AC86
1924	Adjustment of Status to that of Person Admitted for Permanent Residence	1115-AC88
1925	Mariel Cuban Parole Determinations	1115-AC90
1926	Documents Required with Asylum Applications; Asylum Procedures for Stowaways	1115-AC92
1927	Powers and Duties of Service Officers; Availability of Service Records	1115-AC94
1928	Name Change for Border Patrol Sector Number 3	1115-AC95
1929	Waiver of Fees; Temporary Protected Status	1115-AC96
1930	Distribution of Service Forms	1115-AC97
1931	Contracts with Transportation Lines; Documentary Requirements	1115-AD01
1932	Implementation of Internal Reorganization of the Immigration and Naturalization Service	1115-AD03
1933	Detention and Release of Juveniles, Aggravated Felons	1115-AD04

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1934	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB12
1935	Conditions for Release From Custody and/or Bond and for Change of Venue	1115-AB16
1936	Nonimmigrant Classes	1115-AB26
1937	Nonimmigrant Classes	1115-AB31
1938	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB37
1939	Subpoena Issuance Authority	1115-AB46
1940	Employment Authorization for the Spouse and Dependent Children of an Exchange Alien	1115-AB50
1941	Conditional Basis of Lawful Permanent Residence Status for Certain Alien Spouses and Sons and Daughters	1115-AB61
1942	Refugee Travel Documents	1115-AB62
1943	Powers and Duties of Service Officers; Availability of Service Records, Control of Employment of Aliens	1115-AB73
1944	Petition to Classify as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB79
1945	Endorsement of Name Change on Certificate of Naturalization; Electronic Recordkeeping	1115-AB84
1946	Petitions for Prospective Immigrant Employees	1115-AB85
1947	OSC and W/A Issuance Authority	1115-AB91
1948	Powers and Duties of Service Officers; Regional Processing Facilities	1115-AB99
1949	Aliens and Nationality; Exclusion of Aliens; Proceedings to Determine Deportability of Aliens in the United States; Apprehension, Custody, Hearing and Appeal	1115-AC03
1950	Apprehension, Custody and Detention; Issuance of Service Detainers (Form I-247); Field Officers; Powers and Duties	1115-AC05
1951	Delegations of Authority to Issue Orders to Show Cause and Warrants of Arrest in Proceedings to Determine Deportability and to Grant and Revoke Voluntary Departure Prior to Commencement	1115-AC09
1952	INS/Executive Office for Immigration Review Fee Schedule	1115-AC12
1953	Direct Mail Operations	1115-AC16
1954	Arrival and Departure Control of Certain Groups of Aliens	1115-AC19
1955	Contracts With Transportation Lines	1115-AC24
1956	Documentary Requirements for Landed Immigrants in Canada	1115-AC26
1957	Applicant Processing for Family Unity Benefits; Conforming Amendments	1115-AC40

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Immigration and Naturalization Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1958	Imposition of Penalty	1115-AC41
1959	Service Custody of Aggravated Felons in Exclusion Proceedings	1115-AC44
1960	Family Sponsored Immigrants	1115-AC46
1961	Adjustment of Status for Certain Aliens; Displaced Natives of Tibet and Their Spouses, Sons, Daughters, and Grandchildren	1115-AC49
1962	Immediate Relatives; Certain Widows and Widowers of Citizens of the United States	1115-AC52
1963	Adjustment of Status; Diversity Immigrants; Diversity Transition Aliens	1115-AC54
1964	Adjustment of Status; Transition for Aliens Notified of NP-5 Visa Availability	1115-AC55
1965	Imposition and Collection of Fines	1115-AC62
1966	Petitions for Employees of Certain United States Businesses Operating in Hong Kong and of Applications for Priority Date Establishment by Employment Creation Aliens	1115-AC84
1967	Elimination of Judicial Recommendations Against Deportation	1115-AC85
1968	Nonimmigrant Classes; Ports of Entry	1115-AC87
1969	Overtime Liability for Cargo Vessels and Aircraft	1115-AC91

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1970	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings	1105-AA05
1971	Procedures for Implementing the Compensation Provisions of the Radiation Exposure Compensation Act of 1990	1105-AA15
1972	Criminal Fines Enforcement	1105-AA16

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1973	New Restrictions on Lobbying	1105-AA12
1974	Unfair Immigration-Related Employment Practices	1105-AA17

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1975	Federal Policy for the Protection of Human Subjects	1105-AA13

Office of Justice Programs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1976	Office of Juvenile Justice and Delinquency Prevention Formula Grants Regulations	1121-AA15
1977	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	1121-AA16
1978	Uniform Administrative Requirements for Grants and Cooperative Agreements to Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	1121-AA18

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Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1979	Criminal Intelligence Systems Operating Policies	1121-AA12
1980	Criminal Justice Information Systems	1121-AA13

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1981	Equal Employment Opportunity Program Guidelines	1121-AA10
1982	Nondiscrimination in OJP Federally Assisted Programs	1121-AA11
1983	Public Safety Officers' Benefits Disability Program Regulations	1121-AA17

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Final Rule Stage

1823. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42 Subpart I, (New)

Legal Deadline: None

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute, 42 USC 6103(a)(4), requires that Federal agencies providing Federal financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office of Legal Counsel, and on November 10, 1980 a draft final rule was forwarded to HHS for approval. On July 13, 1984 HHS conditionally approved the draft regulation. On August 12, 1987 DOJ submitted to HHS a draft final regulation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/18/80	45 FR 32710
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Worthen, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118, Washington, DC 20035-6118, 202 307-2218

RIN: 1190–AA03

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Completed Actions

1824. NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES

Significance: Agency Priority

CFR Citation: 28 CFR 36

Completed:

Reason	Date	FR Cite
Final Action	07/26/91	56 FR 35544
Final Action Effective	01/26/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: John Wodatch, 202 514-0301

RIN: 1190–AA19

1825. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES

Significance: Agency Priority

CFR Citation: 28 CFR 35

DOJ—CRT

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	07/26/91	56 FR 35694
Final Action Effective	01/26/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John Wodatch, 202 514-0301

RIN: 1190–AA21

1826. UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Completed:

Reason	Date	FR Cite
Transfer Development to: 1105-AA17	05/02/91	

RIN: 1190–AA24

DEPARTMENT OF JUSTICE (DOJ)

Drug Enforcement Administration (DEA)

Proposed Rule Stage

1827. PRESCRIPTIONS FOR CONTROLLED SUBSTANCES, REQUIREMENTS FOR USE OF AUTOMATED DATA PROCESSING SYSTEMS

Significance: Agency Priority

Legal Authority: 21 USC 821; 21 USC 829; 21 USC 871(b)

CFR Citation: 21 CFR 1306.21; 21 CFR 1306.22; 21 CFR 1306.26; 21 CFR 1306.31

Legal Deadline: None

Abstract: This rule will amend existing regulations concerning the maintenance and retrieval of controlled substance prescription information stored in automated data processing systems. The rule is intended to clarify and simplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36815
NPRM Comment Period End	11/24/89	54 FR 43436

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, 202 307-7297

RIN: 1117–AA03

DEPARTMENT OF JUSTICE (DOJ)

Drug Enforcement Administration (DEA)

Final Rule Stage

1828. TRANSFER OF GLUTETHIMIDE FROM SCHEDULE III TO SCHEDULE II

Significance: Agency Priority

Legal Authority: 21 USC 811; 21 USC 812; 21 USC 871(b)

CFR Citation: 21 CFR 1308.12; 21 CFR 1308.13

Legal Deadline: None

Abstract: Transfer glutethimide from Schedule III to Schedule II of the Controlled Substances Act. This action will impose the regulatory control mechanisms and criminal sanctions of Schedule II on the manufacture, distribution and possession of the substance, glutethimide.

Timetable:

Action	Date	FR Cite
NPRM	07/26/90	55 FR 30472
NPRM Comment Period End	09/24/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Howard McClain, Jr., Chief, Drug Control Section, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, 202 307-7183

RIN: 1117–AA06

1829. DEFINITION AND EXEMPTION OF AFFILIATED PRACTITIONERS

Significance: Agency Priority

Legal Authority: 21 USC 821 to 824; 21 USC 871(b); 21 USC 875; 21 USC 877

CFR Citation: 21 CFR 1301.24(d),(New); 21 CFR 1304.02(i),(New); 21 CFR 1304.02(j)

Legal Deadline: None

Abstract: This rule will amend existing regulations by defining the term "affiliated practitioner" in 21 CFR 1304, and will exempt certain affiliated practitioners from the requirement of registration in 21 CFR 1301.

Timetable:

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4181
NPRM; Correction	02/15/91	56 FR 6423
NPRM Comment Period End	04/05/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, 202 307-7297

RIN: 1117–AA11

1830. RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES

Significance: Agency Priority

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

DOJ—DEA

Final Rule Stage

CFR Citation: 21 CFR 1310.05(a)(4); 21 CFR 1310.06(c); 21 CFR 1310.06(e),(New); 21 CFR 1310.06(f),(New)

Legal Deadline: None

Abstract: This rule will amend existing regulations implementing the Chemical Diversion and Trafficking Act of 1988 by including the requirements to maintain records and file reports on the importation or exportation of any tableting machine or encapsulating machine.

Timetable:

Action	Date	FR Cite
NPRM	05/20/91	56 FR 23037
NPRM Comment Period End	07/19/91	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, **202 307-7297**

RIN: 1117–AA12

DEPARTMENT OF JUSTICE (DOJ)
Drug Enforcement Administration (DEA)

Completed Actions

1831. PRESCRIPTIONS FOR CONTROLLED SUBSTANCES IN SCHEDULE II FOR PATIENTS IN LONG TERM CARE FACILITIES AND THE TERMINALLY ILL

Significance: Agency Priority

CFR Citation: 21 CFR 1306.02; 21 CFR 1306.05; 21 CFR 1306.11; 21 CFR 1306.13

Completed:

Reason	Date	FR Cite
Final Action	06/03/91	56 FR 25025
Final Action Effective	07/03/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, 202 307-7297

RIN: 1117–AA04

1832. REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Significance: Agency Priority

CFR Citation: 21 CFR 1301.76

Completed:

Reason	Date	FR Cite
Final Action	08/01/91	56 FR 36727
Final Action Effective	08/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, 202 307-7297

RIN: 1117–AA08

1833. REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Significance: Agency Priority

CFR Citation: 21 CFR 1301.02

Completed:

Reason	Date	FR Cite
Final Action	08/01/91	56 FR 36726
Final Action Effective	08/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, 202 307-7297

RIN: 1117–AA09

1834. ADDITION OF NEW LISTED CHEMICALS AND THRESHOLDS

Significance: Agency Priority

CFR Citation: 21 CFR 1310.02(a); 21 CFR 1310.02(b); 21 CFR 1310.04(f)(1); 21 CFR 1310.04(f)(2)(i); 21 CFR 1310.04(f)(2)(ii)

Completed:

Reason	Date	FR Cite
Final Action	09/26/91	56 FR 48732
Final Action Effective	10/28/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, 202 307-7297

RIN: 1117–AA10

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Prerule Stage

1835. DEBT COLLECTION

Significance: Agency Priority

Legal Authority: 5 USC 5514; 5 USC 3716

CFR Citation: 28 CFR 11

Legal Deadline: None

Abstract: This change provides the Department with procedures to collect debts by salary offset from current employees and from former Department employees who work for other Government agencies.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	
ANPRM Comment Period End	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Williams, Director, Finance Staff, Justice Management Division, Department of Justice, 601 D Street, NW., Washington, DC 20530, **202 501-6984**

RIN: 1103–AA23

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Proposed Rule Stage

1836. DETERMINATION FOR ACCESS TO NATIONAL SECURITY INFORMATION: ELIGIBILITY, ADJUDICATION, AND APPEAL PROCEDURES

Legal Authority: EO 12356; Information Security Oversight Office Directive No. 1

CFR Citation: 28 CFR 17

Legal Deadline: None

Abstract: To establish procedures for granting, denying, suspending, and revoking access to national security information originated by, or in the control of, the Department of Justice.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: D. Jerry Rubino, Director, Security and Emergency Planning Staff, Department of Justice, Justice Management Division, 10th & Constitution Avenue, NW., Washington, DC 20530, 202 514-2094

RIN: 1103–AA18

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Final Rule Stage

1837. PROCEDURES FOR COLLECTION OF PAST DUE LEGALLY ENFORCEABLE DEBT THROUGH FEDERAL TAX REFUND OFFSET

Legal Authority: 31 USC 3720A; 31 USC 3718; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 11

Legal Deadline: None

Abstract: The proposed rule will revise an interim final rule published on March 9, 1989, which established procedures for referring to the Department of Treasury debts for collection by offset against Federal Income Tax Refunds. Treasury's rules for offsets against tax refunds are limited to the period January 1, 1986, through January 10, 1994. The proposed rule will broaden the scope of coverage by including organizations and entities in addition to individual debtors, and by including debts that are past due and legally enforceable but not reduced to judgment in addition to debts that have been reduced to judgment.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22026
Interim Final Rule	03/09/89	54 FR 9979
Interim Final Rule Effective	03/09/89	
Final Action	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Imogene McCleary, Special Assistant to the Director, Department of Justice, Debt Collection Management, Justice Management Division, Room 1121, 10th & Const. Ave NW., Washington, DC 20530, 202 514-5343

RIN: 1103–AA16

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Prerule Stage

1838. ● NONIMMIGRANT VISITORS FOR BUSINESS

Legal Authority: PL 101-649

CFR Citation: 8 CFR 212; 8 CFR 214

Legal Deadline: None

Abstract: The Immigration and Naturalization Service, through the use of the Public Notice process in the Federal Register has solicited public comment on the Service's operating instructions as they relate to aliens, employers, and religious organizations which may be affected by changes to the nonimmigrant classifications (B-1 nonimmigrant classifications) which have resulted from the enactment of Public Law 101-649, the Immigration Act of 1990.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS No. 1441-91

Agency Contact: Michael Shaul, Senior Immigration Examiner, Examination, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 514-3946

RIN: 1115–AC89

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Proposed Rule Stage

1839. PROSECUTION FOR ESCAPE FROM SERVICE CUSTODY

Legal Authority: PL 100-690

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: The regulation will create implementing language for that section of the Anti-Drug Abuse Act of 1988 that makes escape, attempted escape, or assisting in an escape from Service custody a misdemeanor offense.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1213-89 (Cross reference with INS No. 1226-90)

Agency Contact: Carol Jenifer, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7246, Washington, DC 20536, 202 514-2276

RIN: 1115–AB15

1840. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENT FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS, CONTROL OF EMPLOYMENT OF ALIEN

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a

CFR Citation: 8 CFR 214.2; 8 CFR 274a.12

Legal Deadline: None

Abstract: Collaborative effort with INS, Department of State and Department of Defense on revising Service regulations relating to employment authorization for dependents of certain principal aliens in NATO status. The revision is to clarify the current regulations and bring them more into alignment with the A and G regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1328-91

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 514-3240

RIN: 1115–AB52

1841. FIELD OFFICERS; POWERS AND DUTIES; SUBPOENA

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287.4

Legal Deadline: None

Abstract: This rule amends regulations by permitting service of a subpoena to be made by an immigration officer except when the subpoena is issued by a special inquiry officer on behalf of a party other than the Immigration and Naturalization Service.

The rule would permit an immigration officer to ask for a subpoena from an immigration judge. It deletes the Regional Director, Office of Professional Responsibility, as an official who may issue a subpoena and/or designate service of same. The new rule specifically permits the subpoenaing of demonstrative evidence. Finally, the rule authorizes specified Immigration Service officials as well as special inquiry officers, to issue subpoenas on behalf of the service subsequent to commencement of any proceeding.

Timetable:

Action	Date	FR Cite
NPRM	09/26/91	56 FR 48766
NPRM Comment Period End	10/28/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1242-90

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, 202 514-0747

RIN: 1115–AB63

1842. CHANGE OF ADDRESS NOTIFICATION; IMMIGRATION FORMS

Legal Authority: 8 USC 1103; 8 USC 1305; 8 USC 1101; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 265.1; 8 CFR 299.1; 8 CFR 299.5; 8 CFR 287.6(c)

Legal Deadline: None

Abstract: This rule will amend the current regulation by dictating that unless exempt by statute, all aliens including applicants for Legalization, Special Agricultural Workers and Replenishment Agricultural Workers must report new address and changes of address on Form AR-11.

This rule also updates the listing of forms contained in 8 CFR 299.1 and 299.5, and makes grammatical changes to 8 CFR 287.6(c).

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1245-90

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, 202 514-0747

RIN: 1115–AB65

1843. DEFINITION OF CREWMAN

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 252.1

Legal Deadline: None

Abstract: This action would expand the definition of crewman to include supernumeraries and clearly delineate the tasks which crewmen may perform. Publication of this regulation is contingent upon passage of bill by Congress which redefines crewman.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1305-90

Cross reference INS Number 1259-90

Rule pending outcome of HR 2238

Agency Contact: Diane Hinckley, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and

Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-3269**

RIN: 1115–AB80

1844. SUSPENSION OR DISBARMENT

Legal Authority: 8 USC 1103; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 292.3

Legal Deadline: None

Abstract: The proposed rule subjects attorneys and representatives to suspension or disbarment from practice before the Immigration and Naturalization Service (INS) if they are found to have violated the American Bar Association Model Rules of Professional Conduct.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1291-90

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, **202 514-0747**

RIN: 1115–AB87

1845. PROGRESSIVE CLEARANCE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229

CFR Citation: 8 CFR 231.1(c)

Legal Deadline: None

Abstract: Current regulations allow for the inspection of arriving passengers to be deferred at the request of the carrier to an onward port of debarkation. This may allow latitude in the reboarding of previously cleared passengers who arrived on a similarly designated flight, thus creating a commingling of international and domestic passengers. This regulation would more clearly define a progressive flight.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1303-90

Agency Contact: Richard Gottlieb, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2725**

RIN: 1115–AB90

1846. NONIMMIGRANT CLASSES, SCHOOL APPROVALS AND REPORTING REQUIREMENTS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule revises regulations to conform with the redesign of the Student School Database. INS is redesigning the STSC to improve data accuracy and to reduce the paperwork load for school officials.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: INS No. 1301-90

Agency Contact: Pearl B. Chang, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3946**

RIN: 1115–AB97

1847. IMMIGRATION AND NATIONALITY PETITIONS/APPLICATIONS; CERTIFICATION OF DOCUMENTS

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 31 USC 9701; EO 12356; 47 FR 14874; 47 FR 15557; 3 CFR, 1982 Comp, p 166; 8 CFR 2

CFR Citation: 8 CFR 103.2(b)(1)

Legal Deadline: None

Abstract: This proposed rule will revise the requirement that all supporting documents submitted by individuals applying for immigration benefits be accompanied by certified copies or that copies be certified by designated INS personnel at the time of receipt for retention with the petition(s) or application(s). Available data do not show a significant number of rescission/revocation actions based on fraudulent claims to warrant continuing to require that all documents in support of a request for an immigration benefit be certified. The public will be less burdened with having to produce and pay for certified copies. The public will also have to spend less time standing in line at an INS office waiting for their documents to be read and matched for certification.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1298-90

Agency Contact: Nina Conner, Information Management Specialist, Public Contact Section, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5060, Washington, DC 20536, **202 514-5365**

RIN: 1115–AC07

1848. PROOF OF OFFICIAL RECORDS

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287.6

Legal Deadline: None

Abstract: This rule will permit immigration officers to attest to having seen an official record and having made a true copy thereof.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1297-91

Agency Contact: Ira L. Frank, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, **202 514-0747**

RIN: 1115–AC11

1849. AVAILABILITY OF MATERIAL UNDER THE FREEDOM OF INFORMATION ACT

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 5 USC 552; 5 USC 552a; 31 USC 9701; EO 12356; 8 CFR 2

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This regulation amends 8 CFR 103 to be consistent with the current regulations Title 28 of the Code of Federal Regulations as they pertain to the Freedom of Information Act. This change would clarify editorial issues; notify the public of INS procedures for requesting access under the Freedom of Information Program; and it will include a reference to fee requirements and to business information.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1316-91

Agency Contact: Russell Powell, Chief, FOIA/PA Section, Information Resourses Management, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5056, Washington, DC 20536, 202 514-1722

RIN: 1115–AC15

1850. CHANGES IN PROCESSING PROCEDURES FOR CERTAIN APPLICATIONS AND PETITIONS FOR IMMIGRATION BENEFITS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 USC 1455; 5 USC 552; 5 USC 552a; 28 USC 1746; 31 USC 9701; 8 CFR 2

CFR Citation: 8 CFR 103; 8 CFR 214; 8 CFR 223; 8 CFR 223a; 8 CFR 248; 8 CFR 264; 8 CFR 292

Legal Deadline: None

Abstract: This rule would clarify and streamline evidence rules and the process by which persons may apply and receive certain immigration documents and benefits. It would also revise how the Service notifies applicants and petitioners of decisions, and modify how the Service communicates with applicants and petitioners represented by an attorney or other representatives.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1324-91

Agency Contact: Mike Aytes, Director, Service Center Operations, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, 202 514-3156

RIN: 1115–AC20

1851. EXCLUSION OF ALIENS: PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES; APPREHENSION, CUSTODY, HEARING, AND APPEAL; RESCISSION OF ADJUSTMENT OF STATUS

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1255; 8 USC 1362; 8 CFR 2; 8 USC 1186A; 8 USC 1187; 8 USC 1251; 8 USC 1254; 8 USC 1256; 8 USC 1259

CFR Citation: 8 CFR 236.10; 8 CFR 242.25; 8 CFR 246.10

Legal Deadline: None

Abstract: This rule implements Sections 601(a)(3) and 602(a)(4) of the Immigration Act of 1990 by permitting the Service to introduce under certain restrictions, relevant information that is classified under EO 12356 to be considered "in camera" and "ex parte" in exclusion, deportation and rescission hearings by a special inquiry officer.

This rule is necessary to aid in expelling alien terrorists from the United States and thus reduces the threat that such aliens pose to the national security and other vital interests of the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1327-91

AG Order Number to be assigned

This regulation falls under IMMACT 90

Agency Contact: Ira Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, 202 514-0747

RIN: 1115–AC22

1852. CHANGE OF NONIMMIGRANT CLASSIFICATION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1187; 8 USC 1258

CFR Citation: 8 CFR 248

Legal Deadline: None

Abstract: This regulation will eliminate many of the anomalies that have been introduced into this section of regulation over the years.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS No. 1329-91

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115–AC23

1853. DETENTION OF CREWMEN PRIOR TO EXAMINATION

Legal Authority: 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 252

Legal Deadline: None

Abstract: This rule would clarify that a crewman who traveled to a vessel in a transit status (either C-1 or TWOV) would lose the transit status once he/she had joined the vessel.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1331-91

Agency Contact: Diane Hinckley, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2725**

RIN: 1115–AC25

1854. CONTRACTUAL AUGMENTATION OF FEDERAL INSPECTIONAL SERVICES

Legal Authority: 8 USC 1103; 8 USC 1356

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: Presently international passengers pay a five dollar user fee to fund immigration inspection services at airports and some seaports. A legislative change is being sought to Section 286 of the INA, to permit airport operators, bridge owners and local government or special tax districts to contract with the INS to provide augmented levels of inspectional services at airport, seaport or land border ports of entry, beyond that level available through the user fee. This rule would be promulgated after such change was made to the INA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: INS No. 1333-91

Agency Contact: Thomas Andreotta, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-4035**

RIN: 1115–AC27

1855. DEPARTURE MANIFESTS AND LISTS FOR VESSELS; AND LISTS FOR AIRCRAFT; NOTIFICATION OF CHANGES IN EMPLOYMENT FOR AIRCRAFT

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1281; 8 USC 1282; 66 Stat 173; 66 Stat 182, as amended; 66 Stat 195; 66 Stat 219; 65 Stat 220

CFR Citation: 8 CFR 251

Legal Deadline: None

Abstract: The revised regulation would add that the agent for a vessel at the port of arrival is liable for fine (as a conduit to the vessel's owner) if the agent at the last U.S. port fails to file required documentation.

The regulation will also provide that Form I-94, issued to an alien on a previous arrival but encountered on a subsequent arrival, will be considered "prima facie" evidence of noncompliance with departure requirements by the carrier which removed the alien from the United States on his/her previous stay.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1335-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, **703 756-3911**

RIN: 1115–AC29

1856. TREATY ALIENS, E CLASSIFICATION

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1184; 8 CFR 2

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule would codify existing policy guidelines regarding the classification of nonimmigrant treaty aliens.

Timetable:

Action	Date	FR Cite
NPRM	08/30/91	56 FR 42952
NPRM Comment Period End	10/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1427-91

Agency Contact: Pearl Chang, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3043**

RIN: 1115–AC51

1857. CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN INVESTORS, THEIR SPOUSES, AND SONS AND DAUGHTERS

Legal Authority: PL 101-649, Sec 121

CFR Citation: 8 CFR 216

Legal Deadline: None

Abstract: This rule establishes criteria for maintenance and termination of conditional resident investor status. It also establishes process and criteria for removal of the conditional basis of permanent resident status.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1429-91

Agency Contact: Ed Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, **202 514-5014**

RIN: 1115–AC53

1858. ● REPRESENTATIONS AND APPEARANCES; SUSPENSION OR DISBARMENT

Legal Authority: 8 USC 1103; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 292.3

Legal Deadline: None

Abstract: This rule modifies two grounds for suspension or disbarment of attorney or nonattorney representatives by removing the restriction on attorneys or their representatives to advertise the availability of their services on immigration matters, and by removing the restriction to make and retain a copy of a record in a case without authorization.

Removal of these two outdated grounds for ethical standards should increase the respectful attention paid by attorney and nonattorney representatives to the serious obligations imposed by 8 CFR 292. The effect of these modifications will be that INS regulations regarding suspension and disbarment will conform with the current state of the law and everyday practice.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: INS No. 1325-91

Agency Contact: **Ira Frank**, Senior Special Agent, Investigations Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, **202 514-0747**

RIN: 1115–AC61

1859. ● ENHANCING THE ENFORCEMENT AUTHORITY OF IMMIGRATION OFFICERS

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186A; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1357; 8 USC 1362; 8 USC 1225; 8 USC 1226; 8 CFR 2

CFR Citation: 8 CFR 242; 8 CFR 287

Legal Deadline: None

Abstract: This regulation codifies existing policy guidance regarding the authority of immigration officers to arrest persons, carry firearms, and serve process. It further expands the arrest authority of immigration officers beyond arrests for violations of the immigration laws. These changes are the result of expanded authority provided in Section 503 of the Immigration Act of 1990, Public Law 101-649.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1442-91

Agency Contact: **Kathryn E. Sheehan**, IMMACT Enforcement Coordinator, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7252, Washington, DC 20536, **202 514-4120**

RIN: 1115–AC63

1860. ● REGISTRATION OF SPECIAL GROUPS

Legal Authority: 8 USC 1101; 8 USC 1303; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 263

Legal Deadline: None

Abstract: This rule permits the Immigration and Naturalization Service to register aliens on probation and parole. By so doing, INS can regulate such aliens by having them report to the Service for registration. At that point, it can be determined if the alien is amenable to deportation. If so, the alien can be placed in deportation proceedings. Failure to report can be prosecuted as a misdemeanor or can result in the alien's probation or parole status being revoked.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1356-91

Agency Contact: **Ira Frank**, Senior Special Agent, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, **202 514-0747**

RIN: 1115–AC68

1861. ● PAROLE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1361; 8 CFR 2

CFR Citation: 8 CFR 212.5

Legal Deadline: None

Abstract: This rule adds the positions of Director and Assistant Directors, Organized Crime Drug Enforcement Task Force (OCDETF), New York, NY; Los Angeles, CA; Houston, TX; and Miami, FL as officials having authority to authorize parole of aliens into the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1357-91

Agency Contact: **Ira Frank**, Senior Special Agent, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, **202 514-0747**

RIN: 1115–AC69

1862. ● ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANCE(E)S

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This regulation amends 8 CFR 245.1(b)(12) to clarify that an alien lawfully admitted for permanent residence on a conditional basis under either section 216 or section 216A of the Act remains ineligible for adjustment of status under section 245 of the Act even after the alien's status has been terminated under section 216 or section 216A, respectively.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1353-91; AG Order No. (to be assigned)

Agency Contact: **Michael Shaul**, Senior Immigration Examiner, Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3241**

RIN: 1115–AC70

1863. ● JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; CONTROLLED SUBSTANCE VIOLATIONS

Legal Authority: 8 USC 1103; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 241; 8 CFR 236; 8 CFR 246

Legal Deadline: None

Abstract: This rule will eliminate portions of the present rule due to passage of Section 505 of the Immigration Act of 1990. It will retain that portion of the rule mandating that an alien notify the special inquiry officer when a judicial recommendation against deportation will be the basis of denying the charges made by the INS against the alien. It will also require the alien to produce a certified copy of the judicial recommendation against deportation at an expulsion hearing.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1311-91

INS No. 1411-91 (Cross Reference)

Agency Contact: Ira Frank, Senior Special Agent, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, 202 514-0747

RIN: 1115–AC73

1864. ● LANDING REQUIREMENTS; PLACE OF LANDING

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1229; 66 Stat 173; 66 Stat 195; 66 Stat 203

CFR Citation: 8 CFR 239

Legal Deadline: None

Abstract: The revised regulation will add the District Director or the Commissioner of the Immigration Service to the notification process.

The rule will also make other technical amendments to 8 CFR 239.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1362-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC74

1865. ● NOTICE TO TRANSPORTATION LINES; NATIONAL FINES OFFICE

Legal Authority: 8 USC 1103; 8 USC 1252; 8 USC 1253; 8 CFR 2

CFR Citation: 8 CFR 243

Legal Deadline: None

Abstract: This regulation will add a provision for notification to the National Fines Office.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1341-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC75

1866. ● LANDING OF ALIEN CREWMEN; EXAMINATION OF CREWMEN; REQUIREMENTS FOR ADMISSION; REVOCATION OF CONDITIONAL LANDING PERMITS; DEPORTATION

Legal Authority: 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282; 66 Stat 173; 66 Stat 189; 66 Stat 218; 66 Stat 219; 66 Stat 220

CFR Citation: 8 CFR 252

Legal Deadline: None

Abstract: The regulation will revise 8 CFR 252 to include a requirement that the detained crewman may leave the vessel only in close proximity to the vessel and only while involved in activities related to the arrival of the vessel.

The regulation will also clarify that all crewmen must be presented for inspection so that INS can determine whether each crewman is an alien or a US citizen.

The regulation will also provide that a C-1 nonimmigrant in transit to a vessel in pursuit of his/her calling as a crewman would lose his/her transit status and become a crewman detained on board as soon as he/she boards his/her vessel.

The regulation will also expand the Form I-408 procedure to specify that the D-1 Forms I-95 will be presented to INS with the I-408; in approving Form I-408 INS will collect D-1 Forms I-95 and issue D-2 Forms I-95.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1336-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC76

1867. ● CONTROL OF ALIEN CREWMEN

Legal Authority: 8 USC 1284

CFR Citation: 8 CFR 254

Legal Deadline: None

Abstract: The regulation will discuss fines situations commonly encountered in administering Section 254 of the Immigration and Nationality Act. This will supplement existing regulations at 8 CFR 280.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1358-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg

Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC77

1868. ● DISCHARGE OF ALIEN CREWMEN

Legal Authority: 8 USC 1286

CFR Citation: 8 CFR 256

Legal Deadline: None

Abstract: The regulation will expand on the provisions of Section 256 of the INS. Specifically, the turning in of a D-1 Form I-94 to a carrier removing an alien crewman from the US will be considered "prima facie" evidence that the crewman was improperly discharged without INS permission.

Agents of vessels will return copies of approved Forms I-408 as rebuttal to fines and provide these copies which will be considered noncompliance with Section 256 of the Act.

Forms I-408 submitted to INS for approval after the vessel has departed foreign and/or after the alien has departed the US by a means other than the vessel on which he/she arrived will not be approved and will be considered in non-compliance with the provisions of Section 256 of the Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1359-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC78

1869. ● PROCEDURE UNDER SECTION 257 OF THE IMMIGRATION AND NATIONALITY ACT

Legal Authority: 8 USC 1287

CFR Citation: 8 CFR 280

Legal Deadline: None

Abstract: A new section 22 will be added to 8 CFR 280 in order to clarify procedures for fines under Section 257 of the Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1360-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC79

1870. ● PREVENTION OF UNAUTHORIZED LANDING OF ALIENS

Legal Authority: 8 USC 1103; 8 USC 1321

CFR Citation: 8 CFR 271

Legal Deadline: None

Abstract: The regulation would clarify that at the time of arrival of an aircraft all passengers must be presented for inspection. Failure to present any passenger at the time of arrival of an aircraft will be considered noncompliance with Section 271 of the Immigration and Nationality Act.

This regulation would also provide that all arriving aircraft, including those arriving from contiguous territory or adjacent islands, will be required to present all passengers for inspection by INS, except passengers who are (1) predeclared, or (2) intended TWOV's (pursuant to Section 238 TWOV Agreement).

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1339-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC80

1871. ● UNLAWFUL BRINGING OF ALIENS INTO THE UNITED STATES

Legal Authority: 8 USC 1323

CFR Citation: 8 CFR 273

Legal Deadline: None

Abstract: The regulation would prov de clarification of the meaning or implementation of Section 273 of the Act.

All instances of an alien being brought to the US without a visa when one is required (except for arrivals from contiguous territories) would render the carrier subject to a fine under Section 273 of the Immigration and Nationality Act.

Individual waivers of visas (such as 212(d)(4)) granted after arrival in the US do not relieve a carrier of fine liability. Similarly, granting of parole or subsequent admission into the US does not remove fine liability.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1340-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC81

1872. ● COLLECTION OF REFUNDED TRANSPORTATION COSTS

Legal Authority: 8 USC 1323

CFR Citation: 8 CFR 273

Legal Deadline: None

Abstract: The regulation will direct payment for refunded passage money to INS instead of to the US Customs Service. This passage was overlooked in the revisions made to the ACT by the Immigration Act of 1990, Public Law 101-649, wherein sections relating to administrative fines were revised to designate INS as the collector of payments for administrative fines, where previously the US Customs Service received collections on behalf of the Service.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1361-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC82

1873. ● FEES FOR PROCESSING CERTAIN ASYLEE/REFUGEE RELATED APPLICATIONS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 8 USC 1150; 8 USC 1226; 8 USC 1252; ...

CFR Citation: 8 CFR 103; 8 CFR 208

Legal Deadline: None

Abstract: This regulation would have the INS and the Executive Office for Immigration Review (EOIR) charge fees for processing certain asylee/refugee related applications.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1347-91 (AG Order to be determined)

Agency Contact: Tom Thomason, Systems Accountant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 6321, Washington, DC 20536, 202 514-2926

RIN: 1115–AC93

1874. ● NON-MARIEL CUBAN PAROLE DETERMINATIONS

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This regulation provides procedures for parole determinations with respect to arriving non-Mariel Cubans.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1354-91

AG Order No. (to be determined)

Agency Contact: Joan Lieberman, Assistant General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7048, Washington, DC 20536, 202 514-2895

RIN: 1115–AC98

1875. ● FEES FOR NEW PROCESSES ESTABLISHED BY THE IMMIGRATION ACT OF 1990

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 CFR 2; 5 USC 552; 5 USC 552A; 31 USC 9701; 3 CFR Comp, p 166

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: This regulation proposes that the INS charge fees for processing certain new petitions established by the Immigration Act of 1991, Public Law 101-649.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1444-91

Agency Contact: Tom Thomason, Systems Accountant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 6307, Washington, DC 20536, 202 376-2804

RIN: 1115–AC99

1876. ● PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR BY LAND TRANSPORTATION

Legal Authority: 66 Stat 173; 8 USC 1103

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: The regulation would change the class designation of certain ports of entry.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1363-91

Agency Contact: Diane Hinckley, Assistant Chief Inspector, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 514-2725

RIN: 1115–AD00

1877. ● DETENTION OF CREWMEN PRIOR TO EXAMINATION

Legal Authority: 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 252

Legal Deadline: None

Abstract: This regulation would clarify that a crewman who traveled to a vessel in a transit status (either C-1 or TWOV) would lose the transit status once he/she had joined the vessel; however, without gaining crewman status with a right to land or change vessel assignments until he/she has been inspected and admitted by an examining officer of the Service.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1365-91

Agency Contact: John King, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street,

DOJ—INS Proposed Rule Stage

NW., Room 7123, Washington, DC 20536, 202 514-2725

RIN: 1115–AD02

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Final Rule Stage

1878. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The Immigration Reform and Control Act of 1986 (IRCA) imposes sanctions against employers who hire aliens not authorized to work. Since many of the nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to grant permanent resident status to certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and incorporated a labor certification process into the statute. This interim rule establishes special H-2A regulatory criteria. It supplements the Department of Labor's rules covering the temporary agricultural labor certification process. This rule amends Service regulations relating therefore to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Interim Final Rule	06/01/87	52 FR 20554
Interim Rule Effective Date	06/01/87	52 FR 20554
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1302-90 (Cross reference INS No. 1008-88)

Rule contingent upon Department of Labor final regulations

Agency Contact: Ed Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115–AA25

1879. CONTRACTS WITH TRANSPORTATION LINES

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 238.2(b); 8 CFR 238.3(b)

Legal Deadline: None

Abstract: This action would add or delete the names of airlines under those signatory to an agreement with the U.S. Government for the pre-flight inspection of passengers destined for the United States embarking from various designated foreign locations. In addition it would add or delete the names of transportation companies under those signatory to an agreement with the U.S. Government for the transporting of passengers in direct and continuous transit through the United States destined for a third country.

Timetable:

Action	Date	FR Cite
Final Action	01/17/90	55 FR 1578
Final Action Effective	01/17/90	55 FR 1578
At regular intervals updates to this listing will be made by the Immigration Service	10/31/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Nos. 1041-89, 1244-89, 1264-90

Agency Contact: Richard Gottlieb, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 514-3269

RIN: 1115–AA88

1880. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL; SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 242; 8 CFR 244

Legal Deadline: None

Abstract: Changes to the current regulations are necessitated by the Anti-Drug Abuse Act of 1988 provisions relating to aliens convicted of aggravated felonies. The regulations will delineate when a warrant of deportation may be used in lieu of a warrant of arrest to take an alien into custody.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/19/90	55 FR 24858
Interim Final Rule Comment Period End	07/19/90	55 FR 24858
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1209-90

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, 202 514-0747

RIN: 1115–AB19

DOJ—INS

Final Rule Stage

1881. WAIVER OF CERTAIN TYPES OF VISAS

Legal Authority: 8 USC 1182; 8 USC 1103; 8 USC 1102; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212.1

Legal Deadline: None

Abstract: This rule would enable INS inspectors to take action on nonimmigrant visa waivers at ports of entry with the presumed concurrence of the Department of State. It will save time for the DOS, INS, and the traveling public.

Timetable:

Action	Date	FR Cite
NPRM	07/30/91	56 FR 36028
NPRM Comment Period End	08/29/91	56 FR 36028
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1225-90

Agency Contact: Diane Hinckley, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2725**

RIN: 1115–AB40

1882. ALIENS, EXCLUSION GROUNDS, IMMIGRATION, NATIONALITY, AND WAIVERS OF INADMISSIBILITY

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1201; 8 USC 1304; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1186A; 8 USC 1255; 8 CFR 2; ...

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 238; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 208; 8 CFR 209; 8 CFR 210; 8 CFR 210a; 8 CFR 213; 8 CFR 223a; 8 CFR 234; 8 CFR 235; 8 CFR 236; ...

Legal Deadline: None

Abstract: This regulation provides changes in the exclusion grounds and waivers.

Timetable:

Action	Date	FR Cite
NPRM	01/05/90	55 FR 438
NPRM Comment Period End	02/05/90	55 FR 438
Interim Final Rule	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1413-91

Consolidated INS Rules 1304, RIN 1115-AC01; 1235, RIN 1115-AB39; and 1232, RIN 1115-AB45

Agency Contact: Cindy Lechner, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, **202 514-5014**

RIN: 1115–AB45

1883. APPREHENSION, CUSTODY, AND DETENTION: CLARIFICATION OF FORCE AND EFFECT OF SERVICE DETAINERS (FORM I-247)

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 242.2

Legal Deadline: None

Abstract: This rule will clarify the force and effect of Service detainers and make clear that a Service detainer has no effect upon the alien or correctional institution until the alien has been released from the custody of the correctional institution.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29050
NPRM Comment Period End	08/10/89	54 FR 29050
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1219-89

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, **202 514-0747**

RIN: 1115–AB48

1884. STATEMENT OF ORGANIZATION; PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR BY LAND TRANSPORTATION, AND BY AIRCRAFT

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: Designates/redesignates Class A and B ports of entry for inspection of arriving aliens. The rule relates to agency management.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1238-89

Agency Contact: Yvonne LaFleur, Assistant Chief Inspector, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2725**

RIN: 1115–AB53

1885. CHANGES TO CHAPTER 15 OF THE U.S.-CANADA FREE-TRADE AGREEMENT

Legal Authority: PL 100-449

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: Final rule amends 8 CFR part 214 relating to Canadian-citizen visitors for business seeking classification under section 101(a)(15)(B) of the Immigration and Nationality Act and to Canadian citizens seeking temporary entry to engage in activities at a professional level under section 214(e) of the Act. This change will facilitate temporary entry on a reciprocal basis between the United States and Canada.

The final rule effective on January 7, 1991, was followed by a proposed rule which sought public comments on changes to Annex 1502.1 to Chapter 15 of the United States-Canada Free-Trade Agreement.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/90	55 FR 6694
ANPRM Comment Period End	04/27/90	55 FR 6694
Final Action	01/07/91	56 FR 480
Final Action Effective	01/07/91	
NPRM - Changes to Annex	03/19/91	56 FR 11528
NPRM Comment Period End	05/20/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1258-90

INS Number 1310-91

Agency Contact: Edward H. Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3946**

RIN: 1115–AB72

1886. TERMINATION OF TEMPORARY RESIDENT STATUS

Legal Authority: 8 USC 1103; 8 USC 1160; 8 CFR 2

CFR Citation: 8 CFR 210.2(e); 8 CFR 210.3(d); 8 CFR 210.4(d)

Legal Deadline: None

Abstract: This rule amends regulations concerning termination of temporary resident status granted to an alien as a Special Agricultural Worker. This rule will ensure that affected aliens are notified of the grounds alleged for termination of status and are given an opportunity to appeal any adverse decision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/05/90	55 FR 12629
Interim Final Rule Effective	04/05/90	55 FR 12629
Interim Final Rule Comment Period End	05/07/90	55 FR 12629
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1260-90

Agency Contact: Janet Charney, Deputy Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, **202 514-0106**

RIN: 1115–AB74

1887. ADJUSTMENT OF STATUS; NURSES

Significance: Regulatory Program

Legal Authority: PL 101-238

CFR Citation: 8 CFR 245

Legal Deadline: NPRM, Statutory, March 18, 1990.
In accordance with PL 101-238 regulations must be promulgated 90 days after enactment of amendment or no later than March 18, 1990.

Abstract: This regulation implements sections of Public Law 101-238 by providing for adjustment of status, without regard to numerical limitations, for certain H-1 nurses.

Timetable:

Action	Date	FR Cite
Interim Rule Effective Date	03/16/90	55 FR 10395
Interim Final Rule	03/21/90	55 FR 10395
Interim Comment Period End	04/16/90	55 FR 10395
Interim Rule Effective Date	06/19/91	56 FR 28039
Interim Rule Published	06/19/91	56 FR 28039
Interim Comment Period End	07/19/91	56 FR 28039
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1409-91

Agency Contact: Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, **202 514-5014**

RIN: 1115–AB76

1888. ESTABLISHMENT OF PILOT PROGRAMS TO CHARGE A USER FEE AT SELECTED PORTS OF ENTRY

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 103; 8 CFR 286; 8 CFR 299

Legal Deadline: None

Abstract: This action would be issued subsequent to the passage of a bill amending section 286 to establish an immigration user fee for services for persons entering the United States from contiguous territory and adjacent islands.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/91	56 FR 21917
Interim Effective Date	06/12/91	56 FR 21918
Interim Comment Period End	08/12/91	56 FR 21918
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1263-90

INS Number 1312-91

Agency Contact: Donna Kay Barnes, Assistant Chief Inspector, Inspection, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2725**

RIN: 1115–AB78

1889. CLAIMS TO ASYLUM OR WITHHOLDING OF DEPORTATION MADE BY ALIENS FLEEING COERCIVE FAMILY PLANNING POLICIES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1252; 8 USC 1226; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: This rule amends 8 CFR 208 by providing that a claim to asylum or withholding of deportation may be based on persecution or a fear of persecution due to enforcement of any foreign nation's coercive population control policies of forced abortions or sterilization. These humanitarian provisions are necessary in order to provide protection for foreign nationals seeking asylum or withholding of deportation as a result of such policies. The changes will conform with the President's foreign policy and will provide guidance for adjudication of asylum and withholding of deportation claims.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/29/90	55 FR 2803
Interim Final Rule Effective	01/29/90	55 FR 2803
Interim Comment Period End	02/28/90	55 FR 2803
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: DOJ Order No. 1391-90

INS Number J-90

Agency Contact: Patricia A. Cole, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7048, Washington, DC 20536, **202 514-2895**

RIN: 1115–AB86

1890. VISA WAIVER PILOT PROGRAM (SECOND PROGRAM)

Legal Authority: 8 USC 1356; 8 USC 1187

CFR Citation: 8 CFR 217

Legal Deadline: None

Abstract: Extends the program to include land border ports for entry of visa waiver applicants; extends time period of program through September 30, 1994, and provides for additional countries to be included in the program.

Timetable:

Action	Date	FR Cite
NPRM	05/07/91	56 FR 21101
NPRM Comment Period End	05/22/91	56 FR 21101
Final Action Effective Date	07/18/91	56 FR 32952
Final Action	07/18/91	56 FR 32952
Interim Final Rule	09/13/91	56 FR 46716
Interim Final Rule Adding Additional Countries	09/13/91	56 FR 46716
Interim Final Rule Effective Date	10/01/91	56 FR 46716
Interim Final Rule Comment Period End	10/15/91	56 FR 46716

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1406-91

INS No. 1447-91

Agency Contact: Virginia Gorman, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2725**

RIN: 1115–AB93

1891. STUDENT EMPLOYMENT AUTHORIZATION PROCEDURES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 CFR 2

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: The rule amends the student employment authorization procedures to conform with the implementing regulations of the Immigration Reform and Control Act of 1986. Form I-538, which is currently used by students to apply for employment authorization, will be replaced by Form I-765. Students seeking employment must apply to the Immigration and Naturalization Service for an Employment Authorization Document (EAD).

Timetable:

Action	Date	FR Cite
NPRM	07/13/90	55 FR 28767
NPRM Comment Period End	08/13/90	55 FR 28767
NPRM Correction	08/21/90	55 FR 34023
NPRM Comment Period End	09/20/90	55 FR 34023
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1261-90

Agency Contact: Pearl Chang, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3946**

RIN: 1115–AB94

1892. RESCISSION OF ADJUSTMENT OF STATUS

Legal Authority: 8 USC 1103; 8 USC 1254; 8 USC 1255; 8 USC 1256; 8 USC 1259; 66 Stat 173; 66 Stat 214; 66 Stat 217; 66 Stat 219

CFR Citation: 8 CFR 246

Legal Deadline: None

Abstract: This rule amends part 246 to grant authority to rescind adjustment of status from temporary to permanent residence to Directors of Service Centers and makes editorial changes necessitated by the passage of time and use of current Service terminology. This change operationally complements part 245a, which allows Directors of Service Centers to adjust to permanent resident status aliens who were granted temporary resident status pursuant to the Immigration Reform and Control Act of 1986.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1283-90

Agency Contact: Janet M. Charney, Deputy Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, **202 514-0107**

RIN: 1115–AB98

1893. POSTHUMOUS U.S. CITIZENSHIP FOR CERTAIN ALIENS; IMMIGRATION AND NATIONALITY FORMS; DISPLAY OF CONTROL NUMBERS; FEES

Legal Authority: 5 USC 522; 5 USC 522a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1302; 31 USC 9701; EO 12356; 47 FR 14874; 47 FR 15557; 3 CFR, 1982 Comp, p 166; 8 CFR 2; 8 USC 1440 and note 1443

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 329a; 8 CFR 499

Legal Deadline: Other, Statutory, March 6, 1990.
Application period to request posthumous citizenship ends two (2) years from 3/6/90 for service members who died before enactment; for those who die after enactment the application (cont)

Abstract: The regulations will provide the procedure by which an alien or noncitizen national who served honorably on active duty with the U.S.

Armed Forces during specified periods of military hostilities and who died as a result of injury or disease incurred in or aggravated by that service may be declared a citizen at the time of death.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/91	56 FR 22821
Interim Effective Date	05/17/91	56 FR 22821
Interim Comment Period End	06/17/91	56 FR 22821
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1292-90

LEGAL DEADLINE DESCRIPTION CONT: period ends two (2) years from the date of death.

Interim Final Rule will allow for 30-day comment period.

Agency Contact: Stella Jarina, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, **202 514-5014**

RIN: 1115–AC06

1894. ONE-YEAR EXTENSION OF DEADLINE FOR FILING APPLICATIONS FOR ADJUSTMENT FROM TEMPORARY TO PERMANENT RESIDENCE FOR LEGALIZED ALIENS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1303; 8 USC 1255a; 5 USC 552; 5 USC 552a; 31 USC 9701; 8 CFR 2

CFR Citation: 8 CFR 103; 8 CFR 245a

Legal Deadline: None

Abstract: This rule provides for a one-year extension of the deadline for processing of applicants for permanent residence under the Legalization Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/09/91	56 FR 31060
Interim Effective Date	07/09/91	56 FR 31060
Interim Comment Period End	08/08/91	56 FR 31060
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1313-91

This regulation falls under IMMACT 90

INS No. 1432-91

Agency Contact: Janet Charney, Deputy Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, **202 514-5309**

RIN: 1115–AC13

1895. SUSPENSION OF IMMEDIATE AND CONTINUOUS TRANSIT AGREEMENTS

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1182c; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 238

Legal Deadline: None

Abstract: The provisions for aliens in immediate and continuous transit without visa preclude screening of such aliens prior to their arrival at a port of entry in the United States. This rule revises the appropriate sections of 8 CFR to eliminate a loophole that allows certain unscreened aliens to embark to the United States.

Timetable:

Action	Date	FR Cite
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1319-91

Agency Contact: Richard Gottlieb, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2680**

RIN: 1115–AC17

1896. ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Legal Authority: 8 USC 1103; 8 USC 1255a; 8 USC 1255a note; 8 CFR 2.1

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This interim rule amends the present rule by providing for the automatic termination of section 245A temporary resident status upon entry of a final order of deportation or exclusion.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1321-91

AG Order Number to be assigned

Agency Contact: Robert Kim Bingham, Assistant General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7048, Washington, DC 20536, **202 514-2895**

RIN: 1115–AC18

1897. REMOVAL OF THE REPUBLIC OF HUNGARY FROM THE LIST OF COUNTRIES TO WHICH SECTION 243(G) OF THE IMMIGRATION AND NATIONALITY ACT APPLIES

Legal Authority: 8 USC 1103; 8 USC 1252; 8 USC 1253; 8 CFR 2

CFR Citation: 8 CFR 243

Legal Deadline: None

Abstract: This rule removes the Republic of Hungary as one of the countries for which the issuance of immigrant visas is restricted.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1326-91

DOJ—INS

Final Rule Stage

Agency Contact: Carol Jenifer, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7246, Washington, DC 20536, 202 514-2276

RIN: 1115–AC21

1898. PETITION FOR ALIEN TO PERFORM AGRICULTURAL LABOR OR SERVICES OF A TEMPORARY OR SEASONAL NATURE (H-2A); PETITION AGREEMENTS

Legal Authority: 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule would propose changes needed to support the centralization of billing for H-2a liquidated damages at the National Fines Office.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1334-91

Agency Contact: Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115–AC28

1899. TEMPORARY PROTECTED STATUS

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1254a; 8 USC 1254a note; 8 USC 1362; 8 USC 1324a; 8 USC 1101; 8 CFR 2; 28 USC 509; 5 USC 301

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 240; 8 CFR 274a; 8 CFR 299

Legal Deadline: Final, Statutory, January 1, 1991.
Implementation Date for TPS Program and for Designation of El Salvador

Abstract: This rule implements a new section 244A of the Immigration and Nationality Act, established by section 302, and implements section 302, of the Immigration Act of 1990, IMMACT, Public Law 101-649, November 29, 1990. This rule sets forth procedures for making application for Temporary Protected Status and provides, in accordance with the act, and opportunity for eligible individuals to temporarily remain in and work in the United States until it is safe for them to return to their homeland.

This regulation also provides for the designation of other countries for Temporary Protected Status.

Timetable:

Action	Date	FR Cite
Interim Rule Effective Date	01/02/91	56 FR 618
Interim Final Rule	01/07/91	56 FR 618
Interim Rule Comment Period End	02/06/91	56 FR 618
Designation of Kuwait for TPS AG Order No. 1484-91 (12 mo. period)	03/27/91	56 FR 12745
Designation of Lebanon for TPS AG Order No. 1485-91 (12 mo. period)	03/27/91	56 FR 12746
Designation of Liberia for TPS AG Order No. 1483-91 (12 mo. period)	03/27/91	56 FR 12746
Final Rule	05/22/91	56 FR 23491
Final Rule Effective Date	05/22/91	56 FR 23491
Application Extension for TPS for Salvadorans Effective Date	07/01/91	56 FR 41445
Application Extension for TPS for Salvadorans (4 mo. period) INS No. 1445-91	08/21/91	56 FR 41445
Designation of Nationals of Somalia	09/16/91	56 FR 46804

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1400-91

AG Order Number 1465-91

Additional contacts: Gerald Hurwitz, EOIR, 703-756-6470

Additional country designations may be made by the Attorney General.

Cross Reference INS No. 1445-91 TPS Extension for Salvadorans.

Agency Contact: Michael T. Jaromin, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, 202 514-5309

RIN: 1115–AC30

1900. TRANSITION FOR EMPLOYEES OF CERTAIN U.S. BUSINESSES OPERATING IN HONG KONG

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This rule implements section 124 of the Immigration Act of 1990 (Public Law 101-649) by providing petition procedures to establish eligibility for immigrant visas for qualifying employees (as well as their spouses and dependent children) of certain U.S. businesses operating in Hong Kong.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/91	56 FR 23209
Interim Rule Effective Date	05/21/91	56 FR 23209
Interim Rule Comments Due	06/20/91	56 FR 23209
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1401-91

Agency Contact: Ed Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 514-3946

RIN: 1115–AC31

1901. INTERNATIONAL CULTURAL EXCHANGE VISITORS, Q CLASSIFICATION

Significance: Regulatory Program

DOJ—INS

Final Rule Stage

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1324a; 8 CFR 2

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: This rule establishes an international cultural exchange visitor program in accordance with section 101(a)(15)(Q) of the Immigration and Nationality Act, as amended by the Immigration Act of 1990 (IMMACT 90). Under the proposed program, a qualified U.S. employer may petition to the Immigration and Naturalization Service for approval to bring in a nonimmigrant alien in Q classification, for a duration not to exceed 15 months, to engage in pre-arranged employment or training and to share his or her own culture with the U.S. citizens.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/91	56 FR 41623
Interim Comment Period End	09/23/91	56 FR 41623
Interim Rule Effective Date	10/01/91	56 FR 41623
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1402-91

Agency Contact: Pearl Chang, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3241**

RIN: 1115–AC32

1902. NONIMMIGRANT CLASSES; STUDENTS

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1324a; 8 CFR 2

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: The Immigration Act of 1990 (IMMACT 90) provides a three-year off campus employment program for F-1 students. Beginning on October 1, 1991, F-1 students in good academic standing are authorized to work off-campus for a specific employer after having been in status for one academic year, if the employer has a labor attestation approved by the Department of Labor. This proposed rule clarifies and streamlines the current procedures for F-1 student employment authorization.

Timetable:

Action	Date	FR Cite
NPRM	06/13/91	56 FR 27211
NPRM Comment Period End	07/12/91	56 FR 27211
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1403-91

Agency Contact: Pearl Chang, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3240**

RIN: 1115–AC33

1903. SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED; VETERANS OF THE U.S. ARMED FORCES WHO SERVED DURING WWI OR WWII OR ENLISTED UNDER ACT OF JUNE 30, 1950, AS AMENDED

Legal Authority: 8 USC 1103; 8 USC 1440 and note; 8 USC 1443; 66 Stat 173; 66 Stat 250; 66 Stat 276

CFR Citation: 8 CFR 329

Legal Deadline: None

Abstract: This rule implements Section 405 of the Immigration Act of 1990, Public Law 101-649, to allow for the naturalization of natives of the Philippines, based upon certain active-duty military service during WWI, who would not otherwise be eligible for naturalization. Approximately 50,000 persons will be eligible for naturalization as a result of the implementation of this regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/15/91	56 FR 11060
Interim Final Rule Effective	03/15/91	56 FR 11060
Interim Final Rule Comment Period End	04/15/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1404-91

Agency Contact: Stella Jarina, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, **202 514-3946**

RIN: 1115–AC34

1904. APPLICATION FOR THE EXERCISE OF DISCRETION UNDER 212C AGGRAVATED FELONS

Legal Authority: PL 101-649, Sec 511

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This regulation would limit waiver authority for aggravated felons.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: INS No. 1405-91

Agency Contact: Cindy Lechner, Senior Immigration Examiner, Examination, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, **202 514-5014**

RIN: 1115–AC35

1905. PENALTIES FOR DOCUMENT FRAUD

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324c; 8 CFR 2

CFR Citation: 8 CFR 270

Legal Deadline: None

Abstract: This rule implements section 544 of the Immigration Act of 1990. It provides for civil penalties for certain specified acts involving document fraud. The regulation establishes penalties and procedures to be followed in the investigation of civil document fraud violations.

Timetable:

Action	Date	FR Cite
NPRM	05/31/91	56 FR 24758
NPRM Comment Period End	07/01/91	56 FR 24758
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1408-91

Agency Contact: Jill Arndt, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7205, Washington, DC 20536, **202 514-3093**

RIN: 1115–AC36

1906. CONSENT TO REAPPLY FOR ADMISSION AFTER DEPORTATION, REMOVAL, OR DEPARTURE AT GOVERNMENT EXPENSE

Significance: Regulatory Program

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1182(c); 8 USC 1184; 8 USC 1125; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule implements section 514 of the Immigration Act of 1990 (IMMACT 90), Public Law 101-649, by extending from ten to twenty years the bar on reentry into the United States after deportation or removal of aliens who are convicted on one of more aggravated felonies. The change applies to admission occurring on or after January 1, 1991.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/91	56 FR 23212
Interim Comment Period End	06/20/91	56 FR 23212
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1410-91

Agency Contact: Cindy Lechner, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, **202 514-3946**

RIN: 1115–AC37

1907. APPLICANT PROCESSING FOR FAMILY UNITY BENEFITS

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1255a note; 8 USC 1362

CFR Citation: 8 CFR 242; 8 CFR 103; 8 CFR 243; 8 CFR 264; 8 CFR 274; 8 CFR 299

Legal Deadline: Final, Statutory, October 1, 1991.
Public Law 101-649 would make Section 301 effective this date.

Abstract: This rule proposes to implement Section 301 of the Immigration Act of 1990. It provides for application for family unity benefits (voluntary departure and employment authorization) and sets procedures for applying, adjudication, and appeals to adverse decisions. The public will receive relief from being a deportable alien where none existed before, for those who are eligible.

Timetable:

Action	Date	FR Cite
NPRM	08/30/91	56 FR 42948
NPRM Comment Period End	09/30/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1414-91

Agency Contact: Michael L. Aytes, Director Service Center Operations, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, **202 514-0106**

RIN: 1115–AC39

1908. DENIAL OF CREWMAN STATUS IN THE CASE OF CERTAIN LABOR DISPUTES AND SPECIFICATIONS OF AUTHORIZED EMPLOYMENT

Legal Authority: PL 101-649, Sec 202; PL 101-649, Sec 203

CFR Citation: 8 CFR 214; 8 CFR 258; 8 CFR 251

Legal Deadline: None

Abstract: This regulation would prohibit performance of longshoreman's work by alien crewmen, with certain specified exceptions. It would further deny crewmen status to aliens entering the United States to perform duties on U.S. vessels and air carriers during a strike or lockout.

Timetable:

Action	Date	FR Cite
Interim Effective Date May 28 through Dec. 31, 1991	05/28/91	56 FR 26016
Interim Final Rule	06/06/91	56 FR 26016
Interim Comment Period End	07/08/91	56 FR 26016
Interim Comment Period End (Extension of Comment Period to Aug. 9, 1991)	07/10/91	56 FR 31305
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1418-91

Agency Contact: Diane Hinckley, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2725**

RIN: 1115–AC42

1909. EXEMPTION TO GENERAL PROHIBITION AGAINST APPROVAL OF APPLICATION FOR IMMIGRATION BENEFITS BASED ON MARRIAGE ENTERED INTO DURING DEPORTATION OR EXCLUSION PROCEEDINGS

Legal Authority: PL 101-649, Sec 702

CFR Citation: 8 CFR 204; 8 CFR 245

Legal Deadline: None

Abstract: This regulation would allow a citizen or lawful permanent resident petitioner, or an alien applicant for permanent resident status, to seek an exemption from the general prohibition against approval of immigration benefits based upon a marriage entered into while the beneficiary or applicant was under deportation or exclusion proceedings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/91	56 FR 28311
Interim Rule Effective Date	06/20/91	56 FR 28311
Interim Comment Period End	07/22/91	56 FR 28311
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1419-91

Agency Contact: Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, **202 514-5014**

RIN: 1115–AC43

1910. FAMILY SPONSORED IMMIGRANTS

Legal Authority: PL 101-649, Sec 111; PL 101-649, Sec 112; PL 101-649, Sec 101

CFR Citation: 8 CFR 204; 8 CFR 205

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This rule would provide for the issuance of immigrant visas to relatives of US citizens and lawful permanent residents.

Timetable:

Action	Date	FR Cite
NPRM	08/19/91	56 FR 41084
NPRM Comment Period End	09/18/91	56 FR 41084
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1421-91

RIN No. 1115-ac46 and 1115-ac52,(INS No. 1422-91 and 1428-91) have been merged with this rulemaking.

Agency Contact: Yolanda Sanchez, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, **202 514-5014**

RIN: 1115–AC45

1911. CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS; BATTERED WIFE EXCEPTION

Legal Authority: PL 101-649, Sec 701

CFR Citation: 8 CFR 216

Legal Deadline: None

Abstract: This rule would amend the existing waiver provisions and establish a third basis for waiving the joint filing requirement to remove the conditional basis of lawful permanent residence for certain alien spouses, sons, and daughters.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/91	56 FR 22635
Interim Rule Effective Date	05/16/91	56 FR 22635
Interim Comment Period End	06/17/91	56 FR 22635
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1423-91

Agency Contact: Rita Boie, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, **202 514-5014**

RIN: 1115–AC47

1912. SPECIAL IMMIGRANT STATUS; CERTAIN ALIENS DECLARED DEPENDENT ON A JUVENILE COURT

Significance: Regulatory Program

Legal Authority: PL 101-649, Sec 153

CFR Citation: 8 CFR 101

Legal Deadline: None

Abstract: This regulation would establish a procedure for classification of certain aliens who have been declared dependent on a juvenile court in the United States as special immigrants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/91	56 FR 23207
Interim Rule Effective Date	05/21/91	56 FR 23207
Interim Comment Period End	06/20/91	56 FR 23207
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: INS No. 1424-91

Agency Contact: Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, **202 514-5014**

RIN: 1115–AC48

1913. ADJUSTMENT PROCEDURES FOR ALIENS GRANTED ASYLUM

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1157; 8 USC 1158; 8 USC 1159

CFR Citation: 8 CFR 209

Legal Deadline: None

Abstract: This regulation would amend procedures to be used in filing for adjustment to lawful permanent resident status under section 209(b) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/91	56 FR 26897
Interim Rule Effective Date	06/12/91	56 FR 26897
Interim Rule Comments Due	08/29/91	56 FR 26897
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1426-91

Agency Contact: Marilyn Lee, Senior Asylum Officer, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1203, Washington, DC 20536, **202 514-5498**

RIN: 1115–AC50

1914. ● ADMINISTRATIVE NATURALIZATION

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 USC

1424; 8 USC 1425; 8 USC 1426; 8 USC 1427; 8 USC 1429; 8 USC 1433; 8 USC 1443; 8 USC 1447; 8 USC 1448; 8 USC 1454; 8 CFR 2.1

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 310; 8 CFR 312; 8 CFR 313; 8 CFR 315; 8 CFR 316; 8 CFR 319; 8 CFR 322; 8 CFR 324; 8 CFR 325; 8 CFR 327; 8 CFR 328; 8 CFR 329; 8 CFR 330; ...

Legal Deadline: Final, Statutory, October 1, 1991.
Implementation date

Abstract: The Immigration Act of 1990, Public Law 101-649, (IMMACT) conferred upon the Attorney General, as of October 1, 1991, the responsibility for making final determinations on applications for naturalization. This regulation provides for the implementation of the new administrative system and serves to codify those essential substantive and procedural requirements for naturalization provided by statute and previous judicial interpretations and precedent. The rule also makes those technical and administrative changes as are necessary to allow for more efficiency in administering the naturalization provisions, and provides additional guidance and clarification to Service officials.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/01/91	
Interim Final Rule	10/07/91	56 FR 50475
Interim Final Rule Comment Period End	11/21/91	
Final Action Effective	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1435-91; AG Order No. (to be assigned)

Agency Contact: Stella Jarina, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, **202 514-5014**

RIN: 1115–AC58

1915. ● EMPLOYMENT-BASED IMMIGRATION

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: Final, Statutory, October 1, 1991.
Implementation Date

Abstract: This rule implements provisions of section 121 of the Immigration Act of 1990, Public Law 101-649, (IMMACT), by providing petitioning procedures for employment-based immigrants under sections 203(b)(1) through (5) of the Immigration and Nationality Act (Act).

The rule also implements new immigrant classifications and requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/05/91	56 FR 30703
NPRM Comment Period End	08/05/91	56 FR 30703
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1434-91

Agency Contact: Edward Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3946**

RIN: 1115–AC59

1916. ● RELEASE PROCEDURES; LAWFUL PERMANENT RESIDENTS CONVICTED OF AGGRAVATED FELONIES

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186A; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2; 104 Stat 4978; 100 Stat 3537; 66 Stat 173; 66 Stat 208; 66 Stat 214; 66 Stat 235

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: This regulation provides the procedures to be followed in determining release conditions for lawful permanent resident aliens who are in deportation proceedings and who have been convicted of aggravated felonies as defined in section 101(a)(43) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/91	56 FR 23214
Interim Effective Date	05/21/91	56 FR 23214
Interim Comment Period End	06/20/91	56 FR 23214
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: INS No. 1439-91

Agency Contact: Gale David, Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1204, Washington, DC 20536, **202 514-1954**

RIN: 1115–AC60

1917. ● PROCEDURES FOR ASYLUM AND WITHHOLDING OF DEPORTATION

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: This regulation amends procedures to be used in adjudicating asylum applications filed with INS under Section 208. The change will clarify the procedures set forth in the final asylum rule published July 27, 1990, at 55 FR 30674.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1355-91

Final Rule Aliens and Nationality; Asylum and Withholding of Deportation Procedures, AG Order No. 1435-90; INS No. G-90

Agency Contact: Christine Davidson, Senior Policy Analyst, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service,

425 I Street, NW., Room 1203, Washington, DC 20536, 202 514-5463

RIN: 1115–AC65

1918. ● ASYLUM AND WITHHOLDING OF DEPORTATION PROCEDURES; AGGRAVATED FELONS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1254; 8 USC 1282; 8 USC 1283; 8 USC 1285; 8 USC 1362

CFR Citation: 8 CFR 208; 8 CFR 236; 8 CFR 242

Legal Deadline: None

Abstract: This regulation implements section 515 of the Immigration Act of 1990 (IMMACT), Public Law 101-649, which provides that an alien who has been convicted of an aggravated felony, is ineligible for asylum, and is ineligible for withholding of deportation on the basis of having been convicted of a particularly serious crime.

The elimination of these forms of relief from deportation for aggravated felons applies to applications filed on or after November 29, 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1412-91; AG Order No. (to be assigned upon signature)

Agency Contact: Christine Davidson, Senior Policy Analyst, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1203, Washington, DC 20536, 202 514-5463

RIN: 1115–AC66

1919. ● ASYLUM APPLICATION MAIL-IN PROGRAM TO ASYLUM OFFICES ISSUANCE OF CHARGING DOCUMENTS IN EXCLUSION AND DEPORTATION PROCEEDINGS BY SUPERVISORY ASYLUM OFFICERS

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283; 66 Stat 173

CFR Citation: 8 CFR 100; 8 CFR 208; 8 CFR 235; 8 CFR 242

Legal Deadline: None

Abstract: This rule establishes procedures to be used in filing for asylum under section 208, and withholding of deportation under section 243(h) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980, Public Law 96-212.

The rule modifies the final rule on asylum adjudication published on July 27, 1990 at 55 FR 30674.

It establishes seven Asylum Offices and their jurisdictions; and also indicates how asylum and withholding of deportation applications should be filed by mail with these offices instead of with Service district offices and suboffices.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1343-91

Agency Contact: Irma Rios, Senior Asylum Officer, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1203, Washington, DC 20536, 202 514-5498

RIN: 1115–AC67

1920. ● ALIENS IN RELIGIOUS OCCUPATIONS (R NONIMMIGRANTS)

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 CFR 2

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule implements provisions of section 209 of Public Law 101-649, by providing procedures for admission to the US of nonimmigrant religious workers under section 101(a)(15)(R) of the Immigration and Nationality Act. This rule will conform Service policy as it relates to this classification, and clarify for the general public and religious organizations requirements for classification, admission, and maintenance of status.

Timetable:

Action	Date	FR Cite
NPRM	07/24/91	56 FR 33886
NPRM Comment Period End	08/23/91	56 FR 33886
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1436-91

Agency Contact: Ed Skettett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 514-3946

RIN: 1115–AC71

1921. ● TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 CFR 2

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This regulation implements provisions of the Immigration Act of 1990 (IMMACT), Public Law 101-649, as they relate to temporary alien workers seeking nonimmigrant classification and admission to the US under sections 101(a)(15)(H),(L),(O), and (P) of the Immigration and Nationality Act.

This rule also contains technical amendments which reflect the Service's operating experience under the H and L classifications.

This rule will conform Service policy to the intent of Congress as it relates to these classifications, implement new nonimmigrant classifications and requirements established by IMMACT, and clarify for businesses and the general public requirements for classification, admission, and maintenance of status.

Timetable:

Action	Date	FR Cite
NPRM	07/11/91	56 FR 31553
NPRM Comment Period End	08/12/91	56 FR 31553
Final Action	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: INS No. 1417-91

Agency Contact: John Brown, Senior Immigration Examiner, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, **202 514-3946**

RIN: 1115–AC72

1922. ● REGISTRATION AND FINGERPRINTING OF CERTAIN NONIMMIGRANTS BEARING IRAQI AND KUWAITI TRAVEL DOCUMENTS

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1201A; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 66 Stat 173; 66 Stat 191; 66 Stat 223; 66 Stat 224; 66 Stat 225; 71 Stat 641

CFR Citation: 8 CFR 264

Legal Deadline: None

Abstract: The regulation provided for the registration and fingerprinting of certain nonimmigrants bearing Iraqi and Kuwaiti travel documents who apply for admission to the US.

Further regulatory action will be forthcoming which will remove the Kuwaiti travel documents condition.

Timetable:

Action	Date	FR Cite
Final Action Effective Date	01/10/91	56 FR 1566
Final Action	01/16/91	56 FR 1566
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1315-91

Agency Contact: Richard Gottlieb, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2680**

RIN: 1115–AC83

1923. ● REVISION OF GROUNDS FOR DEPORTATION; CONFORMING REGULATIONS

Legal Authority: 8 USC 1103; 8 USC 1184; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 210a; 8 CFR 214; 8 CFR 241; 8 CFR 242

Legal Deadline: Final, Statutory, March 1, 1991.
Public Law 101-649

Abstract: This regulation provides technical amendments to 8 CFR Parts 210a, 214, 241, and 242 to bring these sections into conformance with Section 241 of the Immigration and Nationality Act, as amended by Section 602 of the Immigration Act of 1990, Public Law 101-649.

Timetable:

Action	Date	FR Cite
Interim Effective Date	03/01/91	56 FR 38332
Interim Final Rule	08/13/91	56 FR 38331
Interim Comment Period End	09/27/91	56 FR 38332
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1438-91

Agency Contact: Gale David, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1102, Washington, DC 20536, **202 514-1954**

RIN: 1115–AC86

1924. ● ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186A; 8 USC 1255; 8 USC 1257

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This regulation amends those regulations relating to adjustment of status from a temporary (or nonimmigrant) classification to a permanent (or immigrant) one. The regulation would simplify the adjustment of status regulations and improve the efficiency of the adjudications program.

Timetable:

Action	Date	FR Cite
NPRM	08/09/91	56 FR 37864
NPRM Comment Period End	09/09/91	56 FR 37864
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1440-91

Agency Contact: Michael Shaul, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3946**

RIN: 1115–AC88

1925. ● MARIEL CUBAN PAROLE DETERMINATIONS

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule revises and expands the discretionary authority of the INS under the Cuban Review Plan, to withdraw parole approval for excludable Mariel Cubans where circumstances make it impossible to execute the parole decision, and release of the detainee is contrary to the public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/07/91	56 FR 21100
NPRM Comment Period End	06/06/91	56 FR 21100
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1344-91

AG Order No. 1492-91

Agency Contact: Joan Lieberman, Assistant General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service,

425 I Street, NW., Room 7048, Washington, DC 20536, **202 514-2895**

RIN: 1115–AC90

1926. ● DOCUMENTS REQUIRED WITH ASYLUM APPLICATIONS; ASYLUM PROCEDURES FOR STOWAWAYS

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283; 8 USC 1182; 8 USC 1282; 8 USC 1285; 8 CFR 2

CFR Citation: 8 CFR 208; 8 CFR 253

Legal Deadline: None

Abstract: This regulation provides procedures for processing asylum applications for stowaways in accordance with the provisions of the INA, as amended by the Refugee Act of 1980, Public Law 96-212.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1346-91

Agency Contact: Irma Rios, Senior Asylum Officer, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1203, Washington, DC 20536, **202 514-5498**

RIN: 1115–AC92

1927. ● POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 5 USC 552; 5 USC 552A; 31 USC 9701; 3 CFR 1982 Comp, p 166; 8 CFR 2

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This regulation would add Forensic Document Analysts and Fingerprint Specialists, which were previously omitted, to the list of immigration officers contained in 8 CFR 103.1.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1348-91

Agency Contact: John Camp, Deputy Assistant Commissioner, Intelligence, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7311, Washington, DC 20536, **202 514-2964**

RIN: 1115–AC94

1928. ● NAME CHANGE FOR BORDER PATROL SECTOR NUMBER 3

Legal Authority: 8 USC 1103; 66 Stat 173

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: This regulation would change the name of Mayaguez, Puerto Rico to Ramey, Puerto Rico.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1349-91

Agency Contact: Marion Moody, Assistant Chief Patrol Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7227, Washington, DC 20536, **202 514-1109**

RIN: 1115–AC95

1929. ● WAIVER OF FEES; TEMPORARY PROTECTED STATUS

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 5 USC 552A; 31 USC 9701

CFR Citation: 8 CFR 103; 8 CFR 240

Legal Deadline: None

Abstract: This regulation adds a new section to 8 CFR part 240 in order to provide procedures to request waivers of fees for applications for Temporary Protected Status filed with INS District Directors and Service Center Directors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/17/91	56 FR 32500
Interim Effective Date	07/17/91	56 FR 32500
Interim Comment Period End	08/16/91	56 FR 32500
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1443-91

AG Order No. 1511-91

Agency Contact: Terrance O'Reilly, TPS Coordinator, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-5309**

RIN: 1115–AC96

1930. ● DISTRIBUTION OF SERVICE FORMS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 299

Legal Deadline: None

Abstract: This regulation would place the distribution of Service forms under the Associate Commissioner for Examinations.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1352-91

Agency Contact: E. B. Duerte, Director, Examinations Operations Support Program, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1418, Washington, DC 20536, **202 514-4123**

RIN: 1115–AC97

1931. ● CONTRACTS WITH TRANSPORTATION LINES; DOCUMENTARY REQUIREMENTS

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1182C; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1356; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 238

Legal Deadline: None

DOJ—INS **Final Rule Stage**

Abstract: This regulation modifies elements of transit without visa provisions. It would add or delete at regular intervals the names of airlines under signatory agreement with the US Government for the pre-flight inspection of passengers destined for the US embarking from various designated foreign locations. The regulation would also add or delete the names of transportation companies under signatory agreement with the US Government for the transporting of passengers in direct and continuous transit through the US destined for a third country.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1364-91

Agency Contact: Richard Gotlieb, Assistant Chief Inspector, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 514-2680

RIN: 1115–AD01

1932. ● IMPLEMENTATION OF INTERNAL REORGANIZATION OF THE IMMIGRATION AND NATURALIZATION SERVICE

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 5 USC 552; 5 USC 552A; 31 USC 9701; 66 Stat 173; 3 CFR 1982 Comp, p 166; 8 CFR 2

CFR Citation: 8 CFR 100; 8 CFR 103

Legal Deadline: None

Abstract: This regulation revises the existing organizational structure within the Immigration and Naturalization Service. The reorganization plan was approved by Attorney General Thornburg on April 19, 1991.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1500-91

Agency Contact: Edward Lynch, Special Assistant, Policy Development, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 6038, Washington, DC 20536, 202 514-2199

RIN: 1115–AD03

1933. ● DETENTION AND RELEASE OF JUVENILES, AGGRAVATED FELONS

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186A; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2; 104 Stat 4978; 66 Stat 173; 66 Stat 208; 66 Stat 214; 66 Stat 235; 100 Stat 3537

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: This regulation would amend 8 CFR 242.24 to conform with the mandatory detention requirements for aggravated felons required by Public Law 101-649. The regulation would specifically address release procedures for juvenile aliens who are Lawful Alien Permanent Residents (LAPRs) and who have been convicted of aggravated felonies as defined in Section 101(a)(43) of the INA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1366-91

Agency Contact: Gale David, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1102, Washington, DC 20536, 202 514-1954

RIN: 1115–AD04

DEPARTMENT OF JUSTICE (DOJ) — Completed Actions

Immigration and Naturalization Service (INS)

1934. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

CFR Citation: 8 CFR 204.4(c)

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1421-91, RIN 1115-AC45	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K., 202 514-5014

RIN: 1115–AB12

1935. CONDITIONS FOR RELEASE FROM CUSTODY AND/OR BOND AND FOR CHANGE OF VENUE

CFR Citation: 8 CFR 3; 8 CFR 242

Completed:

Reason	Date	FR Cite
Withdrawn	10/01/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lolita Semidey, 202 514-2895

RIN: 1115–AB16

1936. NONIMMIGRANT CLASSES

CFR Citation: 8 CFR 214

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1427-91, RIN 1115-AC51	05/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Skerrett, 202 514-3240

RIN: 1115–AB26

1937. NONIMMIGRANT CLASSES

CFR Citation: 8 CFR 214.2(k)

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K., 202 514-5014

RIN: 1115–AB31

1938. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

CFR Citation: 8 CFR 204.2(c)(8); 8 CFR 204.1(a)(2)(iii)

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1421-91, RIN 1115-AC45	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K., 202 514-5014

RIN: 1115–AB37

1939. SUBPOENA ISSUANCE AUTHORITY

CFR Citation: 8 CFR 287

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William L. Bonnette, Jr., 202 514-3073

RIN: 1115–AB46

1940. EMPLOYMENT AUTHORIZATION FOR THE SPOUSE AND DEPENDENT CHILDREN OF AN EXCHANGE ALIEN

CFR Citation: 8 CFR 214

Completed:

Reason	Date	FR Cite
Final Action	07/22/91	56 FR 33370
Final Action Effective	07/22/91	56 FR 33370

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pearl B. Chang, 202 514-3240

RIN: 1115–AB50

1941. CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE STATUS FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS

CFR Citation: 8 CFR 216.4(a)(2); 8 CFR 216.5; 8 CFR 204

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1421-91, RIN 1115-AC45	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K., 202 514-5014

RIN: 1115–AB61

1942. REFUGEE TRAVEL DOCUMENTS

CFR Citation: 8 CFR 223; 8 CFR 223a

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K., 202 514-5014

RIN: 1115–AB62

1943. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS, CONTROL OF EMPLOYMENT OF ALIENS

Significance: Regulatory Program

CFR Citation: 8 CFR 103; 8 CFR 274a

Completed:

Reason	Date	FR Cite
Final Action	08/23/91	56 FR 41767
Final Action Effective	11/21/91	56 FR 41767

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. Creppy, 202 514-2895

RIN: 1115–AB73

1944. PETITION TO CLASSIFY AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

CFR Citation: 8 CFR 204.5(b)

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1421-91, RIN 1115-AC45	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K., 202 514-5014

RIN: 1115–AB79

1945. ENDORSEMENT OF NAME CHANGE ON CERTIFICATE OF NATURALIZATION; ELECTRONIC RECORDKEEPING

CFR Citation: 8 CFR 338.11; 8 CFR 338.12

Completed:

Reason	Date	FR Cite
Final Action	07/05/91	56 FR 30679
Final Action Effective	07/05/91	56 FR 30679

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raymond Jaroneski, Jr., 202 514-3946

RIN: 1115–AB84

1946. PETITIONS FOR PROSPECTIVE IMMIGRANT EMPLOYEES

CFR Citation: 8 CFR 204

Completed:

Reason	Date	FR Cite
No further action expected	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward H. Skerrett, 202 514-3946

RIN: 1115–AB85

1947. OSC AND W/A ISSUANCE AUTHORITY

CFR Citation: 8 CFR 242

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William L. Bonnette, Jr., 202 514-3073

RIN: 1115–AB91

1948. POWERS AND DUTIES OF SERVICE OFFICERS; REGIONAL PROCESSING FACILITIES

CFR Citation: 8 CFR 103

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mike Aytes, 202 514-3156

RIN: 1115–AB99

1949. ALIENS AND NATIONALITY; EXCLUSION OF ALIENS; PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES; APPREHENSION, CUSTODY, HEARING AND APPEAL

CFR Citation: 8 CFR 235; 8 CFR 242

Completed:

Reason	Date	FR Cite
Withdrawn	10/01/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lolita Semidey, 202 514-1260

RIN: 1115–AC03

1950. APPREHENSION, CUSTODY AND DETENTION; ISSUANCE OF SERVICE DETAINERS (FORM I-247); FIELD OFFICERS; POWERS AND DUTIES

CFR Citation: 8 CFR 242; 8 CFR 287

Completed:

Reason	Date	FR Cite
Final Action	07/19/91	56 FR 33204

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Ira Frank, 202 514-0747

RIN: 1115–AC05

1951. DELEGATIONS OF AUTHORITY TO ISSUE ORDERS TO SHOW CAUSE AND WARRANTS OF ARREST IN PROCEEDINGS TO DETERMINE DEPORTABILITY AND TO GRANT AND REVOKE VOLUNTARY DEPARTURE PRIOR TO COMMENCEMENT

CFR Citation: 8 CFR 242.1; 8 CFR 242.2

Completed:

Reason	Date	FR Cite
Final Action	04/23/91	56 FR 18502

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Ira L. Frank, 202 514-0747

RIN: 1115–AC09

1952. INS/EXECUTIVE OFFICE FOR IMMIGRATION REVIEW FEE SCHEDULE

CFR Citation: 8 CFR 103

Completed:

Reason	Date	FR Cite
Final Action	03/27/91	56 FR 12647
Final Action Effective	04/11/91	56 FR 12647

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles S. Thomason, 202 514-4705

RIN: 1115–AC12

1953. DIRECT MAIL OPERATIONS

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1324-91, RIN 1115-AC20	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mike Aytes, 202 514-3240

RIN: 1115–AC16

1954. ARRIVAL AND DEPARTURE CONTROL OF CERTAIN GROUPS OF ALIENS

CFR Citation: 8 CFR 215

Completed:

Reason	Date	FR Cite
Withdrawn	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul Rosenberg, 202 514-2680

RIN: 1115–AC19

1955. CONTRACTS WITH TRANSPORTATION LINES

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 238

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Richard Gottlieb, 202 514-2680

RIN: 1115–AC24

1956. DOCUMENTARY REQUIREMENTS FOR LANDED IMMIGRANTS IN CANADA

CFR Citation: 8 CFR 212

Completed:

Reason	Date	FR Cite
Withdrawn	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Diane Hinckley, 202 514-2725

RIN: 1115–AC26

1957. APPLICANT PROCESSING FOR FAMILY UNITY BENEFITS; CONFORMING AMENDMENTS

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 243; 8 CFR 264; 8 CFR 274

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1414-91, RIN 1115-AC39	05/17/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Janet Charney, 202 514-0106

RIN: 1115–AC40

1958. IMPOSITION OF PENALTY

CFR Citation: 8 CFR 237

Completed:

Reason	Date	FR Cite
Final Action	05/21/91	56 FR 23213
Final Action Effective	05/21/91	56 FR 23213

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kathryn Sheehan, 202 514-4120

RIN: 1115–AC41

1959. SERVICE CUSTODY OF AGGRAVATED FELONS IN EXCLUSION PROCEEDINGS

CFR Citation: 8 CFR 236

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1439-91, RIN 1115-AC60	05/21/91	56 FR 23214

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kathryn Sheehan, 202 514-4120

RIN: 1115–AC44

1960. FAMILY SPONSORED IMMIGRANTS

CFR Citation: 8 CFR 204; 8 CFR 205

Completed:

Reason	Date	FR Cite
Action Merged with INS No. 1421-91, RIN 1115-AC45	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Rita Boie, 202 514-5014

RIN: 1115–AC46

1961. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS; DISPLACED NATIVES OF TIBET AND THEIR SPOUSES, SONS, DAUGHTERS, AND GRANDCHILDREN

CFR Citation: 8 CFR 245

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Rita Boie, 202 514-5014

RIN: 1115–AC49

1962. IMMEDIATE RELATIVES; CERTAIN WIDOWS AND WIDOWERS OF CITIZENS OF THE UNITED STATES

CFR Citation: 8 CFR 204

Completed:

Reason	Date	FR Cite
Action merged with INS No. 1421-91, RIN 1115-AC45	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Rita Boie, 202 514-5014

RIN: 1115–AC52

1963. ADJUSTMENT OF STATUS; DIVERSITY IMMIGRANTS; DIVERSITY TRANSITION ALIENS

CFR Citation: 8 CFR 212; 8 CFR 245

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Rita Boie, 202 514-5014

RIN: 1115–AC54

1964. ADJUSTMENT OF STATUS; TRANSITION FOR ALIENS NOTIFIED OF NP-5 VISA AVAILABILITY

CFR Citation: 8 CFR 212; 8 CFR 245

Completed:

Reason	Date	FR Cite
Withdrawn by INS Program Office	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Rita Boie, 202 514-5014

RIN: 1115–AC55

1965. ● IMPOSITION AND COLLECTION OF FINES

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229; 8 USC 1253; 8 USC 1281; 8 USC 1283; 8 USC 1284; 8 USC 1285; 8 USC 1286; 8 USC 1322; 8 USC 1323; 8 USC 1330; 66 Stat 173

CFR Citation: 8 CFR 280

Legal Deadline: None

Abstract: Section 280 of the Immigration and Nationality Act (Act) and 8 CFR Part 280 provide authority to impose fines, receive bonds, etc. The Immigration Act of 1990, Public Law 101-649, amended the Act by revising and adding fine amounts to various sections of the Act, as well as providing authority to the Commissioner of the Immigration and Naturalization Service to receive bonds pending determination of the question of liability for the payment of any fine.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/91	56 FR 26019

Action	Date	FR Cite
Interim Rule Effective Date	06/06/91	56 FR 26019
Interim Rule Comment Period End	07/08/91	56 FR 26019
Final Action	09/09/91	56 FR 45885
Final Action Effective	09/09/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1437-91

Agency Contact: Kathryn E. Sheehan, IMMACT Enforcement Coordinator, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7252, Washington, DC 20536, **202 514-4120**

RIN: 1115–AC62

1966. ● PETITIONS FOR EMPLOYEES OF CERTAIN UNITED STATES BUSINESSES OPERATING IN HONG KONG AND OF APPLICATIONS FOR PRIORITY DATE ESTABLISHMENT BY EMPLOYMENT CREATION ALIENS

Legal Authority: PL 101-649

CFR Citation: None

Legal Deadline: None

Abstract: Section 124(b) of the Immigration Act of 1990, Public Law 101-649 provides that any employer desiring and intending to employ aliens who are employees of certain US businesses operating in Hong Kong may file a petition with the Attorney General for immigration to the US of those aliens. The regulation provides that petitions may be filed immediately on behalf of such employees for visas beginning in Fiscal Year 1991.

Timetable:

Action	Date	FR Cite
Notice of Procedure for Filing Immigrant Petitions for Employees of Certain U.S. Businesses	04/04/91	56 FR 13842

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1407-91

Agency Contact: Ed Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 514-3946**

RIN: 1115–AC84

1967. ● ELIMINATION OF JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION

Legal Authority: 8 USC 1103; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 USC 1182; 8 USC 1186A; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 241; 8 CFR 242

Legal Deadline: Final, Statutory, November 29, 1990.
Statutory provisions to take effect 11/29/90.

Abstract: The regulation provides for the elimination of Judicial Recommendations Against Deportation consistent with section 505 and section 602 of the Immigration Act of 1990, Pub Law 101-649.

The regulation also provides for the continued validity of a Judicial Recommendation Against Deportation granted before the enactment of the Immigration Act of 1990.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/29/90	56 FR 8906
Final Action	03/04/91	56 FR 8906

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1411-91

INS No. 1311-91 (Cross reference)

Agency Contact: Kathryn Sheehan, Enforcement IMMACT Coordinator, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7252, Washington, DC 20536, **202 514-4120**

RIN: 1115–AC85

1968. ● NONIMMIGRANT CLASSES; PORTS OF ENTRY

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 CFR 2

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This regulation adds Charlotte, North Carolina to the list of ports of entry at 8 CFR 214.1(c)(1) where, except for transit from one part of foreign contiguous territory to another part of the same territory, an alien must make application for admission to the US as a direct transit without visa.

Timetable:

Action	Date	FR Cite
Final Action	01/07/91	56 FR 480
Final Action Effective	02/06/91	56 FR 480

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1289-91

(Incorrect RIN noted on regulation published at 56 FR 480 on January 7, 1991)

Agency Contact: Richard Gottlieb, Assistant Chief Inspector, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 514-2725**

RIN: 1115–AC87

1969. ● OVERTIME LIABILITY FOR CARGO VESSELS AND AIRCRAFT

Legal Authority: 8 USC 1353; 8 USC 1356

CFR Citation: None

Legal Deadline: None

Abstract: This notice announces the Immigration and Naturalization Service's intention to resume overtime billing for arriving aircraft, trains, and vessels under 8 USC 1353b, for all immigration inspectional services rendered to passengers that are not exempt under 8 USC 1353b or 8 USC 1356g.

Timetable:

Action	Date	FR Cite
Notice to the Public of Resumption of Billing	07/03/91	56 FR 30597
Notice Effective Date	09/03/91	56 FR 30597

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS No. 1345-91

DOJ—INS

Completed Actions

Agency Contact: Tom Thomason, Systems Accountant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 6309, Washington, DC 20536, **202 514-2926**

RIN: 1115–AC91

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1970. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Legal Deadline: None

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Analysis: Regulatory Impact Analysis

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, 633 Indiana Avenue, NW., Room 1246E, Washington, DC 20531, **202 307-0790**

RIN: 1105–AA05

1971. PROCEDURES FOR IMPLEMENTING THE COMPENSATION PROVISIONS OF THE RADIATION EXPOSURE COMPENSATION ACT OF 1990

Significance: Regulatory Program

Legal Authority: 21 USC 2210

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory, April 13, 1991.
The Act requires that regulations, guidelines and procedures be issued not later than 180 days after the date of enactment of the statute.

Abstract: The Department of Justice (DOJ) is required to promulgate regulations, guidelines, and procedures for implementing the Radiation Exposure Compensation Act of 1990, 21 U.S.C. 2210 (the Act). This Act provides for humanitarian payments of up to $100,000 to persons who were exposed to radiation either from atmospheric nuclear tests or underground uranium mines, and who subsequently developed one of the cancers or diseases specified by the Act.

Timetable:

Action	Date	FR Cite
NPRM	09/09/91	56 FR 45907
NPRM Comment Period End	10/24/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Helene M. Goldberg, Director, Torts Branch, Civil Division, Department of Justice, P.O. Box 146, Ben Franklin Station, Washington, DC 20044-0146, **202 501-7020**

RIN: 1105–AA15

1972. CRIMINAL FINES ENFORCEMENT

Legal Authority: 18 USC 3013(b); 18 USC 3613; 18 USC 3663(h); 26 USC 7805

CFR Citation: 28 CFR 72

Legal Deadline: None

Abstract: The Sentencing Reform Act of 1984 makes certain tax collection provisions of the Internal Revenue Code applicable to the collection of criminal fines. The proposed rule is intended to facilitate the collection of criminal fines by modifying the tax collection provision to better reflect the difference in the nature of tax and fine liabilities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Nancy L. Rider, Assistant Director, Financial Litigation Staff, EOUSA, Department of Justice, Room 6404, 601 D Street, NW., Washington, DC 20530, **202 501-7017**

RIN: 1105–AA16

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Final Rule Stage

1973. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121, Sec 319; 31 USC 1352; 42 USC 3711 et seq; 42 USC 5601 et seq; 18 USC 4042; 42 USC 10601; 18 USC 4351 to 4353

CFR Citation: 28 CFR 69

Legal Deadline: None

Abstract: This interim final rule is in response to section 319 of PL 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6751

DOJ—LA

Final Rule Stage

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Cynthia Schwimer, Manager, Financial Services Branch, Financial Grants Mgt. Admin. Div. (OC), Department of Justice, 633 Indiana Avenue, NW., Room 942, Washington, DC 20745, 202 307-3186

RIN: 1105–AA12

1974. UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Significance: Regulatory Program

Legal Authority: 8 USC 1324b

CFR Citation: 28 CFR 44.100 to 44.305

Legal Deadline: None

Abstract: This section prohibits discrimination on the basis of national origin and citizenship status. The existing regulations implementing the anti-discrimination provisions of section 274B of the Immigration and Nationality Act, 8 U.S.C. 1324b, need to be modified to incorporate the Immigration Act of 1990 amendments. As currently written, portions of the existing regulations conflict with the amended statute. This conflict creates a significant problem in the enforcement and the comprehension of the anti-discrimination provisions. In addition, as the case law develops under this new statute, two issues have arisen. First, many issues have not been addressed or defined by the statute or regulations. Second, while it is possible for these issues to be decided on a case by case basis, the case law is not reported by any service. This has created a significant problem in the comprehension of the anti-discrimination provisions. The main objectives of this rulemaking will be to eliminate contradictions, to incorporate additions, to promote a better understanding of the anti-discrimination provisions, and to determine whether additional clarification of the (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/91	56 FR 40247
Interim Final Rule Effective Date	08/14/91	
Interim Final Rule Comment Period End	10/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: anti-discrimination provisions would promote a better understanding of the anti-discrimination provisions and lead to a decline in employer's discriminatory practices.

This entry was incorrectly listed under the Civil Rights Division in the April 1991 edition of the agenda.

Agency Contact: Andrew M. Strojny, Acting Special Counsel, Department of Justice, P.O. Box 65490, Washington, DC 20035-5490, 202 653-8121

RIN: 1105–AA17

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Completed Actions

1975. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

CFR Citation: 28 CFR 46

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28003
Final Action Effective	08/19/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Brian D. Miller, 202 514-3643

RIN: 1105–AA13

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Prerule Stage

1976. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FORMULA GRANTS REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 5601 et seq; Juv. Justice & Delinquency Prevention Act of 1974 as amended

CFR Citation: 28 CFR 31.303

Legal Deadline: None

Abstract: These regulations, which implement sections 223(a)(12)(A), 223(a)(13), and 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 USC 5601 et seq., as amended by the Juvenile Justice and Delinquency Prevention Amendments of 1988, 1984, and 1980, are being amended to reflect more clarity, uniformity, consistency, for the States, and more latitude for the Administrator on implementing the requirements of the Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Warren Kaufman, Director, SRAD, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, Office of Justice

Programs, 633 Indiana Avenue, NW., Washington, DC 20531, **202 307-5921**

RIN: 1121–AA15

1977. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 3711 et seq, as amended; 42 USC 5601 et seq, as amended; 42 USC 10601 et seq, as amended; 18 USC 4042; 18 USC 4351 to 4353; EO 12291

CFR Citation: 28 CFR 66

Legal Deadline: None

Abstract: This rule is being revised to update uniform administrative requirements for Grants and Cooperative Agreements to State and Local Governments.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Stacy Worthington, Financial Analyst, Information Systems Division, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Washington, DC 20531, **202 307-0620**

RIN: 1121–AA16

1978. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 3711 et seq, as amended; 42 USC 5601 et seq, as amended; 42 USC 10601 et seq, as amended; 18 USC 4042; 18 USC 4351 to 4353; EO 12291

CFR Citation: 28 CFR 66

Legal Deadline: None

Abstract: This common rule will replace OMB Circular A-110 which provides uniform administrative requirements for Grant and Cooperative Agreements to Institutions of Higher Education, Hospitals and other Nonprofit Organizations. This rule specifies governmentwide terms and conditions for grants and cooperative agreements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Stacy Worthington, Financial Analyst, Information Systems Division, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, Washington, DC 20531, **202 307-0629**

RIN: 1121–AA18

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1979. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Legal Authority: 42 USC 3796h(c)

CFR Citation: 28 CFR 23

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, and to clarify policy issues relating to time periods for validation of intelligence information.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW., Room 1246E, Washington, DC 20531, **202 307-0790**

RIN: 1121–AA12

1980. CRIMINAL JUSTICE INFORMATION SYSTEMS

Legal Authority: 42 USC 3789g

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, and to delete obsolete terminology.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Room 1246E, Washington, DC 20531, **202 307-0790**

RIN: 1121–AA13

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1981. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c); 42 USC 5674; 42 USC 10504(b); 42 USC 10604(e)

CFR Citation: 28 CFR 42.301

Legal Deadline: None

Abstract: To change departmental nomenclature to comply with nomenclature changes in the Anti-Drug Abuse Act of 1988 and eliminate references to title VI of the Civil Rights Act of 1964 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office for Civil Rights, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Room 600B, Washington, DC 20531, 202 307-0690

RIN: 1121–AA10

1982. NONDISCRIMINATION IN OJP FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 3789d(c); 42 USC 5674; 42 USC 10604(e); 42 USC 10504(b)

CFR Citation: 28 CFR 42.201

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Anti-Drug Abuse Act of 1988 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office for Civil Rights, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Room 600B, Washington, DC 20531, 202 307-0690

RIN: 1121–AA11

1983. PUBLIC SAFETY OFFICERS' BENEFITS DISABILITY PROGRAM REGULATIONS

Legal Authority: 42 USC 3796; PL 101-647, Crime Control Act of 1990

CFR Citation: 28 CFR 32

Legal Deadline: None

Abstract: These regulations will be issued pursuant to PL 101-647 to guide the administration of the Public Safety Officers' Benefits Disability Program, which amends the Public Safety Officers' Benefits Program. Under the statute, a maximum total amount of $5 million is to be paid to qualified claimants, with a maximum amount of $100,000 to be paid to each qualified claimant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter W. Barbee, Acting General Counsel, Department of Justice, Office of Justice Programs, Office of General Counsel, 12th Floor, 633 Indiana Avenue, NW., Washington, DC 20531, 202 307-6235

RIN: 1121–AA17

[FR Doc. 91-23172 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations, which has been selected for review or development during the coming 1-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between October 1991 and October 1992.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210, (202) 523-9058.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation, proposal, or review during the coming 1-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining this publication of its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the Unified Agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations, and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let departmental officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in April 1992.

Lynn Martin,

Secretary of Labor.

Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1984	Government Contractors: Contractor Participation in Training Programs Pursuant to the Job Training Partnership Act (JTPA) (29 USC 1781)	1215-AA56

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1985	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
1986	Employment of Homeworkers in Certain Industries	1215-AA36
1987	Enforcement of Contractual Obligations Between Health Care Facilities Authorized To Utilize Temporary Nonimmigrant Alien Nurses	1215-AA55

DOL

Employment Standards Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1988	Claims for Compensation Under the Federal Employees' Compensation Act; Addition to Schedule of Compensation (Part 10) Regarding Female Reproductive Organs	1215-AA60
1989	Coordination of Complaint Processing and Enforcement Standards Under Section 503 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act	1215-AA61
1990	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era and for Individuals With Handicaps	1215-AA62
1991	Claims for Benefits Under the Federal Employees' Compensation Act (FECA); Lump Sum Payment of Benefits	1215-AA67

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1992	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09
1993	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H)	1215-AA14
1994	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33
1995	Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act	1215-AA43
1996	Training Wage Provisions of the Fair Labor Standards Amendments of 1989	1215-AA52
1997	Civil Penalties for Violations of the Fair Labor Standards Act Minimum Wage and Overtime Compensation Provisions	1215-AA53
1998	Records To Be Kept by Employers; Overtime Compensation (Remedial Education)	1215-AA54
1999	Fair Labor Standards Amendments of 1989 as Applied to Puerto Rico	1215-AA57
2000	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity or in the Capacity of Outside Salesman"	1215-AA65
2001	Attestations by Employers for Off-Campus Work Authorization for Alien Students (F-1 Nonimmigrants)	1215-AA68
2002	Labor Condition Applications and Requirements for Employers Using Aliens on H-1B Visas in Specialty Occupations	1215-AA69
2003	Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports (D-1 Visas)	1215-AA70
2004	Defining the Terms "Condition" and "Repairs" Under the Davis-Bacon and Related Acts	1215-AA71
2005	Coordinated Enforcement of Farm Labor Protective Statutes	1215-AA72

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2006	Minimum Wage Determinations (Walsh-Healey PCA)	1215-AA58
2007	Garnishment of Earnings	1215-AA63
2008	Changes in Benefit Level for Attendant Allowance and in the Survivor Remarriage Age Under the Federal Employees' Compensation Act	1215-AA66

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2009	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37
2010	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43

DOL

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2011	Airline Deregulation: Employee Benefit Program	1205-AA07
2012	Senior Community Service Employment Program	1205-AA29
2013	Advances Under Title XII, SSA, and Tax Credit Under FUTA	1205-AA65
2014	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
2015	Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of State Records	1205-AA74
2016	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: Various Amendments to 20 CFR Part 655	1205-AA82
2017	Attestation Process for Health Care Facilities Seeking to Employ Nonimmigrant Nurses	1205-AA84
2018	Implementation of Defense Authorization Act Amendments to Title III of the Job Training Partnership Act	1205-AA85
2019	Permanent Labor Certification Program: Labor Market Information Pilot Provisions	1205-AA87
2020	Improvements to the Job Training Partnership Act (JTPA) Fiscal Integrity	1205-AA91
2021	Job Training Partnership Act Amendments of 1991	1205-AA95

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2022	Administrative Procedure, Federal State Unemployment Compensation Program	1205-AA69
2023	Trade Adjustment Assistance for Workers	1205-AA72
2024	Labor Standards for the Registration of Apprenticeship Programs (Revision)	1205-AA77
2025	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: "Fifty Percent Rule" Component of Regulations	1205-AA83
2026	Aliens in the United States; Immigration Act of 1990; Implementation	1205-AA86
2027	Off-Campus Work Authorization for Foreign Students: Attestation Process	1205-AA88
2028	Temporary Specialized Professional Occupational Labor Condition Application Process	1205-AA89
2029	Limitations on Longshore Work by Alien Crewmembers	1205-AA90
2030	Implementation of Clean Air Act Amendments to Title III of the Job Training Partnership Act (JTPA)	1205-AA92
2031	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States - Prevailing Practice Determinations	1205-AA93

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2032	Disaster Unemployment Assistance Program (DUA)	1205-AA50

Pension and Welfare Benefits Administration—Prerule Stage

Sequence Numbe.	Title	Regulation Identifier Number
2033	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
2034	Summary Annual Report	1210-AA36
2035	Definition of Participant Covered Under the Plan	1210-AA39

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Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2036	Individual Benefits Reporting and Recordkeeping for Multiemployer Plans	1210-AA02
2037	Individual Benefits Reporting and Recordkeeping for Single Employer Plans	1210-AA03
2038	"Top Hat" Plans	1210-AA21
2039	Time and Manner of Notice Requirement Under ERISA Section 101(d)	1210-AA38
2040	Trust Exemption	1210-AA40
2041	Corporate Governance	1210-AA41
2042	Notice Requirements Under ERISA Section 101(e)	1210-AA42

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2043	Participant Directed Individual Account Plans	1210-AA08
2044	Adequate Consideration	1210-AA15
2045	Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA25
2046	Civil Penalties Under ERISA Section 502(l)	1210-AA37

Bureau of Labor Management Relations and Cooperative Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2047	Termination of Benefits Under Title II of the Redwood National Park Expansion Act of 1978	1214-AA04

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2048	Confined Spaces	1219-AA54
2049	Diesel Particulate	1219-AA74

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2050	Hoisting and Transportation of Persons and Materials	1219-AA12
2051	Safety Standards for Explosives at Metal and Nonmetal Mines	1219-AA17
2052	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33
2053	Noise Standard	1219-AA53
2054	Experienced Miner and Supervisor Training	1219-AA55
2055	Requirements for Approval of Flame-Resistant Conveyor Belts	1219-AA65
2056	Water, Sediment or Slurry Impoundments	1219-AA69
2057	Waterlines in Belt Conveyor Entries	1219-AA70
2058	Carbon Monoxide Monitor Approval	1219-AA72
2059	Firefighting and Escape and Evacuation Program	1219-AA73
2060	High-Voltage Longwall Equipment	1219-AA75

DOL

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2061	Underground Coal Mine Ventilation	1219-AA11
2062	Explosives and Blasting in Underground Coal Mines	1219-AA16
2063	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
2064	Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977	1219-AA44
2065	Hazard Communication	1219-AA47
2066	Air Quality Chemical Substances and Respiratory Protection Standards	1219-AA48
2067	Refuse Pile and Impoundment Inspection Records	1219-AA49
2068	Approval of Electric Cables and Splice Kits	1219-AA57
2069	Approval of Electric Motor Assemblies	1219-AA61

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2070	Metal and Nonmetal Radiation Standards	1219-AA28

Office of the Assistant Secretary for Administration and Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2071	Department of Labor Acquisition Regulations	1291-AA20

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2072	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor	1291-AA02

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2073	Administrative Grants and Cooperative Agreements to Government and Nonprofit Institutions	1291-AA15
2074	New Restrictions on Lobbying	1291-AA18
2075	Audit Requirements for Grants, Contracts, and Other Agreements	1291-AA19

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2076	Medical Surveillance Programs for Employees	1218-AB00
2077	Exposure Assessment Programs for Employees Exposed to Hazardous Chemicals	1218-AB01
2078	Ergonomic Safety and Health Standards	1218-AB36
2079	Crane Safety	1218-AB38

DOL

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2080	Respiratory Protection	1218-AA05
2081	Safety and Health Regulations for Longshoring (Part 1918)	1218-AA56
2082	Steel Erection (Part 1926)	1218-AA65
2083	Welding, Cutting and Brazing (Part 1910)	1218-AA72
2084	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates	1218-AA84
2085	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
2086	Methylene Chloride	1218-AA98
2087	Cadmium	1218-AB16
2088	Shipyard Employment: Phase II (Part 1915)	1218-AB22
2089	Recording and Reporting Occupational Injuries and Illnesses	1218-AB24
2090	PEL Update Proposal for Construction, Agriculture, and Maritime	1218-AB26
2091	Control of Hazardous Energy (Lockout/Tagout)—Construction (Part 1926)	1218-AB30
2092	Powered Industrial Truck Operator Training	1218-AB33
2093	Lead in Construction	1218-AB34
2094	Reporting of Fatality or Multiple Hospitalizations	1218-AB35
2095	Indoor Air Quality in the Workplace	1218-AB37

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2096	Asbestos, Tremolite, Anthophyllite and Actinolite	1218-AA26
2097	Methods of Compliance	1218-AA28
2098	Fall Protection (Part 1926)	1218-AA37
2099	Scaffolds (Part 1926)	1218-AA40
2100	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
2101	Confined Space (Part 1910)	1218-AA51
2102	Logging Operations (Part 1910)	1218-AA52
2103	4,4'-Methylenedianiline	1218-AA58
2104	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
2105	Fall Protection in Shipyards (Part 1915)	1218-AA66
2106	Scaffolds in Shipyards (Part 1915)	1218-AA68
2107	Access and Egress in Shipyards (Part 1915)	1218-AA70
2108	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
2109	Welding, Cutting and Heating in Shipyards (Part 1915)	1218-AA73
2110	Personal Protective Equipment in Shipyards (Part 1915)	1218-AA74
2111	Formaldehyde	1218-AA82
2112	1,3-Butadiene	1218-AA83
2113	Hazard Communication	1218-AB02
2114	Walking and Working Surfaces (Part 1910)	1218-AB04
2115	Bloodborne Pathogens	1218-AB15
2116	Hazardous Materials (Part 1910)	1218-AB20
2117	Asbestos (Remand)	1218-AB25
2118	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
2119	Vehicle Safety	1218-AB28

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2120	PEL Update	1218-AB32

DOL

Office of the Assistant Secretary for Veterans' Employment & Training—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2121	Uniform Services Employment Rights	1293-AA05

Office of the Assistant Secretary for Veterans' Employment & Training—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2122	Veterans' Programs and Services Administered by the Office of the Assistant Secretary for Veterans' Employment and Training	1293-AA03

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Prerule Stage

1984. GOVERNMENT CONTRACTORS: CONTRACTOR PARTICIPATION IN TRAINING PROGRAMS PURSUANT TO THE JOB TRAINING PARTNERSHIP ACT (JTPA) (29 USC 1781)

Significance: Regulatory Program

Legal Authority: 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2

Legal Deadline: Final, Statutory, October 1, 1983.

Abstract: Section 481 of the Job Training Partnership Act of 1982 (JTPA) requires OFCCP to issue regulations which will specify the degree to which contractors' participation in JTPA approved training programs will satisfy their affirmative action obligations under Executive Order 11246, as amended. Among the issues to be determined are: (1) the extent to which a contractor's participation in an approved training program satisfies its affirmative action obligations; (2) the contents of an abbreviated affirmative action program; (3) methods for determining compliance; and (4) recordkeeping and reporting requirements.

Timetable:

Action	Date	FR Cite
To Be Determined	03/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: Issuance of a proposal has been delayed while the Department explores and evaluates the most effective ways to implement the JTPA consistent with OFCCP's nondiscrimination and affirmative action requirements. (Previously part of RIN 1215-AA01)

Agency Contact: Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room C3325, FP Building, Washington, DC 20210, 202 523-9430

RIN: 1215–AA56

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Proposed Rule Stage

1985. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None

Abstract: These regulations cover nondiscrimination and affirmative action obligations of Federal contractors under Executive Order 11246, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 2012), as amended; and Section 503 of the Rehabilitation Act of 1973, as amended. The NPRM published 08/25/81 and supplemented on 04/23/82 extended the effective date of a final rule published 12/30/80 and proposed amendments to that rule. OFCCP's review of regulatory options continues.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & Suspend Eff Date	08/25/81	46 FR 42968

Action	Date	FR Cite
NPRM	04/23/82	47 FR 17770
Next Action To Be Determined	03/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW., Rm C3325, FP Bldg., Washington, DC 20210, 202 523-9430

RIN: 1215–AA01

1986. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Significance: Regulatory Program

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Legal Deadline: None

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11(d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. The ban was removed on homework in the knitted outerwear industry by the Department on 11/9/81, following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed 2/29/84 by the U.S. Court of Appeals for the District of Columbia Circuit. On 3/27/84, the Department published a proposed rule rescinding the ban on homework in the knitted outerwear industry only. In addition to soliciting comments on the proposed rescission, the Department sought comments on various alternatives to such action (49 FR 11786). On 11/5/84, a final rule was published lifting the ban on homework for (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	12/04/86	51 FR 37298
NPRM Second	03/30/88	53 FR 10342
NPRM Second Comment Period End	05/13/88	53 FR 15063
Final Rule	11/10/88	53 FR 45706
ANPRM	12/30/88	53 FR 53344
ANPRM Comment Period End	05/05/89	54 FR 11008

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: employers in the knitted outerwear industry who obtain a certificate from the Department. Based on analysis of the results of its enforcement experience under the new certification procedure, and review of comments from a Notice of Proposed Rulemaking published on August 21, 1986 (51 FR 30036), a proposal was published on March 30, 1988 (53 FR 10342) which included enforcement mechanisms to enhance compliance among employers of homeworkers. The comment period was later extended to May 13, 1988 (53 FR 15063). The proposal also excluded the women's apparel industry and stated that this industry would be the subject of separate rulemaking. A final rule was published November 10, 1988 (53 FR 45706). An ANPRM concerning women's apparel homework was published December 30, 1988 (53 FR 53344). Public hearings on this issue were held in seven cities during March and April 1989. The public comment period on the ANPRM closed on May 5, 1989 (54 FR 11008). The Department is considering whether it would be appropriate to modify the existing regulations in the women's apparel industry.

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Rm S3502, FP Bldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA36

1987. ENFORCEMENT OF CONTRACTUAL OBLIGATIONS BETWEEN HEALTH CARE FACILITIES AUTHORIZED TO UTILIZE TEMPORARY NONIMMIGRANT ALIEN NURSES

Significance: Agency Priority

Legal Authority: PL 101-238; 8 USC 1182(m)

CFR Citation: 29 CFR 504

Legal Deadline: Final, Statutory, August 1, 1990.

Abstract: The Immigration Nursing Relief Act of 1989, PL 101-238, amends Section 212 of the Immigration and Nationality Act to add a new subsection (m) governing the admission to the United States of nonimmigrant nurses during a 5-year period. The law requires employers (health care facilities) interested in hiring temporary alien nurses in the future to file an attestation with the Department of Labor, which must include certain assurances as to the need for and effect of the alien's employment, wage rates to be paid, steps being taken to recruit and retain non-alien nurses, that no strike or lockout exists in a labor dispute, and that certain notifications and posting of notices have occurred. The Department is also required to establish a system for investigating and resolving complaints that the employer is not carrying out these attestations, and is authorized to impose administrative remedies, including civil monetary penalties, as deemed appropriate. The Employment and Training Administration of the Department, in consultation with (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/06/90	55 FR 27992
NPRM Comment Period End	08/06/90	55 FR 30720
Interim Final Rule	12/06/90	55 FR 50500
Second NPRM	03/00/92	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the Department of Health and Human Services, developed regulations governing the attestation process for health care facilities seeking to employ nonimmigrant nurses. The Employment Standards Administration will

administer the enforcement provisions in the legislation by implementing regulations that incorporate the labor standards/attestations issued by ETA and set forth procedures for enforcement of these labor standards. Proposed rules were published on 7/6/90. Interim final regulations were published on 12/6/90 (55 FR 50500).

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA55

1988. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT; ADDITION TO SCHEDULE OF COMPENSATION (PART 10) REGARDING FEMALE REPRODUCTIVE ORGANS

Legal Authority: 5 USC 8107(22)

CFR Citation: 20 CFR 10.304

Legal Deadline: None

Abstract: The proposal would add female reproductive organs to the list of organs for which benefits may be paid for permanent loss of use (known as the compensation schedule). The statute lists certain organs for which benefits are payable and provides that the Secretary of Labor may add additional organs.

Timetable:

Action	Date	FR Cite
NPRM	09/20/91	56 FR 47713
NPRM Comment Period End	11/04/91	56 FR 47713
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas M. Markey, Director for Federal Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3229, FP Building, Washington, DC 20210, 202 523-7552

RIN: 1215–AA60

1989. COORDINATION OF COMPLAINT PROCESSING AND ENFORCEMENT STANDARDS UNDER SECTION 503 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT

Significance: Regulatory Program

Legal Authority: 38 USC 2011; 38 USC 2012; PL 93-508 Amended; PL 94-502; PL 95-520; PL 96-466; PL 101-237; 29 USC 706; 29 USC 793; PL 99-506 Amended; PL 100-630; PL 100-259; PL 101-336; EO 11758

CFR Citation: 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: Final, Statutory, January 26, 1992.

Abstract: Section 107(b) of the Americans with Disabilities Act (ADA) requires that OFCCP and EEOC develop coordinating mechanisms to prevent duplication of effort and conflicting standards with respect to complaints that may be covered under the ADA and the Rehabilitation Act of 1973. OFCCP and EEOC are preparing regulations for coordinating complaint processing and enforcement standards under Section 503 and the ADA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Undetermined at this time

Agency Contact: Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room C3325, FP Building, Washington, DC 20210, 202 523-9430

RIN: 1215–AA61

1990. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA AND FOR INDIVIDUALS WITH HANDICAPS

Significance: Regulatory Program

Legal Authority: 38 USC 2011; 38 USC 2012; PL 93-508 Amended; PL 94-502; PL 95-520; PL 96-466; PL 101-237; 29 USC 706; 29 USC 793; PL 99-506; PL 100-630; PL 100-259; PL 101-336; EO 11758

CFR Citation: 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None

Abstract: OFCCP is planning to revise its regulations implementing Section 503 of the Rehabilitation Act of 1973 and 38 USC 2012 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 to (1) make them consistent with the Americans with Disabilities Act of 1990 (ADA), (2) incorporate some legislative and other changes that have occurred, and (3) generally clarify Section 503 and Section 2012 Affirmative Action Program (AAP) requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room C3325, FP Building, Washington, DC 20210, 202 523-9430

RIN: 1215–AA62

1991. ● CLAIMS FOR BENEFITS UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT (FECA); LUMP SUM PAYMENT OF BENEFITS

Significance: Agency Priority

Legal Authority: 5 USC 8135

CFR Citation: 20 CFR 10.311

Legal Deadline: None

Abstract: The FECA provides the liability of the United States for compensation to a beneficiary under the Act may be discharged by a lump-sum payment. This proposed rule will set forth the basis under which this discretionary action will be exercised by the Secretary of Labor or the Secretary's designee.

DOL—ESA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule is necessitated by a recent decision of the Employees' Compensation Appeals Board (ECAB) (Billy G. Reeder, dated July 19, 1991) which called into question procedures issued by the Office of Workers' Compensation Programs (OWCP) regarding consideration of requests for lump-sum payments of compensation. The rules would clarify the basis on which this discretionary function will be exercised.

Agency Contact: Thomas M. Markey, Director, Division of Federal Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3229, FP Building, Washington, DC 20210, 202 523-7552

RIN: 1215–AA67

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Final Rule Stage

1992. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors 16 and 17 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14 and 15 year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of the regulations to ensure the safety and health of such minors and at the same time avoid unnecessary restrictions on their employment opportunities. The Department has established a Child (cont)

Timetable:

Action	Date	FR Cite
Notice Published--Decision to Establish Child Labor Advisory Committee	07/21/87	52 FR 27476
Notice Published--Announcing Meetings on October 19-20, 1988	09/27/88	53 FR 37660
Notice Published Announcing Meetings on May 10-11, 1989	04/06/89	54 FR 13958
NPRM	10/23/90	55 FR 42812
Reopening and Extension of Comment Period	11/26/90	55 FR 49090
NPRM Comment Period End	12/24/90	55 FR 49090

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Labor Advisory Committee to advise the Secretary on the effective administration of the child labor provisions of the FLSA. The recommendations of the committee were given careful consideration in the review of these regulations. The committee convened on March 9-10, 1988, at which time subcommittees were established to review Hazardous Order (HO) No. 2 (Motor Vehicle Operations), HO No. 10 (Slaughtering and Meat Packing), and Child Labor Regulation No. 3. Since that time, two additional subcommittees were established to review HO No. 11 (Bakery Machines) and HO No. 12 (Paper Products Machines). The full committee met on May 11, 1989 to receive reports and make recommendations. The Committee's charter was renewed until August 5, 1991, to enable it to continue its study of the regulations (54 FR 35540). Proposed revisions to HOs No. 2, No. 10, and No. 12 were published on 10/23/90 (55 FR 42812). In addition, an intradepartmental task force on child labor (ESA, OSHA, SOL and others) has been established to review child labor issues.

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Rm S3502, FP Bldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA09

1993. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY" (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule

indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

Action	Date	FR Cite
Indefinite Stay of Final Rule	02/12/81	46 FR 11972
Proposal To Suspend Rule Indefinitely	03/27/81	46 FR 18998
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period From 01/2l/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
NPRM Public Sector Overtime Liability	09/06/91	56 FR 45828
Interim Final Rule Effective Date	09/06/91	56 FR 45824
Interim Final Rule--Exception From Salary Basis Definition	09/06/91	56 FR 45824
Interim Final Rule Comment Period End	10/07/91	56 FR 45824
Next Action To Be Determined	03/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/86. As a result of recent developments in private litigation, the Department has determined that it is necessary to revise the regulations to clarify certain requirements for exemption of public sector employees. Specifically, the Department intends to revise the regulations to provide an exception from the requirement for payment "on a salary basis" to reflect public sector compensation practices which, in some cases, are based on statutes or regulations regarding the accountability of public employees. The Department, in its overall review of the full range of issues raised by public comments submitted on its advance notice of proposed rulemaking of November 19, 1985, continues to consider a variety of other possible changes to the regulations.

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FP Bldg, 200 Constitution Ave., NW., Washington, DC 20210, **202 523-8305**

RIN: 1215–AA14

1994. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Significance: Agency Priority

Legal Authority: 41 USC 38; 41 USC 40

CFR Citation: 41 CFR 50-201.101(a)

Legal Deadline: None

Abstract: This proposed rule would amend the Walsh-Healey Public Contracts Act regulations to provide an alternative "regular dealer" definition applicable to information systems integration businesses which bid on contracts to furnish the government fully operational information processing ("ADP") systems. The alternative definition would relieve potential contractors in this industry from having to physically maintain inventories from which sales are made, a custom that is inconsistent with this industry's practices. A proposed rule was published on June 22, 1989 inviting public review and comment. Two comments were received during the comment period which ended July 24, 1989 (54 FR 2612). In addition, in November 1989, the Subcommittee on Legislation and National Security of the Committee on Government Operations, U.S. House of Representatives, held a series of hearings on the Federal Government's purchase of ADP equipment which included a review of some procurements awarded to systems integrators. Based on information from these hearings, it was decided to reopen the comment period (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/22/89	54 FR 2612
NPRM Comment Period End	07/24/89	54 FR 2612
Comment Period Reopened to End on 02/08/91	12/10/90	55 FR 50725

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: to ensure that interested parties have sufficient opportunity to submit comments, and to ensure that the Department has sufficient information in deciding what further rulemaking activity is appropriate. A notice was published on December 10, 1990 reopening the comment period until February 8, 1991 (55 FR 50725).

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, **202 523-8305**

RIN: 1215–AA33

1995. ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION 216 OF THE IMMIGRATION AND NATIONALITY ACT

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration issued an interim final rule on June 1, 1987 (53 FR 20524) that incorporates the labor standards issued by the Employment and Training Administration and sets forth procedures for enforcement of these labor standards

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment Period End	05/19/87	52 FR 16795
Interim Final Rule	06/01/87	52 FR 20524
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Rm S3502, FP Bldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA43

1996. TRAINING WAGE PROVISIONS OF THE FAIR LABOR STANDARDS AMENDMENTS OF 1989

Significance: Regulatory Program

Legal Authority: PL 101-157; 29 USC 201 et seq

CFR Citation: 29 CFR 517

Legal Deadline: None

Abstract: The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Among other provisions, the amendments provide that employers may pay employees under the age of 20, under certain conditions, a wage rate of at least 85 percent of the minimum wage, but not less than $3.35 per hour, for a period up to 90 days. An employee who has been paid at the training wage for 90 days can be employed by any other employer at the training wage an additional 90 days, but only if that employer provides on-the-job training in accordance with regulations required to be issued by the Department of Labor. The training wage provisions took effect April 1, 1990 and expire March 31, 1993. The statute provides that the Secretary of Labor shall issue regulations containing criteria for what qualifies as on-the-job training, and for defining what constitutes the requisite proof of previous periods of employment with other employers that is required to be provided by employees. Employers may rely on such proof of prior employment in good (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/90	55 FR 7450
Interim Final Rule Effective Date	04/01/90	55 FR 7450
Interim Final Rule Comment Period End	04/30/90	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: faith as a valid defense against a finding of violations. Interim final regulations were issued to correspond with the statutory implementation of the training wage provisions while allowing for receipt of public comments. ESA is reviewing the public comments received.

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA52

1997. CIVIL PENALTIES FOR VIOLATIONS OF THE FAIR LABOR STANDARDS ACT MINIMUM WAGE AND OVERTIME COMPENSATION PROVISIONS

Significance: Agency Priority

Legal Authority: PL 101-157; 29 USC 216(e)

CFR Citation: 29 CFR 578; 29 CFR 579; 29 CFR 580

Legal Deadline: None

Abstract: The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Section 9 of the 1989 amendments amends Section 16(e) of the Fair Labor Standards Act (FLSA) to provide that employers who willfully or repeatedly violate the FLSA minimum wage (Section 6) or overtime compensation (Section 7) provisions shall also become subject to a civil penalty of up to $1,000 per violation. On May 31, 1991, a final rule was published (effective 7/1/91) amending existing procedures for assessment of civil money penalties for child labor violations (29 CFR Parts 579 and 580) to incorporate procedures for assessment of civil money penalties for violations of minimum wage and overtime compensation provisions (56 FR 24990). On June 3, 1991, a proposed rule (29 CFR Part 578) was published for the implementation of civil money penalties for minimum wage and overtime violations (56 FR 25168).

Timetable:

Action	Date	FR Cite
Final Rule (29 CFR 579 and 580)	05/31/91	56 FR 24990
NPRM	06/03/91	56 FR 25168
NPRM Comment Period End	08/02/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA53

1998. RECORDS TO BE KEPT BY EMPLOYERS; OVERTIME COMPENSATION (REMEDIAL EDUCATION)

Legal Authority: PL 101-157; 29 USC 207(q)

CFR Citation: 29 CFR 516; 29 CFR 778

Legal Deadline: None

Abstract: The 1989 Amendments to the Fair Labor Standards Act (FLSA) contain a provision which allows employers to employ workers for not more than 10 hours in a work week in excess of the 40-hour maximum standard without payment of overtime compensation, if during such period(s) the employees receive remedial education that: (1) is provided to employees who lack high school diplomas or educational attainment at the eighth grade level; (2) is designed to provide reading and other basic skills at an eighth grade level or below: and (3) does not include job-specific training. On March 5, 1991, a proposed rule was published amending existing regulations on overtime compensation and recordkeeping (29 CFR Parts 516

and 778) to conform with this provision of the law.

Timetable:

Action	Date	FR Cite
NPRM	03/05/91	56 FR 9183
NPRM Comment Period End	05/06/91	56 FR 9183
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, **202 523-8305**

RIN: 1215–AA54

1999. FAIR LABOR STANDARDS AMENDMENTS OF 1989 AS APPLIED TO PUERTO RICO

Significance: Regulatory Program

Legal Authority: PL 101-157; 29 USC 206(c)

CFR Citation: 29 CFR 510

Legal Deadline: None

Abstract: The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Among other provisions, the amendments provide that the increases in the Fair Labor Standards Act minimum wage applicable to the United States mainland will be phased in by industry for workers in Puerto Rico, with all employees becoming subject to the full mainland minimum wage level by April 1, 1996. Interim Final Rules were published on 03/30/90, and amended on December 27, 1990 (55 FR 53246).

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/90	55 FR 12114
Interim Final Rule Effective Date	04/01/90	55 FR 12114
Interim Final Rule	12/27/90	55 FR 53246
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Administration, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, **202 523-8305**

RIN: 1215–AA57

2000. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Legal Authority: PL 101-583; 29 USC 213

CFR Citation: 29 CFR 541

Legal Deadline: Final, Statutory, February 13, 1991.

Abstract: Public Law 101-583, enacted November 15, 1990, requires the issuance of regulations to permit certain higher-paid and highly-skilled computer systems analysts, computer programmers, software engineers, and other similarly skilled professional workers to qualify for exemption from the minimum wage and overtime requirements of the Fair Labor Standards Act. These interim final regulations contain the criteria for exemption under section 13(a)(1) of the Fair Labor Standards Act from minimum wage and overtime for certain workers employed in computer-related occupations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/91	56 FR 8250
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, **202 523-8305**

RIN: 1215–AA65

2001. ● ATTESTATIONS BY EMPLOYERS FOR OFF-CAMPUS WORK AUTHORIZATION FOR ALIEN STUDENTS (F-1 NONIMMIGRANTS)

Legal Authority: PL 101-649, Sec 221(a); 104 Stat 4978 and 5027

CFR Citation: 29 CFR 508

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This rule implements regulations governing the filing and enforcement of attestations by employers seeking to use aliens admitted as students on F-1 visas (hereafter F-1 student) in off-campus work. Under the Immigration and Nationality Act (INA), as amended by the Immigration Act of 1990, employers are required to submit these attestations to DOL and the educational institution in order for such students, if otherwise qualified, to receive work authorizations from the Attorney General. The attestation process will be administered by ETA, while complaints and investigations regarding violations of the attestation provisions and procedures will be handled by ESA.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Bldg., Washington, DC 20210, **202 523-8305**

RIN: 1215–AA68

2002. ● LABOR CONDITION APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING ALIENS ON H-LB VISAS IN SPECIALTY OCCUPATIONS

Significance: Agency Priority

Legal Authority: PL 101-649, Sec 205

CFR Citation: 29 CFR 507

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: The Employment Standards Administration (ESA) and the Employment and Training Administration (ETA) are promulgating regulations governing the filing and enforcement of labor condition applications filed by employers seeking to use aliens in specialty occupations on H-lB visas. Under the Immigration and Nationality Act as amended by the Immigration Act of 1990, an employer

seeking to employ an alien in a specialty occupation on an H-1B visa is required to file with the Department of Labor, and receive approval therefor, a labor condition application before the Immigration and Naturalization Service may approve an H-1B visa petition. The labor condition application process is to be administered by ETA and complaints and investigations regarding labor condition applications will be the responsibility of ESA.

Timetable:

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37175
NPRM Comment Period End	09/04/91	56 FR 37175
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Bldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA69

2003. ● ATTESTATIONS BY EMPLOYERS USING ALIEN CREWMEMBERS FOR LONGSHORE ACTIVITIES IN U.S. PORTS (D-1 VISAS)

Significance: Agency Priority

Legal Authority: PL 101-649; 8 USC 1288(c)

CFR Citation: 29 CFR 506

Legal Deadline: Final, Statutory, May 28, 1991.

Abstract: This rule implements DOL's responsibilities under the 1990 amendments to the crewmember (d) visa (Public Law 101-649). The law prohibits the performance of longshore work by alien crewmen in U.S. ports, except in 5 circumstances, 2 of which are under DOL purview: (1) The employer has filed with DOL an attestation that the prevailing practice in the local port permits the work by alien crewmen; that there is no strike or lockout in the course of a labor dispute; that use of the alien labor is not intended or designed to influence the election of a bargaining representative at the port; that the employer has provided a notice of attestation to the bargaining representative or to longshore workers where there is no bargaining representative. (2) The employer operates self-unloading automated vessels for which the prevailing practice is presumed to be to use alien crewmembers for longshore work. The Employment Standards Administration will administer the enforcement provisions in the legislation through regulations that incorporate the labor standards/attestations issued by ETA, and set forth procedures for enforcement of those labor standards.

Timetable:

Action	Date	FR Cite
NPRM	04/19/91	56 FR 16031
Interim Final Rule	05/30/91	56 FR 24648
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Bldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA70

2004. ● DEFINING THE TERMS "CONDITION" AND "REPAIRS" UNDER THE DAVIS-BACON AND RELATED ACTS

Significance: Agency Priority

Legal Authority: 40 USC 276a-7; 40 USC 276c; 40 USC 327 to 332; Reorganization Plan No. 14 of 1950, 5 USC Appendix; 5 USC 301; 29 USC 259; Statutes listed in 5.1(a) of 29 CFR 5

CFR Citation: 29 CFR 5

Legal Deadline: None

Abstract: The Department intends to amend the regulations defining the terms "construction," "prosecution," "completion," and "repair" on federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts. This revision is necessary to reflect the decision by the U.S. Court of Appeals for the District of Columbia Circuit in Building and Construction Trades Department, AFL-CIO v. United States Department of Labor, Wage Appeals Board, Midway Excavators, Inc., No. 90-5341. In that decision, the court invalidated the provisions in section 29 CFR 5.2(j) of the regulations that employees of construction contractors and subcontractors who haul materials and supplies to the site of a Davis-Bacon covered project and who spend an insignificant or de minimis amount of time on the site are subject to Davis-Bacon.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA71

2005. ● COORDINATED ENFORCEMENT OF FARM LABOR PROTECTIVE STATUTES

Legal Authority: 29 USC 49 et seq; 29 USC 201 et seq; 29 USC 651 et seq; 29 USC 1801 et seq; 8 USC 1101; 5 USC 301

CFR Citation: 29 CFR 42

Legal Deadline: None

Abstract: The Department intends to revise its regulations for coordinated enforcement of farm protective statutes. The rule will clarify existing regulatory language and update the regulations by making nomenclature and other technical amendments. The sections also will be reorganized for clarification. These regulations were first promulgated in 1980 to coordinate the farm labor enforcement activities of the Department's Employment and Training Administration, the Employment Standards Administration, the Occupational Safety and Health Administration, and the Office of the Solicitor of Labor. (45 FR 39489) The regulations establish a National Farm Labor Coordinated Enforcement Committee, which meets quarterly, consisting of the heads of the the above DOL agencies, to oversee that coordination. A Regional Farm Labor Coordinated Enforcement Committee, which meets quarterly, is established in each DOL regional office. The Regional

Committee is made up of the head of each of the above agency's regional office. Each Regional Committee holds at least one annual public meeting to discuss farm labor issues.

Timetable:

Action	Date	FR Cite
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Since 1980, a number of changes have taken place in DOL's farm labor activities, such as: The Farm Labor Contractor Registration Act has been replaced by the Migrant and Seasonal Agricultural Worker Protection Act; the title of the head of the National Committee has been changed from Under Secretary to Deputy Secretary; the Immigration Reform and Control Act of 1986 has amended the Immigration and Nationality Act to strengthen DOL's role in farmworker protection; regional offices of the Employment Standards Administration no longer exist and the regional farm labor enforcement role is now coordinated by the Regional Administrator for Wage Hour; and the Assistant Secretary for Policy has assumed a role in farm labor programs at the National Level. These and other changes necessitate updating the coordinated enforcement regulations.

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA72

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Completed Actions

2006. MINIMUM WAGE DETERMINATIONS (WALSH-HEALEY PCA)

Significance: Agency Priority

Legal Authority: 41 USC 35; 41 USC 38; 41 USC 40; 41 USC 43a

CFR Citation: 41 CFR 50 to 202

Legal Deadline: None

Abstract: The Walsh-Healey Public Contracts Act (PCA) requires payment of minimum wages on Federal and District of Columbia contracts over $10,000 for manufacturing or furnishing materials, supplies, articles, or equipment. Wage determinations historically issued under PCA have required payment of not less than the minimum wage prescribed by the Fair Labor Standards Act of 1938, as amended (FLSA). The Fair Labor Standards Amendments of 1989 (Public Law 101-157) increased the minimum wage rate required to be paid under the FLSA. The Department increased the minimum wage required to be paid under the PCA to correspond to the FLSA minimum wage rate requirements contained in the 1989 FLSA Amendments.

Timetable:

Action	Date	FR Cite
NPRM	10/12/90	55 FR 41555
NPRM Comment Period End	11/13/90	
Final Action	07/15/91	56 FR 32258
Final Action Effective	08/14/91	56 FR 32258

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA58

2007. GARNISHMENT OF EARNINGS

Legal Authority: 15 USC 1671 et seq

CFR Citation: 29 CFR 870.10

Legal Deadline: None

Abstract: The Federal Wage Garnishment Law limits the amount of an employee's disposable earnings which may be subject to garnishment in any workweek. The term "garnishment" means any legal or equitable procedure through which earnings of an individual may be withheld for the payment of any debt. Most garnishments are made by court order. The largest amount which may be garnished in any workweek may not exceed the lesser of either: (1) 25 percent of an employee's disposable earnings for that workweek; or (2) the amount by which an employee's disposable earnings for that workweek exceeds 30 times the Federal minimum wage that is in effect at the time the earnings are payable. The enactment of the Fair Labor Standards Amendments of 1989, increased the Federal minimum wage to $3.80 per hour on April 1, 1990 and to $4.25 per hour as of April 1, 1991. Accordingly, section 870.10 of Regulations, 29 CFR Part 870-- Restriction on Garnishment, was updated to reflect the recent minimum wage increases.

Timetable:

Action	Date	FR Cite
Final Action	07/15/91	56 FR 32254
Final Action Effective	07/15/91	56 FR 32254

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John R. Fraser, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502; FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA63

2008. CHANGES IN BENEFIT LEVEL FOR ATTENDANT ALLOWANCE AND IN THE SURVIVOR REMARRIAGE AGE UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Significance: Agency Priority

Legal Authority: 5 USC 8101; PL 101-303; PL 101-534

CFR Citation: 20 CFR 10.304; 20 CFR 10.305

Legal Deadline: None

Abstract: The Department of Labor is making a technical change to the regulations implementing the FECA to reflect recent amendments to the law. By Public Law 101-303, the age at which surviving spouses can remarry but still retain survivor benefits was changed from age 60 to age 55. Public Law 101-534 raised the amount available to pay

for a personal attendant from $500 to $1,500 per month.

Timetable:

Action	Date	FR Cite
Final Action	09/20/91	56 FR 47674
Final Action Effective	09/20/91	56 FR 47674

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Because the changes reflect statutory changes, the rules will be published in final.

Agency Contact: Thomas M. Markey, Director, Division of Federal Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3229, FP Building, Washington, DC 20210, 202 523-7552

RIN: 1215–AA66

DEPARTMENT OF LABOR (DOL) — Prerule Stage

Employment and Training Administration (ETA)

2009. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM will be published and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Gilbert Apodaca, National Monitor Advocate, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW., Rm N4470, FP Building, Washington, DC 20210, 202 535-0174

RIN: 1205–AA37

2010. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 7805

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements PL 97-248 and PL 101-508 and updates existing material issued as manuals. Alternatives being considered include: (1) issuing a regulation, another type of directive, or nothing; (2) issuing Federal law or not limiting scope; and (3) which rules, if any, should be issued regarding the calculation of Reed Act balances, restorations of Reed Act funds, program income, and sales, other Act funds. Issuing a regulation will benefit grantees by reducing their uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	
ANPRM Comment Period End	11/00/91	
NPRM	03/00/92	
NPRM Comment Period End	04/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Sectors Affected: 94 Administration of Human Resource Programs

Agency Contact: Dan Burkitt, Financial Management Specialist, Division of Fiscal Policy, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room C5317, FP Bldg., Washington, DC 20210, 202 535-8762

RIN: 1205–AA43

DEPARTMENT OF LABOR (DOL) — Proposed Rule Stage

Employment and Training Administration (ETA)

2011. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: These regulations are being developed to implement the monetary provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was

unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	10/00/93	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: monetary benefit aspects of the employee protection provisions.

Agency Contact: Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm C4514, FP Bldg., Washington, DC 20210, **202 535-0309**

RIN: 1205–AA07

2012. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 301 Older Americans Act of 1965

CFR Citation: 20 CFR 674

Legal Deadline: Final, Statutory, May 5, 1985.
PL 98-459, Section 205(c)

Abstract: The Senior Community Service Employment Program has not published final regulations since 1976. For a variety of reasons that are no longer pertinent, proposed revisions published for comment in 1990 and 1985 were not promulgated in final. Thus statute Title V of the Older Americans Act, mandates that the Senior Community Service Employment Program is to be administered and regulations are to be issued by the Department of Labor. With reauthorization of the Older Americans Act scheduled for late 1991, a new opportunity presents itself. Immediately after reauthorization, the Department of Labor will enter into formal proposed and final rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
NPRM Second	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4641, FP Bldg., Washington, DC 20210, **202 535-0500**

RIN: 1205–AA29

2013. ADVANCES UNDER TITLE XII, SSA, AND TAX CREDIT UNDER FUTA

Significance: Regulatory Program

Legal Authority: 26 USC 7805; 42 USC 1302

CFR Citation: 20 CFR 606

Legal Deadline: None

Abstract: Since 1981, Congress has enacted major changes in the Federal Unemployment Tax Act (FUTA) and Social Security Act (SSA) with respect to advances to States for the payment of unemployment insurance and the repayment of such advances and interest thereon. Promulgation of comprehensive regulations is being undertaken in two phases. The proposed rule will replace instructions contained in several Unemployment Insurance Program Letters approved under OMB No. 1205-0199 expiring November 30, 1993. This action represents the second phase, governing States receiving and voluntarily repaying advances to their unemployment funds and paying interest in such advances. The final rule for the first phase, governing relief from automatic repayment and interest charges, was published in the Federal Register on September 26, 1988 (RIN 1205-AA14).

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room C4514, FP Building, Washington, DC 20210, **202 535-0309**

RIN: 1205–AA65

2014. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Legal Authority: INA 212 (a)(5)(A)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the United States, the Secretary of Labor pursuant to Section 212(a)(5)(A) of the Immigration and Naturalization Act (INA) must certify to the Secretary of State and to the Attorney General that: (a) There are not sufficient United States workers who are able, willing, qualified and available at the time of the application for a visa and admission into the United States and at the place where the alien is to perform work; and (b) The employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers (8 USC 1182(a)(5)(A) of the Department of Labor (DOL) has promulgated regulations at 20 CFR Part 656 pursuant to and to implement section 212(a)(5)(A) INA 212(a)(5)(A). These regulations set forth the fact finding process designed to support the granting or denial of a permanent labor certification. Experience in (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: administering the regulations to the certification of immigrant aliens for permanent employment in the United States indicates that a number of changes should be made to these regulations to make labor certification process more efficient and clarify ambiguities in the present regulations.

Agency Contact: Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N4470, FP Building, Washington, DC 20210, 202 535-0157

RIN: 1205–AA66

2015. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF STATE RECORDS

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 603

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to make rules regarding the disclosure of unemployment insurance wage and claim information by State agencies.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	02/00/92	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Virginia Chupp, Unemployment Insurance Program Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room C4512, FP Bldg., Washington, DC 20210, 202 535-0200

RIN: 1205–AA74

2016. LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE UNITED STATES: VARIOUS AMENDMENTS TO 20 CFR PART 655

Significance: Regulatory Program

Legal Authority: Section 301 of IRCA

CFR Citation: 20 CFR 655

Legal Deadline: None

Abstract: Interim final H-2A regulations were published by DOL on June 1, 1987 comments received from the public and DOL operating experience have convinced DOL that amendments to the program's regulations are needed before final regulations should be published.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4470, FP Building, Washington, DC 20210, 202 535-0157

RIN: 1205–AA82

2017. ATTESTATION PROCESS FOR HEALTH CARE FACILITIES SEEKING TO EMPLOY NONIMMIGRANT NURSES

Significance: Agency Priority

Legal Authority: Section 212 of Immigration and Nationality Act

CFR Citation: 20 CFR 655 Subpart D; 29 CFR 504 Subpart E

Legal Deadline: Final, Statutory, August 1, 1990.

Abstract: This regulation will implement Section 212 of the Immigration and Nationality Act by adding a new subsection governing the admission to the United States of nonimmigrant nurses during a five year period.

Timetable:

Action	Date	FR Cite
NPRM	07/06/90	55 FR 27992
NPRM Comment Period End	08/06/90	55 FR 30720
Interim Final Rule	12/06/90	55 FR 50500
NPRM Second	03/00/92	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4470, FP Building, Washington, DC 20210, 202 523-0157

RIN: 1205–AA84

2018. IMPLEMENTATION OF DEFENSE AUTHORIZATION ACT AMENDMENTS TO TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

Significance: Agency Priority

Legal Authority: 29 USC 1662; 29 USC 1662c

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Regulatory action is necessary to provide specific requirements and guidelines for programs designed to assist workers dislocated as a consequence of reductions in Defense Department procurement and activities, including both personnel and facilities reductions in the military, in compliance with the Defense Authorization Act of 1990 (H.12045). Under the Act, grants may be made to States, substate grantees, employers, employer associations, and representatives of employees to provide training, adjustment assistance and employments services to such eligible dislocated workers in accordance with the requirements of the Act. These provisions are being promulgated to implement the amendment to the Job Training Partnership Act (JTPA) enacted as part of the Defense Authorization Act which added a new Section 325 to Title III of JTPA.

DOL—ETA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	
NPRM Comment Period End	08/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Mr. Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4469, Washington, DC 20210, 202 535-0577

RIN: 1205–AA85

2019. PERMANENT LABOR CERTIFICATION PROGRAM: LABOR MARKET INFORMATION PILOT PROVISIONS

Significance: Regulatory Program

Legal Authority: PL 101-649

CFR Citation: 20 CFR 656

Legal Deadline: NPRM, Statutory, October 1, 1991. Final, Statutory, April 1, 1992. Other, Statutory, September 30, 1994.
The law becomes effective on October 1, 1991, and is effective until September 30, 1994. Implementing regulations for this program will be published by April 1, 1992.

Abstract: This rule is necessary to implement Section 122 of Public Law 101-649, the Immigration Act of 1990. This section requires the Secretary of Labor to establish a pilot which provides for a determination of labor shortages or surpluses in up to 10 occupational classifications. The occupation may then be used in lieu of an individual, case-by-case labor certification. The pilot program is effective during the 3-fiscal year period beginning with FY 92.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Grace A. Kilbane, Immigration Task Force, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4470, FP Building, Washington, DC 20210, 202 535-0174

RIN: 1205–AA87

2020. IMPROVEMENTS TO THE JOB TRAINING PARTNERSHIP ACT (JTPA) FISCAL INTEGRITY

Significance: Regulatory Program

Legal Authority: PL 97-300

CFR Citation: 20 CFR 626; 20 CFR 627; 20 CFR 628; 20 CFR 629; 20 CFR 630

Legal Deadline: None

Abstract: The Employment and Training Administration has proposed regulatory changes designed to enhance program integrity and improve administrative practices of the JTPA system. The ANPRM was published and comments received, however, further action will depend on the outcome of JTPA amendments currently under consideration by the 102nd Congress.

Timetable:

Action	Date	FR Cite
ANPRM	02/21/91	56 FR 6999
ANPRM Comment Period End	03/25/91	56 FR 6999

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Hugh S. Davies, Acting Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4703, FP Bldg., Washington, DC 20210, 202 535-0580

RIN: 1205–AA91

2021. ● JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1991

Significance: Regulatory Program

Legal Authority: PL 97-300

CFR Citation: 20 CFR 626; 20 CFR 627; 20 CFR 628; 20 CFR 629; 20 CFR 630

Legal Deadline: None
Legal deadline for development and implementation of regulations depends on date of passage of 1991 JTPA amendments by 102nd Congress.

Abstract: The amendments focus on improving the targeting of programs to those facing serious barriers to employment, enhancing the quality of services provided, strengthening fiscal and program accountability, and promoting and coordination of programs and resources to more effectively provide job training and placement to the disadvantaged. The amendments are currently under consideration by the 102nd Congress. Our alternative to these regulations is to proceed with regulatory action initiated in February 1991, which focuses on improvements to the fiscal integrity and administrative practices of the JTPA system.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Hugh S. Davies, Acting Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N4703, FPBldg., Washington, DC 20210, 202 535-0580

RIN: 1205–AA95

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Final Rule Stage

2022. ADMINISTRATIVE PROCEDURE, FEDERAL STATE UNEMPLOYMENT COMPENSATION PROGRAM

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: 20 CFR 601; 29 CFR 96; 29 CFR 97; 29 CFR 98

Legal Deadline: None

Abstract: This proposed rule would replace outdated administrative regulations for the unemployment insurance (UI) program grants to States with reference to more current common administrative requirements for State governments codified elsewhere by the Department of Labor (DOL). Because of certain unique needs of the UI program, this action would also cover UI program exceptions to these requirements and clarifications of Employment and Training Administration (ETA) policy in applying requirements to State grantees. As a result, the proposed rule is expected to aid States in understanding and complying with the requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/92	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The regulations proposed to be amended were last amended in 1977 and 1981, and since that time DOL has implemented changes in requirements for State governments which now need to be reflected in UI program regulations.

Agency Contact: Mary Ann Wyrsch, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4231, FP Bldg., Washington, DC 20210, 202 523-7831

RIN: 1205–AA69

2023. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: These regulations implement the Amendments to the trade adjustment assistance provisions of the Trade Act of 1974 in Pub. L. 100-418 by expanding the eligibility for TAA to workers in the oil and natural gas industry engaged in exploration and drilling; requiring a written notice to workers believed to be covered by a certification issued by the Department and the publication of a notice of certification in a newspaper of general circulation; making participation in training a condition for receiving trade readjustment allowances; authorizing the waiver of training for a worker when training is not feasible or appropriate; authorizing the payment of TRA to a worker during breaks in training that do not exceed 14 days; basing TAA benefits on the workers most recent separation rather than first qualifying separation as previously applied; extending the authorization of the TAA program to September 30, 1993; and, making other changes.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48474
NPRM Comment Period End	12/30/88	53 FR 48474
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marvin Fooks, Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room C4318, FP Building, Washington, DC 20210, 202 523-0691

RIN: 1205–AA72

2024. LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS (REVISION)

Significance: Regulatory Program

Legal Authority: 29 USC 50 The National Apprenticeship Act; 40 USC 276; 5 USC 3301

CFR Citation: 29 CFR 29, (Revision)

Legal Deadline: None

Abstract: ETA has undertaken a review of the Apprenticeship system to determine the role of apprenticeship in meeting America's future needs for a skilled work force. The Apprenticeship 2000 review, through research, review of existing materials and related programs, is considering alternative ways to strengthen and expand apprenticeship and related training programs. Existing regulations governing apprenticeship programs may be revised to: 1) improve the existing programs ability to produce skilled workers to meet demands in the industries where it is now prevalent; and 2) expand the apprenticeship concept of training to fill the needs for skilled workers in additional industries.

Timetable:

Action	Date	FR Cite
NPRM	08/24/90	55 FR 34868
NPRM Comment Period End	10/23/90	55 FR 34868

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James D. Van Erden, Administrator, Office of Work-Based Learning, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N4649, FP Bldg., Washington, DC 20210, 202 535-0540

RIN: 1205–AA77

2025. LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE UNITED STATES: "FIFTY PERCENT RULE" COMPONENT OF REGULATIONS

Significance: Regulatory Program

Legal Authority: Section 301 IRCA

CFR Citation: 20 CFR 655

Legal Deadline: Final, Statutory, June 1 1990. Other, Statutory, March 1, 1990.

Abstract: The statute requires DOL to examine the effectiveness of the rule and to promulgate regulations to be effective June 1, 1990 determining whether the rule should be continued beyond that rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/19/90	55 FR 29356
Final Action	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

DOL—ETA

Final Rule Stage

Agency Contact: Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4470, FP Building, Washington, DC 20210, 202 523-0157

RIN: 1205–AA83

2026. ALIENS IN THE UNITED STATES; IMMIGRATION ACT OF 1990; IMPLEMENTATION

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(5)(A); PL 101-649, Sec 122(b)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to amend its regulations relating to the certification of permanent employment of immigrant aliens in the U.S. The amendments implement the the Immigration Act of 1990 and its amendments to the to the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32244
NPRM Comment Period End	08/14/91	56 FR 32244
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Grace A. Kilbane, Immigration Task Force, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4470, Washington, DC 20210, 202 535-0174

RIN: 1205–AA86

2027. OFF-CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS: ATTESTATION PROCESS

Significance: Regulatory Program

Legal Authority: PL 101-649

CFR Citation: Not yet determined

Legal Deadline: Other, Statutory, October 1, 1991.
Deadline for Interim Final: October 1, 1991

Abstract: This rule is necessary to implement Section 221 of the Immigration Act of 1990, Public Law 101-649, which regards off-campus work authorization for students under the F-1 visa. In order to employ an F-1 student, the employer must provide the Secretary of Labor with an attestation that it has recruited for at least 60 days for the position, and that it will pay the greater of the prevailing or actual wage. The Secretary also has enforcement responsibility under this new law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Grace A. Kilbane, Immigration Task Force, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4470, FP Bldg., Washington, DC 20210, 202 535-0174

RIN: 1205–AA88

2028. TEMPORARY SPECIALIZED PROFESSIONAL OCCUPATIONAL LABOR CONDITION APPLICATION PROCESS

Significance: Regulatory Program

Legal Authority: PL 101-649 Section 205

CFR Citation: Not yet determined

Legal Deadline: Other, Statutory, October 1, 1991.
Deadline for Interim Final: October 1, 1991

Abstract: This rule is necessary to implement certain revisions to the nonimmigrant H-1B visa category made by Public Law 101-649. The law provides that no alien may be admitted or provided status under this category unless the petitioning employer attests to the Secretary of Labor that is offering prevailing wages and working conditions and that there is not a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment. The law also directs the employer to notify the bargaining representative at the place of employment of the filing of an H-1B petition. If there is no bargaining representative, the employer must post a notice in conspicuous locations at the place of employment. The law provides a procedure for any aggrieved person or organization to challenge the employer's attestation.

Timetable:

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37175
NPRM Comment Period End	09/04/91	56 FR 37175
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Grace A. Kilbane, Immigration Task Force, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4470, FP Bldg., Washington, DC 20210, 202 535-0174

RIN: 1205–AA89

2029. LIMITATIONS ON LONGSHORE WORK BY ALIEN CREWMEMBERS

Significance: Regulatory Program

Legal Authority: PL 101-649 Section 203

CFR Citation: Not yet determined

Legal Deadline: Other, Statutory, May 27, 1991.
Statutory Deadline for Interim Final: Six months after enactment of Public Law 101-649 is May 27, 1991.

Abstract: This rule is necessary to implement certain amendments to the crewmember (d) visa category made by Public Law 101-649. The law prohibits the performance of longshore work by alien crewmen unless their employer has filed with the Secretary of Labor an attestation that such work has been traditionally performed by alien crewmen; there is no strike or lockout in the course of a labor dispute; and use of the alien labor is not intended or designed to influence the election of a bargaining representative at the facility. The law also requires the employer to provide a notice of the attestation to bargaining representative or to longshore workers where there is no bargaining representative.

DOL—ETA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/19/91	56 FR 16031
Interim Final Rule	05/30/91	56 FR 24648
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Grace A. Kilbane, Immigration Task Force, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4470, FP Building, Washington, DC 20210, **202 535-0174**

RIN: 1205–AA90

2030. IMPLEMENTATION OF CLEAN AIR ACT AMENDMENTS TO TITLE III OF THE JOB TRAINING PARTNERSHIP ACT (JTPA)

Significance: Agency Priority

Legal Authority: 29 USC 1579(a); 29 USC 1662e(i)

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, May 14, 1991.

Abstract: Regulatory action is necessary to provide specific requirements and guidelines for programs designed to assist workers dislocated as a consequence of compliance with the Clean Air Act of 1990 (S. 1630). Under the act, grants may be made to States, certain substate grantees, employers, employer associations and representatives of employees -- to provide training, adjustment assistance and employment services to eligible individuals, and to make needs-related payments to such individuals in accordance with the requirements of the Act. These provisions are being promulgated to implement the amendment to the Job Training Partnership Act (JTPA) enacted as part of the Clean Air Act which added a new Section 326 to Title III of JTPA.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Mr. Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4469, Washington, DC 20210, **202 535-0577**

RIN: 1205–AA92

2031. LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE UNITED STATES - PREVAILING PRACTICE DETERMINATIONS

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H) and 1184(c)

CFR Citation: 20 CFR 655

Legal Deadline: None
Required by Court Order - Regulation is to be published "with dispatch".

Abstract: To establish a methodology for determining when a practice being engaged in or a benefit being offered is "prevailing". Such determinations govern the inclusion of certain benefits in job offers for workers submitted by employers in conjunction with applications for temporary alien agricultural labor certification under the H-2A program.

Timetable:

Action	Date	FR Cite
NPRM	02/12/91	56 FR 5670
NPRM Comment Period End	03/14/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4470, FP Bldg., Washington, DC 20210, **202 535-0778**

RIN: 1205–AA93

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Completed Actions

2032. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 5164; 42 USC 5189(a)(c)

CFR Citation: 20 CFR 625, (Revision)

Legal Deadline: Final, Statutory, May 21, 1989.

Abstract: Public Law 100-107 made substantial changes in the DUA programs. DUA will now be paid for up to 26 weeks after a major disaster is declared instead of up to 52 weeks. DUA will no longer be payable when an individual is eligible for State unemployment compensation or waiting period credit. An individual will now have up to 60 days to file an appeal of denial of a DUA claim and a Federal official must make a decision in 90 days.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/90	55 FR 550
Final Action	05/16/91	56 FR 22800
Final Action Effective	05/16/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: In addition to updating the current regulations for law changes, the anticipated changes will provide for more efficient operation of the problem.

Agency Contact: Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution

DOL—ETA — Completed Actions

Avenue, NW., Room C4514, FP Bldg., Washington, DC 20210, 202 535-0309

RIN: 1205–AA50

DEPARTMENT OF LABOR (DOL) — Prerule Stage

Pension and Welfare Benefits Administration (PWBA)

2033. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Significance: Agency Priority

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of section 206(d)(3) of ERISA and related provisions contained in section 414(p) of the Internal Revenue Code which were added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PWBA is considering the publication of proposed regulations under section 206(d)(3) of ERISA and related provisions contained in section 414(p) of the Internal Revenue Code which would clarify the statutory requirements pertaining to Qualified Domestic Relations Orders (QDROs). Under amendments effected by the Retirement Equity Act of 1984 (REA) to the anti-assignment and alienation provisions of ERISA and the Code, benefits under a pension plan may be assigned or alienated pursuant to a domestic relations order only if the order constitutes a QDRO. This ANPRM is intended to facilitate early public participation in the development of regulations, in the event that regulations are proposed.

Agency Contact: Susan Rees, Staff Attorney, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW., Rm N4611, FP Bldg., Washington, DC 20210, 202 523-9141

RIN: 1210–AA19

2034. SUMMARY ANNUAL REPORT

Significance: Agency Priority

Legal Authority: 29 USC 1024

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: This rule would revise current requirements with respect to the Summary Annual Report (SAR) to eliminate unnecessary paperwork, improve the effectiveness of its contents, and include important information not currently required to be part of the SAR.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PWBA is holding this regulation in abeyance pending completion of its comprehensive review of legislative options related to the reporting and disclosure requirements under ERISA.

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA36

2035. DEFINITION OF PARTICIPANT COVERED UNDER THE PLAN

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510.3-3

Legal Deadline: None

Abstract: Regulation 29 CFR 2510.3-3(d)(2)(ii) describes the circumstances under which a plan participant receiving a distribution of benefits ceases to be a participant covered under the plan. Under the existing regulation, a participant covered under a pension plan loses his status as such where he receives an annuity contract guaranteeing his benefits from an insurance company licensed to do business in a state. PWBA will solicit suggestions from the public with respect to development of a proposed amendment of this regulation that would provide that a participant covered under a pension plan would not automatically lose his status upon purchase of an annuity.

Timetable:

Action	Date	FR Cite
ANPRM	06/21/91	56 FR 28638
ANPRM Comment Period End	09/19/91	56 FR 36750

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA39

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Proposed Rule Stage

2036. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR MULTIEMPLOYER PLANS

Significance: Agency Priority

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiemployer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/08/80	45 FR 52824
Notice of Public Hearing on Previous	11/12/80	45 FR 74727
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Pension and Welfare Benefits Administration (PWBA) is holding this regulation in abeyance pending completion of the PWBA's comprehensive review of options related to the reporting and disclosure requirements under ERISA.

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW., Rm N5669, FP Bldg., Washington, DC 20210, **202 523-7461**

RIN: 1210–AA02

2037. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Significance: Agency Priority

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiemployer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/01/80	45 FR 51231
Notice of Public Hearing on Previous	11/12/80	45 FR 74728
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Pension and Welfare Benefits Administration (PWBA) is holding this regulation in abeyance pending completion of the PWBA's comprehensive review of legislative options related to the reporting and disclosure requirements under ERISA.

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW., Rm N5669, FP Bldg., Washington, DC 20210, **202 523-7461**

RIN: 1210–AA03

2038. "TOP HAT" PLANS

Significance: Agency Priority

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Rm N5669, FP Building, Washington, DC 20210, **202 523-7461**

RIN: 1210–AA21

2039. TIME AND MANNER OF NOTICE REQUIREMENT UNDER ERISA SECTION 101(D)

Significance: Agency Priority

Legal Authority: 29 USC 1021

CFR Citation: 29 CFR 2520.101

Legal Deadline: None

Abstract: Section 101(d) of ERISA provides that when an employer maintaining a plan other than a multiemployer plan fails to make a required installment or other payment required to meet minimum funding standards under section 302 to a plan before the 60th day following the due date, the employer shall notify each participant and beneficiary of such failure. Section 101(d) also provides that the notice shall be made at such time and in such manner as the Secretary shall provide. Because OBRA 1989 added section 502(c)(3) to permit the imposition of substantial penalties upon employers who fail to give the notice required by section 101(d), there will be an increased need for regulatory guidance by the Secretary as to the time and manner in which notice under section 101(d) must be provided.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, **202 523-7461**

RIN: 1210–AA38

2040. TRUST EXEMPTION

Significance: Agency Priority

DOL—PWBA **Proposed Rule Stage**

Legal Authority: 29 USC 1103; 29 USC 1135

CFR Citation: 29 CFR 2550.403b-1

Legal Deadline: None

Abstract: Section 403(a) of ERISA requires that all assets of an employee benefit plan be held in trust by one or more trustees pursuant to a written trust instrument, except as otherwise provided in section 403(b). This regulation would provide guidance with respect to a circumstances under which participant monies paid to, or withheld by employers in connection with, certain welfare plans may not be subject to the trust requirement of section 403(a).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA40

2041. CORPORATE GOVERNANCE

Significance: Agency Priority

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550.403a-1

Legal Deadline: None

Abstract: Section 403(a) of ERISA requires that all assets of an employee benefit plan be held in trust by one or more trustees pursuant to a written trust instrument, except as otherwise provided in section 403(b). Section 403(a) further provides that, upon being named or appointed, the trustees shall have exclusive authority and discretion to manage and control the assets of plan, except where (1) the plan expressly provides that the trustees are subject to the proper direction of a named fiduciary who is not a trustee which are consistent with a terms of the plan and ERISA, or (2) authority to manage, acquire or dispose of plan assets is delegated to one or more investment managers pursuant to section 402(c)(3). This proposed rulemaking would amend existing regulation 29 CFR 2550.403a-1 to include guidance for trustees with regard to matters involving the corporate governance of companies whose securities are held in a plan's portfolio.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA41

2042. NOTICE REQUIREMENTS UNDER ERISA SECTION 101(E)

Significance: Agency Priority

Legal Authority: 29 USC 1021; 29 USC 1135

CFR Citation: 29 CFR 2520.101

Legal Deadline: None

Abstract: Section 101(e) of ERISA provides that 60 days before the transfer of excess pension assets to a retiree health benefits account, notice containing specified information must be provided to various parties, including, but not limited to, the Secretaries of Labor and Treasury and plan participants and beneficiaries. Section 101(e) also provides that the Secretary of Labor may prescribe the manner in which such notice is to be provided to certain of the parties. PWBA is considering whether it is appropriate to issue guidance with respect to the notice requirement by regulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA42

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA) **Final Rule Stage**

2043. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: The regulation would describe the kinds of participant directed individual account plans referred to in section 404(c) of ERISA, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33508
NPRM Comment Period End	11/02/87	
NPRM - Second	03/13/91	56 FR 10724
NPRM - Second, Comment Period End	05/13/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel Maguire, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration,

DOL—PWBA

Final Rule Stage

200 Constitution Ave., NW., Rm N4611, FP Bldg., Washington, DC 20210, 202 523-9592

RIN: 1210–AA08

2044. ADEQUATE CONSIDERATION

Significance: Regulatory Program

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17632
NPRM Comment Period End	07/18/88	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel Maguire, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Rm N4611, FP Building, Washington, DC 20210, 202 523-9592

RIN: 1210–AA15

2045. REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: If adopted, the final regulation would provide an exemption from the bonding requirements of Section 412 (a) of ERISA for certain broker dealers and investment advisers who handle plan assets.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31039
NPRM Comment Period End	05/18/88	53 FR 11886
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Rm N5669 FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA25

2046. CIVIL PENALTIES UNDER ERISA SECTION 502(L)

Significance: Regulatory Program

Legal Authority: 29 USC 1132

CFR Citation: 29 CFR 2570.80, Procedural; 29 CFR 2560.502(l)-l, Substantive

Legal Deadline: None

Abstract: Section 502(l) of ERISA requires the Secretary of Labor to assess a civil penalty to a fiduciary who breaches or commits a violation of part 4 of Title I of ERISA, or any other person who knowingly participates in such breach or violation by any other person. The Department has published an interim rule setting for the procedures for the assessment of penalties under ERISA section 502(l) and for petitioning the Secretary to exercise his or her discretion to waive or reduce the mandated assessment, as well as a proposed rule that defines the following pivotal terms contained in section 502(1): "applicable recovery amount", "breach of fiduciary responsibility or violation", and "settlement agreement" or "court order." The Department intends to finalize these two regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/20/90	55 FR 25284
Interim Final Rule	06/20/90	55 FR 25284
NPRM Comment Period End	08/20/90	55 FR 25284
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Vicki Shteir-Dunn, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N4611, FP Building, Washington, DC 20210, 202 523-9141

RIN: 1210–AA37

DEPARTMENT OF LABOR (DOL)

Bureau of Labor Management Relations and Cooperative Programs (LMRCP)

Completed Actions

2047. TERMINATION OF BENEFITS UNDER TITLE II OF THE REDWOOD NATIONAL PARK EXPANSION ACT OF 1978

Legal Authority: PL 95-250 Section 202

CFR Citation: 29 CFR 92

Legal Deadline: None

Abstract: Public Law 95-250, the Redwood National Park Expansion Act of 1978 (the Act) created employee protection benefits commonly known as the "Redwood Employee Protection Program" (the Program). Eligible employees could obtain such benefits upon application to an appropriate State agency. The Bureau of Labor-Management Relations and Cooperative Programs (the Agency) administers the Program in cooperation with State agencies. The Act does not provide a date certain for the expiration of the time period for application for benefits or appeals of previous benefit decisions, nor did the enabling regulations contain such a date. The Agency is issuing final regulations based on its interpretation of the statute with regard to the termination of the Program. This Agency has concluded that Congress intended for benefits eligibility to expire on September 30, 1989. Consequently, the agency is giving notice that the Program is terminated and that individual claims for benefits and/or appeals of benefits will not be accepted by State or Federal offices. This is a final step in

terminating the Bureau's responsibility under this program.

Timetable:

Action	Date	FR Cite
NPRM	04/01/91	56 FR 13299
NPRM Comment Period End	05/01/91	
Final Action	09/10/91	56 FR 46116
Final Action Effective	10/10/91	56 FR 46116

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kelley Andrews, Director, Office of Statutory Programs, Department of Labor, Bureau of Labor Management Relations and Cooperative Programs, 200 Constitution Avenue, NW., Room S2203, FP Building, Washington, DC 20210, **202 523-6045**

RIN: 1214–AA04

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Prerule Stage

2048. CONFINED SPACES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 75

Legal Deadline: None

Abstract: This rulemaking would develop a comprehensive standard to address the hazards of working in confined spaces. Many of these confined space work areas are not unique to mines. Many hazards are identical to these confined space hazards that exist in general industry for which OSHA issued a proposed rule on June 5, 1989 (54 FR 24080).

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA54

2049. DIESEL PARTICULATE

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: During the past decade, diesel-powered equipment has been introduced into the underground coal mining industry in increasing numbers. The Mine Safety and Health Administration (MSHA) does not have regulations that specifically address the health hazards associated with the particulate in the exhaust emitted by diesel-powered equipment in underground mines. The National Institute for Occupational Safety and Health (NIOSH) has recently issued an exploratory risk assessment for diesel particulate based on an animal study. The Agency is in the early stages of developing a permissible exposure limit (PEL) to control miners' exposure to diesel exhaust and reduce the incidence of illness and disease related to this substance in the mining industry.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA74

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Proposed Rule Stage

2050. HOISTING AND TRANSPORTATION OF PERSONS AND MATERIALS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75, Subpart O

Legal Deadline: None

Abstract: Transporting persons and material has been a leading cause of fatal accidents in underground coal mines. The Agency, however, has very few mandatory standards addressing haulage hazards. The hoisting and transportation standards need to be updated to reflect advances in technology.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA12

2051. ● SAFETY STANDARDS FOR EXPLOSIVES AT METAL AND NONMETAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56, Subpart E; 30 CFR 57, Subpart E

Legal Deadline: None

Abstract: On January 18, 1991, MSHA published a final rule (56 FR 2070) to revise its safety standards for explosives at metal and nonmetal mines. Before the rule became effective, the Agency reassessed the potential effect of several provisions of the final rule. Based on this reassessment, MSHA intends to repropose several standards to gain further public input.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA17

2052. NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Agency Priority

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: None

Abstract: MSHA is reviewing its accident and injury and mine production reporting forms to determine whether the information on the forms could be sent to the Agency in other formats such as electronic submission of forms.

Timetable:

Action	Date	FR Cite
Task Force Report Completed	03/03/86	
ANPRM	11/14/88	53 FR 45878
ANPRM Comment Period End	02/17/89	53 FR 52727
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA33

2053. NOISE STANDARD

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71

Legal Deadline: None

Abstract: Hearing impairment is a serious occupational hazard in the mining industry. Many miners are consistently exposed to noise levels that are near maximum levels currently permitted by MSHA. As a result, miners may be suffering hearing impairment, notwithstanding existing MSHA noise standards. MSHA intends to use comments and information submitted in response to the December 1989 ANPRM to develop a proposed rule which would establish similar noise standards to apply to coal mining and metal/nonmetal mining.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 50209
ANPRM Extended Comment Period Close 6/22/90	02/21/90	55 FR 6011
ANPRM Comment Period End	03/05/90	54 FR 50209
NPRM	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA53

2054. EXPERIENCED MINER AND SUPERVISOR TRAINING

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48

Legal Deadline: None

Abstract: MSHA is proposing to amend the definition of "experienced miner" to mean a miner who has had one year of mining experience and, for new miners hired after October 13, 1978, has completed new miner training. MSHA is proposing to strengthen the training requirements for experienced miners by adding course requirements. Also, MSHA is proposing to delete the coal supervisory personnel exemption from the training requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/24/91	56 FR 48376
NPRM Comment Period End	11/25/91	56 FR 48376

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA55

2055. ● REQUIREMENTS FOR APPROVAL OF FLAME-RESISTANT CONVEYOR BELTS

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 14; 30 CFR 18; 30 CFR 75

Legal Deadline: None

Abstract: Conveyor belts are one of the leading causes of fires in underground coal mines. These mines often use many miles of conveyor belts. The remote location of the belts can allow fires to start and spread to the coal before they are detected. MSHA has developed a new, more stringent test to evaluate the flame-resistance of conveyor belts. Belts passing the revised test would be resistant to ignition and to flame propagation. This proposal would revise the existing approval regulations and address use of the improved beltary by mine operators.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA65

2056. WATER, SEDIMENT OR SLURRY IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57, Subpart S; 30 CFR 56, Subpart S

Legal Deadline: None

Abstract: MSHA plans to publish a proposed rule addressing the minimum standards for the design, construction and inspection of metal/ nonmetal impoundments. The integrity of such structures is important to eliminate the potential for loss of life or property damage downstream due to the floodwater released as a result of dam failure, or upstream of the dam from the effects of rim slides.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA69

2057. WATERLINES IN BELT CONVEYOR ENTRIES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75, Subpart L

Legal Deadline: None

Abstract: MSHA currently requires waterlines to be installed along all belt conveyors in underground coal mines. Nozzles must be installed at least every 300 feet. Potential firefighting problems exist, however, when air used to ventilate belt conveyor entries moves in an outby direction. Waterlines installed in belt entries where air is moving outby would be exposed to the fire outby the area where water is needed. Heat from the fire could melt or otherwise damage the waterline, necessitating the installation of a separate waterline around the fire delaying the firefighting effort. The National Fire Protection Association (NFPA) recommends that the water flowing through waterlines be in the same direction as the ventilating air current. MSHA intends to propose revising the current regulations pertaining to waterlines for underground belt conveyors to require installation similar to that proposed by the NFPA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA70

2058. CARBON MONOXIDE MONITOR APPROVAL

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 12

Legal Deadline: None

Abstract: The use of carbon monoxide monitoring systems in underground coal mines can be effective in monitoring mine atmospheres to detect fires in the early stages of development. If mine operators depend on these systems for early fire detection, minimum performance criteria are necessary to ensure proper performance. MSHA intends to propose approval requirements for these systems for use in underground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA72

2059. FIREFIGHTING AND ESCAPE AND EVACUATION PROGRAM

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75, Subpart L

Legal Deadline: None

Abstract: Currently 30 CFR 75.1101-23 requires each operator of an underground coal mine to adopt a program for mine evacuation in the event of an emergency, such as fire or explosion. However, the existing standard does not directly address heat sensing and carbon monoxide detection systems and the actions to be taken when such systems activate an alarm. In addition, regular review and update of firefighting and evacuation plans is not required by the existing standard. This rulemaking would address these issues.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA73

2060. ● HIGH-VOLTAGE LONGWALL EQUIPMENT

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: This rulemaking would apply to high voltage electric face equipment used in underground coal mines. Presently, 30 CFR 75.1002 precludes the use of high-voltage cables within 150 feet of pillar workings. Therefore, mine operators have had to file file petitions for modification so that they may use high- voltage longwall equipment. High-voltage longwall equipment would still be required to comply with the

requirements of part 18, but this rulemaking would address additional safety requirements for the use of high-voltage longwall equipment, including trailing cables, motor, and shearer cables.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA75

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Final Rule Stage

2061. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75, Subpart D

Legal Deadline: None

Abstract: The Agency published a proposed rule concerning ventilation in underground coal mines which includes provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gasses that may indicate a mine fire. Other important issues include ventilation of worked-out areas and longwall systems, including installation and removal. The existing escapeway standards contained in 30 CFR 75.1704 are incorporated into the proposal. In June 1991, the Secretary established an advisory committee to make recommendations concerning the conditions under which air coursed through the belt entry could be safely used in the face areas of underground coal mines.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/85	50 FR 47702
ANPRM Comment Period End	02/18/86	
NPRM	01/27/88	53 FR 2382
NPRM Comment Period End	08/19/88	53 FR 26449
Belt Entry Report Comment Period Ended 2/9/90	08/25/89	54 FR 48117
Notice of Establishment of Advisory Committee	06/21/91	56 FR 27034
Advisory Committee Convenes	10/00/91	
Final Action	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public hearings were held during June 1988 and April 1990.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA11

2062. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75, Subpart N

Legal Deadline: None

Abstract: On November 18, 1988, the Mine Safety and Health Administration (MSHA) published a final rule (53 FR 46768) to revise its safety standards for explosives and blasting in underground coal mines. Prior to the effective date, MSHA stayed 30 CFR 75.1325(b) which restricts blasting to only one face in a working place to allow further review of single versus multiple face blasting. This rulemaking would allow multiface blasting under limited conditions; recognize an alternative method of giving experience for blasting certification; and clarify a provision concerning precautions to be taken with electrical equipment in blasting areas.

Timetable:

Action	Date	FR Cite
Stay of Final Rule Provision	01/13/89	54 FR 1360
NPRM	12/08/89	54 FR 50714
Extended Comment Period to 3/16/90	01/22/90	55 FR 2204
NPRM Comment Period End	02/16/90	54 FR 50714
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A public hearing was held May 30, 1990, in Lexington, Kentucky. (55 FR 18737)

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA16

2063. ● DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 70; 30 CFR 75

Legal Deadline: None

Abstract: MSHA has an established mining equipment approval program which includes evaluation criteria and corresponding safety standards requiring the use and maintenance of approved equipment. However, existing approval regulations do not generally apply to the diesel-powered equipment now being used in coal mines. In July 1988 an advisory committee convened by the Secretary of Labor made recommendations to the Secretary concerning standards for the use of diesel-powered equipment in underground coal mines. Based on those recommendations, MSHA has published a proposed rule that addresses the approval of components

and standards for its use, including monitoring requirements for certain diesel emissions. Public hearings were held in February and March 1991. MSHA also published an ANPRM addressing diesel equipment safety features beyond the basic engine and power packages. The Agency withdrew this ANPRM on March 1, 1991, in order to focus its resources on higher priority regulatory projects.

Timetable:

Action	Date	FR Cite
NPRM	10/04/89	54 FR 40950
NPRM Comment Period End	07/06/90	54 FR 53328
Final Action	06/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203. **703 235-1910**

RIN: 1219–AA27

2064. CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 100

Legal Deadline: None

Abstract: Under sections 105(c) and 110 of the Federal Mine Safety and Health Act of 1977, MSHA is required to assess a civil penalty for all violations of the Act and mandatory safety and health standards. In May 1982, MSHA issued revised civil penalty regulations that included a provision for assessment of $20.00 single penalty for non-significant-and-substantial (non-S&S) violations that are timely abated. In November 1989, the United States Court of Appeals for the District of Columbia Circuit ordered MSHA to revise its civil penalty regulations and take immediate interim steps to correct the assessments system. The Court retained jurisdiction of the case to consider the issues after its remand. In response to the Court's order, MSHA (1) temporarily suspended the sentence in 30 CFR 100.3(c) which excludes timely paid single penalty assessments from an operator's history of violations for regular assessment purposes, and (2) issued a policy that implemented an "excessive history" program for non-S&S violations. In addition, MSHA also implemented an excessive history program for S&S violations. MSHA published a civil penalty proposal that (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/28/90	55 FR 53482
NPRM Comment Period End	03/01/91	55 FR 53482
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: formulates a permanent regulatory action in compliance with the Court's order and revises its civil penalty assessments. The proposal is responsive to the Omnibus Budget Reconciliation Bill that became effective November 5, 1990. It reflects changes caused by inflation by including across-the-board increases for all categories of penalties.

Agency Contact: Patricia Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA44

2065. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The primary purpose of this action is to provide miners with the means to receive necessary information on the hazards of chemicals to which they are exposed and the action necessary to protect their safety and health. In preparation of a proposed rule, MSHA has reviewed OSHA's hazard communication standard and information collected by NIOSH. MSHA's proposed rule pursues a performance-oriented approach that will allow employees the flexibility to develop appropriate individual programs tailored to their particular workplace conditions. Hearings are scheduled for Fall 1991.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/88	53 FR 10257
ANPRM Comment Period End	07/31/88	
NPRM	11/02/90	55 FR 46400
Extended comment period until 4/5/91	12/28/90	55 FR 53314
NPRM Comment Period End	02/01/91	55 FR 46400
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA47

2066. AIR QUALITY CHEMICAL SUBSTANCES AND RESPIRATORY PROTECTION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 58; 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90

Legal Deadline: None

Abstract: MSHA's proposed rule incorporates permissible exposure limits which are applicable to the hazards encountered in metal and nonmetal mines and coal mines. The proposal solicits comments on updating permissible exposure limits and methods of controlling such limits. Permissible exposure limits and standards for use of respiratory protective equipment would replace outdated incorporations by reference. The proposal would also update asbestos standards. Other issues being considered are: requirements for exposure monitoring; precautions for handling restricted-use chemicals; notification to workers of overexposure; miner access to exposure monitoring records; medical surveillance and transfer of miners required to use

respirators and miners using certain carcinogens.

Timetable:

Action	Date	FR Cite
NPRM	08/29/89	54 FR 35760
NPRM Comment Period End	08/30/91	56 FR 29201
Final Action	11/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA48

2067. REFUSE PILE AND IMPOUNDMENT INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77, Subpart C

Legal Deadline: None

Abstract: This rulemaking addresses recordkeeping requirements for refuse piles and impoundment structures at coal mines under 30 CFR Part 77. In addition, this rulemaking addresses inspection and abandonment procedures for impoundment structures.

Timetable:

Action	Date	FR Cite
NPRM	06/15/90	55 FR 24526
NPRM Comment Period End	09/21/90	55 FR 24526
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A public hearing was held in December 1990 in Pittsburgh, Pennsylvania.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA49

2068. APPROVAL OF ELECTRIC CABLES AND SPLICE KITS

Significance: Agency Priority

Legal Authority: 30 USC 957; 30 USC 811

CFR Citation: 30 CFR 18; 30 CFR 7; 30 CFR 57; 30 CFR 75

Legal Deadline: None

Abstract: This rulemaking would revise existing 30 CFR Part 18 specifications and test requirements for the approval of electric cables and incorporate a new requirement for the approval of cable splice kits as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's proposal would update the existing approval criteria, establish minimum standards for the material used to repair cables, and allow the introduction of new technology, where appropriate. Conforming modifications to the agency's electrical safety standards in 30 CFR Parts 57 and 75 would also be made to require cables and splices "be accepted or approved by MSHA as flame resistant."

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	55 FR 40124
NPRM Comment Period End	11/30/90	
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA57

2069. APPROVAL OF ELECTRIC MOTOR ASSEMBLIES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to add a new subpart to 30 CFR part 7 and revise existing 30 CFR part 18 specifications and test requirements for the approval of electric motor assemblies. Under part 7, testing would be done by the applicant or a third part, subject to agency requirements and approval. MSHA's proposal would update the existing approval criteria and would allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10464
NPRM Comment Period End	06/14/91	
Final Action	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA61

DEPARTMENT OF LABOR (DOL)

Completed Actions

Mine Safety and Health Administration (MSHA)

2070. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57, Subpart D

Legal Deadline: None

Abstract: MSHA is withdrawing this agenda item in order to focus on higher priority regulatory projects.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	12/19/86	51 FR 45678
NPRM Comment Period End	02/16/87	51 FR 45678
Withdrawn	08/17/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA28

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

2071. ● DEPARTMENT OF LABOR ACQUISITION REGULATIONS

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 2900 to 2999

Legal Deadline: None

Abstract: Revisions to DOLAR reflect changes in the Federal Acquisition Regulations and organizational changes within DOL.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Melvin Goldberg, Chief, Division of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW., Room S1522, FP Bldg., Washington, DC 20210, 202 523-9174

RIN: 1291–AA20

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

2072. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 15 USC 3151; 20 USC 1681 to 1683; 20 USC 1685; 20 USC 1686; 29 USC 794; 29 USC 1551; 29 USC 1574; 29 USC 1577; 29 USC 1579; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4

CFR Citation: 29 CFR 31

Legal Deadline: Final, Statutory, September 12, 1979.
Regulations to implement the Age Discrimination Act were required as of 9/12/79 and to implement JTPA as of 10/01/83. The regulation must be coordinated with DOJ pursuant to (cont)

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended would be amended and revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Sectors Affected: None

Additional Information: LEGAL DEADLINE CONT: Executive Order 12250, with EEOC pursuant to E.O. 12067, and with the Office of Management and Budget pursuant to E.O. 12291, prior to publication as an NPRM.

Agency Contact: Annabelle T. Lockhart, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW., Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291–AA02

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

2073. ADMINISTRATIVE GRANTS AND COOPERATIVE AGREEMENTS TO GOVERNMENT AND NONPROFIT INSTITUTIONS

Significance: Agency Priority

Legal Authority: OMB Circular A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: On March 11, 1988 a common final rule was published which implemented OMB Circular A-102, Administrative Requirements for Grants and Cooperative Agreements with State and Local governments. OMB and DHHS have prepared a proposed common rule and revised Circular A-110 to conform the grants management requirements for non-governmental grantees with government grants. The common rule already published on governmental grantees will be amended to incorporate non-governmental grants.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW., Rm S1522, FP Bldg., Washington, DC 20210, 202 523-9174

RIN: 1291–AA15

2074. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121 Section 319 (31 USC 1352); 5 USC 301 Reorganization Plan No. 6 of 1950

CFR Citation: 29 CFR 93

Legal Deadline: None

Abstract: This rule is in response to Section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Adam W. Hare, Procurement Analyst, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW., Room S1522, FP Building, Washington, DC 20210, 202 523-9174

RIN: 1291–AA18

2075. AUDIT REQUIREMENTS FOR GRANTS, CONTRACTS, AND OTHER AGREEMENTS

Legal Authority: OMB Circular A-133; 5 USC 301 Reorganization Plan No. 6 of 1950

CFR Citation: 29 CFR 96

Legal Deadline: None

Abstract: This rule implements OMB Circular A-133 which provides policy guidance to Federal agencies for establishing uniform requirements for audits of awards provided to institutions of higher education and other nonprofit organizations. It replaces Attachment F to OMB Circular A-110. OMB Circular A-133 requires nonprofit institutions that receive $100,000 or more in Federal awards annual to have an audit made in accordance with the provisions of the Circular. The Circular also provides for oversight by Federal agencies.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/90	
End Review	09/30/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This rule implements OMB Circular A-133, which was published for public comment before it was issued. All substantive decisions have already been made by OMB in issuing the Circular.

Agency Contact: Richard W. Strom, Procurement Analyst, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW., Room S1522, FP Building, Washington, DC 20210, 202 523-9174

RIN: 1291–AA19

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

2076. MEDICAL SURVEILLANCE PROGRAMS FOR EMPLOYEES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On January 19, 1989, OSHA modified (54 FR 2332) the Z table permissible exposure limits of 29 CFR 1910.1000 in response to current scientific data. Section 6(b) of the Act requires where appropriate, provision for medical surveillance in each 6(b) rulemaking for a harmful substance. A generic standard for medical surveillance would satisfy the requirements of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37595) to acquire additional information. OSHA also intends to review its compliance

experience with medical surveillance provisions and seek experienced medical opinion in the form of a symposium or other public discussion. In addition, OSHA initiated a survey in 1990 to collect information regarding the prevalence and effectiveness of current medical surveillance programs.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37595
ANPRM Comment Period End	12/27/88	
Next Action to be Determined	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB00

2077. EXPOSURE ASSESSMENT PROGRAMS FOR EMPLOYEES EXPOSED TO HAZARDOUS CHEMICALS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On January 19, 1989, OSHA modified (54 FR 2332) the Z table permissible exposure limits of 29 CFR 1910.1000 (General Industry) in response to current scientific data. Section 6(b)(7) of the Act requires provisions for exposure monitoring for each substance undergoing 6(b) rulemaking. A generic standard for exposure monitoring would satisfy the monitoring requirement of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the Z tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37591). OSHA intends to review its compliance experience with exposure monitoring provisions and seek expert opinion to determine the appropriateness of generic exposure monitoring provisions. In addition, OSHA initiated a survey in 1990 to collect information regarding the prevalence and effectiveness of current exposure assessment programs.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37591
ANPRM Comment Period End	12/27/88	
Next Action to be Determined	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB01

2078. ● ERGONOMIC SAFETY AND HEALTH STANDARDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: The Bureau of Labor Statistics (BLS) has reported the number of reported "disorders associated with repeated trauma" have more than doubled since 1984. These serious, potentially crippling disorders account for 48 percent of all occupational illnesses reported to OSHA in 1988, up from 28 percent in 1984. These disorders are being recognized as very serious problems by the industrial nations of the world and some have promulgated ergonomic standards in the last several years. In November 1988, OSHA received a petition from a meat packing industry representative requesting the development of a standard covering ergonomic issues. Prior to issuing a Notice of Proposed Rulemaking (NPRM), OSHA will publish an Advance Notice of Proposed Rulemaking (ANPRM) to gather, review, and analyze available information in industry on individual case studies, anecdotal data, and statistical data in which ergonomic hazards have been addressed and resolved. OSHA also will seek this information from a variety of other sources.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roger A. Clark, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB36

2079. CRANE SAFETY

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333; 33 USC 941

CFR Citation: 29 CFR 1926.550; 29 CFR 1926.552; 29 CFR 1926.553; 29 CFR 1926.554; 29 CFR 1926.556; 29 CFR 1910.67; 29 CFR 1910.179; 29 CFR 1910.180; 29 CFR 1919.181; 29 CFR 1915.115; 29 CFR 1915.117; 29 CFR 1917.20; 29 CFR 1917.27; 29 CFR 1918.12; 29 CFR 1919

Legal Deadline: None

Abstract: The present crane regulations for construction, general industry, and the maritime industry have not been revised since being promulgated in 1971. They rely heavily on outdated 1968 ANSI standards. OSHA has received comments that the existing provisions are inadequate and need revision to reflect current conditions and equipment. It has also been suggested that there is need to establish additional crane installation and use provisions, including possible certification programs for crane operators and riggers. OSHA anticipated this project will come about in several phases due to the magnitude of the project.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roger A. Clark, Director, Directorate of Safety

Standards Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB38

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

2080. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA has reviewed the current standards and intends to propose revisions. In developing this proposal, OSHA has been working closely with the National Institute of Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA).

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period on Preproposal Draft Ends	11/29/85	
NPRM	01/00/92	
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA05

2081. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING (PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshore and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards of cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because much of the current standard is out of date, there are problems with compliance. These revised requirements will provide both employers and employees with a blueprint for effective and safe work practices in the cargo handling industry. No alternative other than revision is contemplated. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 44 Water Transportation

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605 FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA56

2082. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None

Abstract: This action will consolidate, clarify, and revise the existing provisions governing steel erection assembly, flooring, holting, riveting, fitting-up, plumbing-up, and fall protection. When completed, the revised fall protection requirements may be relocated and be incorporated into Subpart M (of Part 1926) which is the general fall protection standard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA65

2083. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision is needed at

this time to bring the standard into line with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA72

2084. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA published an Advance Notice of Proposed rulemaking (ANPRM) on April 2, 1987, (52 FR 10586). OSHA will use the information received in response to the ANPRM, as well as other information and analysis, to prepare a proposed standard.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA84

2085. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR 1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48092
NPRM Comment Period End	02/27/89	
Reopen Public Record	11/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 373 Ship and Boat Building and Repairing

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8063

RIN: 1218–AA91

2086. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part. Specifically, OSHA issued a set of guidelines for controlling occupational exposure to DCM and OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard. OSHA published an Advance Notice of Proposed Rulemaking on November 24, 1986 (51 FR 42257).

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA98

2087. CADMIUM

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910, (Table Z-2)

Legal Deadline: None

Abstract: On June 18, 1986, the International Chemical Workers Union and the Public Citizen Health Research Group petitioned OSHA to issue an emergency temporary standard reducing the permissible exposure limit for cadmium to one microgram of cadmium per cubic meter of air. On June 25, 1987 the union and HRG filed a petition with the Court of Appeals requesting the Court to order OSHA to promulgate an ETS. In its July 1, 1987, response to the petitioners, OSHA stated that issuance of an emergency standard was not warranted, but that exposure to cadmium at levels permitted under the current standard represented a significant risk to worker health which would be addressed through section 6(b) rulemaking procedures. On September 26, 1988, OSHA published guidelines for controlling exposure to cadmium and recommended reduced exposure levels significantly below the permissible exposure limit. OSHA published a proposal on February 6, 1990 (55 FR 4052), and conducted hearings on June 5, 1990, in Washington, DC and on July 17, 1990, in Denver, CO. The comment period closed on October 18, 1990.

Timetable:

Action	Date	FR Cite
Response to Petitioners	07/01/87	
NPRM	02/06/90	55 FR 4052
NPRM Comment Period End	04/27/90	
Reopening of Rulemaking Records	09/18/91	56 FR 47348
Comment Period End	11/04/91	56 FR 47348
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB16

2088. SHIPYARD EMPLOYMENT: PHASE II (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.1 et seq; 29 CFR 1915.31 et seq; 29 CFR 1915.91 et seq; 29 CFR 1915.111 et seq; 29 CFR 1915.131 et seq; 29 CFR 1915.161 et seq; 29 CFR 1915.171 et seq; 29 CFR 1915.181; 29 CFR 1910.13; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

Abstract: This regulatory action will complete the consolidation and updating of Parts 1915 and 1910 by providing shipyard employees with coverage under one comprehensive OSHA standard. This revision effort will involve the promulgation of 20 maritime subparts. Its completion will be done in stages and will relieve shipyard owners from the burden of having comply with two sets of rules that are complex, prescriptive, confusing and, in some cases, conflicting. OSHA has established an Advisory Committee to assist the Agency is reviewing and revising these subparts. Experts from government, industry, unions and the states are working with OSHA on this project. A previously identified project, Surface Preparation and Preservation (RIN: 1218-AA96), will be included in this project.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB22

2089. RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Significance: Regulatory Program

Legal Authority: 29 USC 657; 29 USC 673

CFR Citation: 29 CFR 1904.1

Legal Deadline: None

Abstract: Concerns about the reliability and utility of injury and illness data have been raised by Congress, OSHA, NIOSH, BLS, the National Academy of Sciences, OMB, the General Accounting Office and representatives of business and labor. The revision of the regulations, forms, and associated interpretive material are being undertaken to simplify the injury and illness recordkeeping system. OSHA is currently working on this project and has not collected sufficient information to determine the effect on paperwork burden. Benefits will include: (1) A system that is easier for employers, employees and government personnel to use; (2) increased reliability and utility of the records; (3) comprehensive records of the injury and illness experience at a given site will be available; and (4) employee involvement and awareness in safety and health matters will be enhanced.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Sectors Affected: All

Analysis: Regulatory Impact Analysis

Agency Contact: Stephen A. Newell, Acting Director, Office of Statistics, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3507, FP Building, Washington, DC 20210, 202 523-1463

RIN: 1218–AB24

2090. PEL UPDATE PROPOSAL FOR CONSTRUCTION, AGRICULTURE, AND MARITIME

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The permissible exposure limits (PELs) promulgated by OSHA in

1971 do not reflect current knowledge of the health effects of many toxic substances. OSHA published a proposal on June 7, 1988 (53 FR 20960) to amend and expand the PELs for general industry. On January 19, 1989 OSHA set new PELs for the toxic substances originally covered in 1971 and covered new substances in a single rulemaking that applied to general industry. OSHA now plans to update the old PELs for construction, maritime, and possible agricultural sectors not covered by the general industry proceeding. The PELs for these sectors are outdated: the construction industry (29 CFR 1926) references the 1970 ACGIH TLVs; the maritime industry cites three different references--29 CFR 1918 (longshoring), "dangerous gaseous contaminants not immediately dangerous to life" and "heavy concentrations of dusts." In addition, in the agricultural section, OSHA will consider the fact that chemicals and pesticides are currently regulated by EPA. As a result of this rulemaking, OSHA expects that a unified table of PELs for toxic substances will be adopted for all industries.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AB26

2091. CONTROL OF HAZARDOUS ENERGY (LOCKOUT/TAGOUT)—CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Hazards at construction sites resulting from the absence of effective lockout/tagout procedures to control hazardous energy appear to be caused by several factors, all associated with the nature of the construction industry. These factors basically relate to such considerations as the types of machines and equipment found in construction; the makeup of the industry in which employment is relatively "short term," lasting only as long as the length of the current project; the presence of multiple employers having different employer/employee relationships and the temporary nature of the "in-the-field" maintenance activity. The Occupational Safety and Health Administration (OSHA) expects the proposal to address lockout-related hazards in those construction work-site areas in which the available data indicate these hazards to be significant. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources. OSHA will consider the use of the construction advisory committee to assist in the development of this standard.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB30

2092. POWERED INDUSTRIAL TRUCK OPERATOR TRAINING

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.178

Legal Deadline: None

Abstract: Nationally, fatalities due to unsafe operation of industrial vehicles and equipment account for approximately 12 percent of the private sector fatalities. This is the second leading cause of fatalities in the private sector, behind only highway vehicle fatalities. The present standard has proven to be ineffective in reducing the number of accidents involving powered industrial trucks. OSHA intends to revise the present standard to increase its effectiveness by requiring, in performance language, initial and refresher training as necessary. The frequency of the refresher training will be based upon the ability of the vehicle operator to retain the knowledge, skills and abilities to perform the job safely. OSHA will also give guidance as to what information the instruction should include. There will also be other amendments to the standard to increase its effectiveness.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB33

2093. ● LEAD IN CONSTRUCTION

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: On November 14, 1978 (43 FR 52952), OSHA promulgated a standard that limited occupational exposures to lead. The standard also contained requirements for exposure monitoring, protective equipment, housekeeping and hygiene practices, medical surveillance, medical removal protection, posted areas and education and training. However, the scope of the standard did not include the construction industry. Lead exposures in the construction industry continued to be regulated by the air contaminants standard for construction (29 CFR 1926.55) which has no protective ancillary provisions such as those contained in the general industry standard. This standard adopted the 1970 American Conference for Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (200 ug/m3) which is four times the current standard for general industry. OSHA recognized that this level represents a potential for material impairment of health and is in the process of developing a proposal.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AB34

2094. REPORTING OF FATALITY OR MULTIPLE HOSPITALIZATIONS

Significance: Regulatory Program

Legal Authority: 29 USC 657; 29 USC 673

CFR Citation: 29 CFR 1904.8

Legal Deadline: None

Abstract: Concerns have been raised by Congress, OMB, OSHA, NIOSH, BLS, the National Academy of Sciences, GAO and representatives of business and labor about the reporting of fatalities and multiple hospitalizations. These include the procedures employees are required to follow, the length of time employers have to report the fatalities to OSHA, and the number of hospitalizations required before the employer must report the incident to OSHA. In particular, 48 hour reporting may allow too many workplace factors to change before OSHA can reach the worksite to perform an adequate investigation of the incident. In addition, there are concerns that the current regulation may not adequately inform employers of the need to report all occupational fatalities, including those that occur extended periods of time after the employee was originally injured. Benefits will include more accurate employer reporting of fatalities and multiple hospitalizations, an improved ability for OSHA to respond to serious accidents while evidence is still "fresh", an improved count of fatalities and multiple hospitalizations and an upgraded data base for researchers and policy officials.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Stephen A. Newell, Acting Director, Office of Statistics, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3507, FP Building, Washington, DC 20210, 202 423-1463

RIN: 1218–AB35

2095. ● INDOOR AIR QUALITY IN THE WORKPLACE

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: Health complaints related to indoor air quality (IAQ) have increased significantly following energy conservation measures instituted in the early seventies. Such measures have generally reduced the infiltration of outside air, allowing the build-up of indoor air contaminants. Adverse health effects associated with indoor air contaminants are classified as: (1) sick building syndrome which is characterized by general complaints that may include headaches, fatigue, nausea, mucous membrane (eye, nose, and throat) irritation, coughs, and muscle pain; and (2) building-related illness which describes those specific medical conditions of known etiology which can often be documented by physical signs and laboratory findings. These include respiratory allergies and Legionnaires' disease. A particular concern with matters dealing with indoor air quality is exposure to passive tobacco smoke (PTS). A wide range of health effects caused by passive exposure to tobacco smoke have been reported by the Surgeon General, the National Research Council, the Environmental Protection Agency (EPA), and private researchers, as well as by citizens reporting (cont)

Timetable:

Action	Date	FR Cite
Request for Information	09/20/91	56 FR 47892
Comment Period End	01/21/92	56 FR 47892

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT (CONT): health effects due to exposure to passive smoke while at work. These effects range from acute annoyance and eye and respiratory tract irritation to the development of chronic pulmonary disease, cardiovascular disease, and lung cancer. OSHA received two petitions for an Emergency Temporary Standard (ETS) in May 1987. Both requested an ETS to prohibit smoking in all indoor workplaces except certain specified areas. OSHA determined that available data did not demonstrate the existence of a "grave danger," due to workplace exposure to passive tobacco smoke, as defined in Section 6(c) of the OSH Act. OSHA, therefore, denied the petitions on September 1, 1989. In response to the OSHA denial, a suit was filed by the Action on Smoking and Health (ASH) in the United States Court of Appeals for the District of Columbia D.C. Circuit for a review of the Agency's decision and for an order pursuant to 5 USC, Section 706 setting aside the denial. The Court upheld OSHA's decision not to issue an ETS in an unpublished decision issued on May 10, 1991. OSHA plans to publish a Request for Information on indoor air quality.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AB37

DEPARTMENT OF LABOR (DOL) **Final Rule Stage**

Occupational Safety and Health Administration (OSHA)

2096. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None

Abstract: On June 20, 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. These standards replaced OSHA's previous asbestos standard promulgated in 1972. Since the issuance of the revised standards, OSHA has received letters and petitions, from both rulemaking participants and nonparticipants, that contain additional comments, assertions and information that the rulemaking record may not fully reflect. These letters and petitions concern the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite as presenting the same health risk as asbestos. OSHA has granted a temporary stay of the effective dates of the current standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. This action was taken, in part, to enable the Agency to review letters and memoranda from the National Institute for Occupational Safety and Health as well as submissions by the R.T. Vanderbilt Company and various other (cont)

Timetable:

Action	Date	FR Cite
Notice of Partial Admin. Stay	10/17/86	51 FR 37002
Extension of Partial Admin. Stay	04/30/87	52 FR 15722
Extension of Partial Admin. Stay	07/20/88	53 FR 27345
NPRM	02/12/90	55 FR 4938
NPRM Comment Period End	04/09/90	55 FR 4938
Extension of Partial Admin. Stay	09/04/91	56 FR 43699
Final Action	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: trade associations concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite in the revised standards. In addition, the temporary stay was imposed to allow sufficient time for OSHA to reopen the rulemaking record and conduct supplemental proceedings on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties of tremolite, anthophyllite and actinolite. On February 12, 1990 (55 FR 4938), OSHA published a proposal to gather additional information and data to determine whether and how to regulate the nonasbestiform varieties. Hearings were held May 8-14, 1990, and the comment period closed on June 28, 1990. After the close of the post-hearing comment periods, the American Thoracic Society (ATS) submitted a final report on "The Health Effects of Tremolite." The agency set an additional comment period, later extended to December 14, 1990, to enable the public to submit written comments and analyses on the issues raised in the ATS report on December 10, 1990, OSHA extended the partial stay until August 31, 1991.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA26

2097. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls. OSHA published a proposal on June 5, 1989 (54 FR 23991). Hearings were held on May 30-31, 1990, and continued on July 9-10, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	06/05/89	54 FR 23991
NPRM Comment Period End	10/03/89	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Post-hearing comments were due by October 9, 1990, and responses to post-hearing comments were due by December 10, 1990. In response to oral petitions from participants, the post-hearing comment period was extended to January 14, 1991. OSHA will use the information received in response to the proposal to develop a final rule.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FP Bldg, 200 Constitution Ave., NW., Washington, DC 20210, 202 523-7075

RIN: 1218–AA28

2098. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t); 29 CFR 1926.951(b)(4)(i); 29 CFR 1926.107(c); 29 CFR 1926.107(f); 29 CFR 1926.651(w)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05: Elevated Surfaces (Part 1926).

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3605, FPBldg, Washington, DC 20210, 202 523-8061

RIN: 1218–AA37

2099. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05: Elevated Surfaces (Part 1926).

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA40

2100. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910. (Subpart I)

Legal Deadline: None

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently requirements containing criteria for personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	55 FR 13423
NPRM Comment Period End	08/22/90	55 FR 13423
Hearing	09/11/90	55 FR 29224
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1218-AA48 will be issued concurrently with 1218-AB04.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA48

2101. CONFINED SPACE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	06/05/89	54 FR 24080
NPRM Comment Period End	10/04/89	54 FR 30557
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA51

2102. LOGGING OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266. (Revision)

Legal Deadline: None

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA

standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/02/89	54 FR 18798
NPRM Comment Period End	07/31/89	
Public Hearing 07/24/90	05/11/90	55 FR 19745
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 24 Lumber and Wood Products, Except Furniture

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA52

2103. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910; 29 CFR 1925.60

Legal Deadline: None

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA evaluated the data received in response to the advance notice and concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action. OSHA responded to the EPA referral on 2/26/86. OSHA established a mediated rulemaking advisory committee composed of interested parties from labor, industry and government to assist the agency in developing a proposed standard. The Committee completed its work in June 1987 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
Publication of Committee Recommendation	07/16/87	52 FR 26776
NPRM	05/12/89	54 FR 20672
NPRM Comment Period End	05/16/89	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and forwarded its recommendations to the Agency. OSHA published the Committee's recommendations on July 16, 1987, and published a proposed standard for MDA on May 12, 1989. Hearings were conducted on March 20-21, 1990. The comment period for the first set of post hearing comments closed on May 8, 1990. The second closing date was May 23, 1990.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA58

2104. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.137; 29 CFR 1910.269

Legal Deadline: None

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for qualified employees working on or near installations whose purpose is the generation and distribution of electricity. The proposal also revises the standards for electrical protective equipment, which is used routinely for electrical power work.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4974
NPRM Comment Period End	06/01/89	
Public Hearing Scheduled for 11/28/89	08/03/89	54 FR 31970
Reopening of the Record and Request for Public Comment	11/09/90	55 FR 47074
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA59

2105. FALL PROTECTION IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR Part 1910 provisions into 29 CFR Part 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48166
NPRM Comment Period End	02/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.21-1910.23.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA66

2106. SCAFFOLDS IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR Part 1910 provisions into 29 CFR Part 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.28 - .29.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA68

2107. ACCESS AND EGRESS IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR Part 1910 provisions into 29 CFR Part 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48130
NPRM Comment Period End	02/27/89	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.24-1910.27; 29 CFR 1910.36-1910.37.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA70

2108. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these types of equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33832
NPRM Comment Period End	10/16/89	
Public Hearing Held April 3, 1990	02/01/90	55 FR 3412
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605 FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA71

2109. WELDING, CUTTING AND HEATING IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR Part 1915 standards and applicable 29 CFR Part

1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48111
NPRM Comment Period End	02/27/89	
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.251-1910.252.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA73

2110. PERSONAL PROTECTIVE EQUIPMENT IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR Part 1915 standards and applicable 29 CFR Part 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48150
NPRM Comment Period End	02/27/89	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.132-1910.137.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3605, FP Bldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA74

2111. FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: On December 4, 1987, the Occupational Safety and Health Administration (OSHA) published a revised standard for occupational exposure to formaldehyde (29 CFR 1910.1048). This standard contained permissible exposure limits of 1 part weighted average (TWA) and 2 ppm as a 15-minute short-term exposure limit (STEL), along with ancillary protective provisions. Several interested parties petitioned the courts to review this standard. On June 9, 1989, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision, which upheld the standard, but remanded the standard back to the Agency for reconsideration of two issues: the assessment of the risk of cancer at 1 ppm, and the failure of the Agency to require medical removal protection (MRP). The final standard also required that hazard-warning labels be placed on containers of all products composed of greater than 0.1 percent formaldehyde or capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32302
NPRM Comment Period End	08/14/91	56 FR 32302
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: The Formaldehyde Institute filed an application for administrative stay of the formaldehyde standard's cancer labeling requirement. Based on the confusion and misunderstanding of the standard's requirements reflected in the application and in numerous comments submitted to the Agency subsequent to the application, the Agency decided to stay the hazard communication provisions of the formaldehyde standard (29 CFR 1910.1048(m)(1)(i) through (m)(4)(ii). The purpose of the stay is to permit the Agency to propose to revoke these paragraphs and rely on the provisions of the hazard communication standard or develop some appropriate alternative. The stay was first granted on December 13, 1988 (53 FR 50198). On June 13, 1990 (55 FR 24070), OSHA extended the administrative stay until August 13, 1990, to consider further developments in the hazard communication rulemaking in determining what regulatory action to propose on formaldehyde. Based on public comment and the rulemaking record, OSHA published a formaldehyde proposal on July 15, 1991. The comment period ended on August 14, 1991.

Agency Contact: Charles E. Adkins, Director, Health Standards Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Building, Washington, DC 20210, **202 523-7075**

RIN: 1218–AA82

2112. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-1); 29 CFR 1910.1051

Legal Deadline: None

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. On October 1, 1986 (51 FR 35003), OSHA published an ANPRM initiating regulatory action within the meaning of section 9(a) of TSCA. Comments were submitted to OSHA by December 30, 1986. Based on the comments received in response to the ANPRM OSHA developed a proposal

which was published on August 10, 1990. Hearings were held in Washington, D.C. on January 15, 1991, and in New Orleans, Louisiana on February 20, 1991. Submission of the post-hearing comments and briefs were scheduled to end on June 22, and July 22, 1991 respectively; however, OSHA extended the dates to September 27, and October 28, 1991.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	08/10/90	55 FR 32736
NPRM Comment Period End	10/19/90	55 FR 32736
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA83

2113. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657; 33 USC 941; 40 USC 333; 5 USC 553

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.99; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

Legal Deadline: None

Abstract: OSHA promulgated a final rule on August 24, 1987, that extended the protections of its Hazard Communication Standard (HCS) from the manufacturing sector to all other workplaces where employees are exposed to hazardous chemicals. The HCS requires covered employers to establish hazard communication programs for their employees, including labels on containers, material safety data sheets, and training programs. On August 8, 1988, OSHA published a NPRM to modify the final rule, and provide an opportunity for public comment. Public comments have been received, hearings have been held, and OSHA will prepare a final rule based on the public record for this standard, including the record developed in earlier rulemakings. OSHA published a request for information (RFI) on May 17, 1990, (55 FR 20580) to improve the quality and representation of the information provided on the MSDS's and labels and to consider a standardize format. OSHA will determine if the rule should be reopened after the comments and other relevant information are analyzed. The comment period for the RFI expired on August 15, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	
NPRM	08/08/88	53 FR 29822
NPRM Comment Period End	10/28/88	
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB02

2114. WALKING AND WORKING SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30; 29 CFR 1910.31; 29 CFR 1910.32

Legal Deadline: None

Abstract: Existing standards for walking and working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance-oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	55 FR 13360
NPRM Comment Period End	08/22/90	55 FR 13360
Hearing	09/11/90	55 FR 29224
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: 1218-AB04 will be issued concurrently with 1218-AA48.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB04

2115. BLOODBORNE PATHOGENS

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Many health-care workers are exposed to blood and body fluids from patients who have active bloodborne infections or are carriers of these infections. Such exposure presents a potential risk of disease for the health-care worker. One such disease, Hepatitis B, has been shown to present a substantially increased risk for health-care workers. Hepatitis B is a serious disease that may require hospitalization and, in a small percentage of cases, is fatal. Another bloodborne disease, Acquired Immune Deficiency Syndrome (AIDS) is also of great concern to health-care workers. Only a very small number of infections, however, have been documented to have resulted from occupational exposure to the virus that causes AIDS. About half of the nation's 6 million health-care workers are at increased risk from exposure to bloodborne infectious diseases. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/27/87	52 FR 45438
ANPRM Comment Period End	01/26/88	52 FR 45438
NPRM	05/30/89	54 FR 23042
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Some examples of health-care workers at highest risk are emergency room workers, dialysis unit workers, operating room personnel, intensive care unit workers, and blood bank employees. The Occupational Safety and Health Administration (OSHA) has no standard specifically regulating occupational exposure to bloodborne infectious diseases. In 1983, the Agency issued guidelines for reducing the occupational risk of Hepatitis B infection (OSHA Instruction CPL 2-2.36). These guidelines are voluntary, however. In September 1986, OSHA was petitioned by the American Federation of State, County and Municipal Employees and other unions for the issuance of an emergency temporary standard to protect workers from occupational exposure to bloodborne infectious diseases, such as hepatitis B and AIDS. On May 30, 1989, OSHA published its proposal in the Federal Register (54 FR 23042). The proposal generated over 2900 comments and hearings were held in Washington, DC, Chicago, New York City, Miami, Florida, and San Francisco. OSHA will review the comments and the testimony presented at the hearings to determine the scope and provisions of a final rule.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FP Bldg., Washington, Dc 20210, 209 523-7075

RIN: 1218–AB15

2116. HAZARDOUS MATERIALS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart H)

Legal Deadline: None

Abstract: Standards in 29 CFR Part 1910, Subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids, will be revised. This regulatory action will provide a new approach to the revision of Subpart H and will occur in three phases in an expanded timeframe. The three phases will be (1) Process Hazards Management, (2) Flammable and Compressed Gases, and, (3) Hazardous Liquids. The first phase of the proposed action is intended to better protect employees from unexpected releases of significant quantities of dangerous substances. The remaining phases are intended to simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in general industry to better understand and better focus on the hazards inherent in the use, handling, and storage of such materials.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 38108
NPRM	07/17/90	55 FR 29150
NPRM Comment Period End	10/15/90	55 FR 29150
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This action merges two previous actions, "Hazardous Materials-- Flammable and Compressed Gases (Part 1910)" and "Hazardous Materials--Flammable and Combustible Liquids (Part 1910)" and will also include the process hazards management of highly hazardous chemicals.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB20

2117. ASBESTOS (REMAND)

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None

Abstract: On June 20, 1986, OSHA published revised standards governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite in general industry and construction. In these standards, OSHA reduced the 8-hour time weighted average (TWA) permissible exposure limit (PEL) to 0.2 f/cc, and established other protective provisions. This standard was legally challenged, and as a result, the Court of Appeals for the District of Columbia upheld the standard except that the court held that OSHA must reconsider several of the standard's provisions to determine if more protective regulatory provisions are available to reduce risk. One of the issues to be reconsidered was the need for a short-term limit for occupational exposure to asbestos in response to the Court's directive. This limit was established as 1 f/cc averaged over a 30-minute sampling period and a legal notification of this amendment was published on September 14, 1988, at 53 FR 35610. (cont)

Timetable:

Action	Date	FR Cite
Asbestos Remand - Category I Issues	12/20/89	54 FR 52024
Asbestos Remand - Category II Effective Date 5/7/90	02/05/90	55 FR 3724
Asbestos Remand - Category II Issues	02/05/90	55 FR 3724
Asbestos Remand - Category III	07/20/90	55 FR 29712
Hearing	10/23/90	55 FR 29712
Hearing	11/09/90	55 FR 40676
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: On December 20, 1989 (54 FR 52024) OSHA responded to the first three remand issues. OSHA deleted the ban on spraying asbestos containing materials; amended the regulatory text to clarify when construction employers must resume periodic monitoring; and explained why OSHA is not amending the regulatory text to clarify the limited exemption for "small-scale, short-duration operations" in the construction industry standard. OSHA published a notice of its resolution of Category II remand issues on February 5, 1990, and a notice of proposed rulemaking for Category III on July 20, 1990 (55 FR

29712). On September 20, 1990, the comment period was extended to December 3, 1990, and the public hearing was rescheduled to commence on January 23, 1991. The post-hearing comment period closed on April 26, 1991, and the briefing period was extended to July 24, 1991.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Bldg, Washington, DC 20210, 202 523-7075

RIN: 1218–AB25

2118. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.121, (Subpart H)

Legal Deadline: None

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response. The final standard was issued on March 6, 1989. Section 126 of Public Law 99-499 was amended by Congress on December 22, 1987 to require the Secretary of Labor to include in the final rule a training course certification program at least as comprehensive as the EPA's model program for asbestos abatement in public buildings. This proposed revision would add criteria and requirements for training course certification of training for workers involved in hazardous waste operations.

Timetable:

Action	Date	FR Cite
NPRM	01/26/90	55 FR 2776
NPRM Comment Period End	04/26/90	55 FR 2776
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Bldg, Washington, DC 20210, 202 523-8061

RIN: 1218–AB27

2119. VEHICLE SAFETY

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.140; 29 CFR 1915.99; 29 CFR 1917.44; 29 CFR 1918.73; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1928.58

Legal Deadline: None

Abstract: OSHA currently has no general regulation requiring that employers train their employees in the safe operation of motor vehicles on the job, including the required use of seat belts, although motor vehicle crashes are the single largest cause of occupational fatalities. On-the-job motor vehicle crashes, in both on-road and off-road vehicles, caused over 30 percent of traumatic work-related fatalities in 1987. In the manufacturing sector, which is the primary target of most OSHA regulations, more workers are killed by motor vehicles than by fixed machinery. The hazards faced by workers operating automobiles and trucks, both on public highways and at private facilities, could be greatly reduced by requiring employers to train their employees in safe driving techniques, including the required use of seat belts. OSHA plans to proceed with a single NPRM that would regulate all employers covered by the OSH Act. The approach will be to develop a generic, performance-oriented standard. Various state regulations (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/12/90	55 FR 28728
NPRM Comment Period End	11/09/90	55 FR 28728
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: governing the use of seat belts, and related studies will be considered in this proposal. OSHA expects that the regulation could prevent as many as 926 fatalities each year.

Agency Contact: Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB28

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

2120. PEL UPDATE

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The 1989 Air Contaminants rulemaking, in which OSHA simultaneously regulated exposure limits for nearly 400 substances based on the recommendations of expert organizations, was a fast and effective way of protecting workers in general industry. While substance-specific standards may be appropriate for some substances, they have traditionally been resource-consuming rulemakings both in terms of the Federal time and dollars spent on individual substances and in terms of the litigation efforts expended by the public and the government. Using existing resources, OSHA can regulate more chemicals and provide protection for more workers by revising the Z Table at regular intervals to establish permissible exposure limits (PELs), and by using substance-specific standards only in those cases where complex issues or the nature of the risk necessitate additional protection. OSHA plans to establish a program to revise the Z Table on a regular basis. The options paper was completed on May 23, 1991. The updating of the PEL on a regular basis will occur after the draft final rule for PEL Update for construction, agriculture, and maritime is completed.

DOL—OSHA **Completed Actions**

Timetable:

Action	Date	FR Cite
Option Paper Completed	05/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Building, Washington, DC 20210, **202 523-7075**

RIN: 1218–AB32

DEPARTMENT OF LABOR (DOL) — Prerule Stage

Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)

2121. UNIFORM SERVICES EMPLOYMENT RIGHTS

Significance: Regulatory Program

Legal Authority: 38 USC 2021; 38 USC 2206

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Veterans' Reemployment Rights (VRR) law 38 USC, Sections 2012-2206 with subsequent amendments and judicial constructions has become a confusing and cumbersome doctrine. As a result, the Administration proposes to introduce legislation replacing the existing Veterans' Reemployment Rights statute. The proposed legislation requires the Secretary of Labor to issue regulations implementing and interpreting the statute. The proposal will seek to: (1) make the law understandable (2) determine the veteran's entitlement and eligibility requirement on time rather than category of service, (3) promote expedited resolution of claims and (4) provide statutory processing timeframes. The costs and benefits are intangible and relate to the ability to maintain sufficient membership in the Armed Forces, and to ensure the availability of citizen-soldiers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hary P. Peuente-Duany, Director, Veterans Employment and Training Service, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue, NW., Room S1316, FP Building, Washington, DC 20210, **202 523-9110**

RIN: 1293–AA05

DEPARTMENT OF LABOR (DOL) — Final Rule Stage

Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)

2122. VETERANS' PROGRAMS AND SERVICES ADMINISTERED BY THE OFFICE OF THE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING

Significance: Regulatory Program

Legal Authority: 38 USC Chapter 41; PL 100-323

CFR Citation: 20 CFR Chapter IX

Legal Deadline: None

Abstract: To revise new Chapter IX of Title 20, CFR, titled Office of the Assistant Secretary for Veterans' Employment and Training, to fully describe the authority and responsibilities for provision of services to veterans through administration of programs and activities carried out through the Veterans' Employment and Training Service (VETS). Revisions are to bring regulations into conformity with 38 U.S.C. Chapter 41,42, and 43, as amended by P.L. 100-323. Previous rulemaking will establish the new 20 CFR Chapter IX, Parts 1000-1099, which are hereby revised. According to PL 100-323, several major provisions must be added to the regulations as follows: a) expand responsibilities of Assistant Secretary for Veterans' Employment and Training; (b) establish position of Regional Administrator for Veterans' Employment and Training; (c) expand duties of Disabled Veterans' Outreach Program Specialists; (d) establish assignment formula and duties for local Veterans; employment Representatives; (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/07/91	56 FR 5124
NPRM Comment Period End	04/08/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: (e) expand list of data items to be collected and reported to Congress annually; (f) establish permanent National Veterans' Training Institute; (g) expand membership of Secretary's Committee on Veterans' Employment; (h) set requirements for greater coordination with JTPA and OPM. Requires solution since statute requires Department of Labor to monitor and/or administer affected programs.

Agency Contact: Hary P. Puente-Duany, Director, Office of Veterans' Employment, Reemployment and Training, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue, NW., Room S1316, FP Building, Washington, DC 20210, 202 **523-9110**

RIN: 1293–AA03

[FR Doc. 91-22436 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21 1991

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 1497]

Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the October 1991 agenda of regulations of the Department of State is set forth below. This agenda was prepared under the guidelines of OMB's memorandum of June 11, 1991. The purpose of the agenda is to provide information to the public on the Department's regulatory plans.

FOR FURTHER INFORMATION CONTACT: Sally J. Cummins, Acting Assistant Legal Adviser for Management, Department of State, Room 5425, 2201 C Street NW., Washington, DC 20520-6310; telephone (202) 647-5154.

Dated: October 4, 1991.

Jill E. Kent,

Acting Under Secretary for Management.

DEPARTMENT OF STATE (STATE) — Prerule Stage

2123. BANKING SERVICES—PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David C. Fields, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW., Washington, DC 20520-7207, **202 647-3416**

RIN: 1400–AA07

2124. INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Legal Authority: 22 USC 2778; EO 12735

CFR Citation: 22 CFR 120 to 130

Legal Deadline: NPRM, Statutory, June 1, 1991.
Deadline has been extended.

Abstract: The ITAR were first published in their current form in 1955 and have been periodically amended to reflect statutory enactments and to implement foreign policy. The last substantial revision occurred in December 1984. The State Department office which administers the ITAR, the Office of Defense Trade Controls, is continually seeking ways to improve its export control function through clarification and amendment of the ITAR, as necessary. In EO 12735, the President determined that items should be removed from the USML and transferred to the jurisdiction of the Commerce Department unless significant national security interests would be jeopardized. These proposed rules will transfer many dual-use items to the CoCom list. Many exporters will find the new USML simplified and easier to comprehend.

Timetable:

Action	Date	FR Cite
Published Administrative Changes to the International Traffic in Arms Regulations	10/17/89	54 FR 42496
New License Exemptions Under ITAR	06/26/90	53 FR 25981
NPRM	07/25/91	56 FR 34037
NPRM Comment Period End	08/26/91	
NPRM - Amending the ITAR (Two Rules)	09/05/91	56 FR 43894
NPRM - Two Rule Changes to the ITAR	09/16/91	56 FR 46753
Continue Proposed Revisions	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Rose Biancaniello, Chief, Arms Licensing Division, Bureau of Politico-Military Affairs, Department of State, PM/DTC, Room 200, Annex 6, Washington, DC 20522-0602, **703 875-6644**

RIN: 1400–AA23

2125. AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-011)

Legal Authority: 22 USC 2658; 22 USC 4343; 40 USC 486(c); 5 USC 301

CFR Citation: 48 CFR 601 to 670, (Revision)

Legal Deadline: None

Abstract: This action will amend the DOSAR to prescribe regulations implementing various acquisition-related statutory authorities at the Department of State. The DOSAR will be revised to include all agency acquisition regulations that implement and supplement the FAR. The revision will incorporate agency policy, procedures, contract clauses, solicitation provisions, and forms governing the Department of State contracting process.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, A/OPE, Room 603, SA-6,

STATE **Prerule Stage**

Washington, DC 20522-0602, 703 516-1690

RIN: 1400–AA31

DEPARTMENT OF STATE (STATE) **Proposed Rule Stage**

2126. ESTABLISHMENT OF A REGISTRY IN THE DEPARTMENT OF STATE FOR FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: See Additional Information.

CFR Citation: 22 CFR 92.81(b)(3)

Legal Deadline: None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention, there was a recommendation that the Department of State establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986, with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29). The Senate gave advice and consent to ratification on August 2, 1991. Implementing legislation, the International Wills Act, is required before the United States can take further action to ratify the Convention.

Timetable:

Action	Date	FR Cite
Senate Advice and Consent to Ratification of the 1973 Convention	08/02/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: U.S. ratification of 1973 Convention providing a uniform law on the form of an international will would provide the basis for establishing the Registry.

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520-4818, 202 647-3666

RIN: 1400–AA09

2127. ADMINISTRATIVE PRACTICE AND PROCEDURE, CLASSIFIED INFORMATION, FREEDOM OF INFORMATION, PRIVACY

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 551 et seq; 5 USC app 201; EO 12356; EO 12600

CFR Citation: 22 CFR 171

Legal Deadline: None

Abstract: These rules implement the Freedom of Information Act, the Privacy Act, and other information access provisions, and set forth the practices and procedures governing the availability of information and records to the public. The practices and procedures affect: The making of requests; the review of classified and other information in response to such requests; access and denial of access to the requested information; the right to administratively appeal a denial of access; the right to request amendment of personal information; the assessment and waiver of fees in connection with the foregoing; and access to and use of financial disclosure reports. During the next twelve months we anticipate that there will be a need to amend that section of the rules which covers the Privacy Act resulting from the creation of new systems of records subject to that Act.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32626
NPRM Comment Period End	09/26/88	53 FR 32626
Final Action	02/21/91	56 FR 6968
Final Action Effective	02/21/91	
Continue Proposed Revisions	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Margaret Grafeld, Chief, Privacy, Plans and Appeals Division, Department of State, DS/IM/FPC/PPA, Room 1512, Washington, DC 20520-1239, 202 647-6620

RIN: 1400–AA30

2128. ● PROCEDURES FOR REVIEW OF ADVERSE ACTIONS

Legal Authority: 22 USC 211a; 22 USC 2705

CFR Citation: 22 CFR 51.80 to 51.89

Legal Deadline: None

Abstract: These rules provide the administrative remedy applicable to persons subject to adverse actions of denial, restriction, revocation, or invalidation of passports under 22 CFR 51.70 to 51.72. The action will amend the regulations to extend the application of the review procedures to actions of denial, restriction, revocation, or invalidation of passports based upon a finding of non-citizenship.

Timetable:

Action	Date	FR Cite
NPRM	03/01/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William B. Wharton, Director, Office of Citizenship Appeals and Legal Assistance, Bureau of Consular Affairs, Department of State, CA/PPT/C, Room 300, SA-17, Washington, DC 20522-1705, 202 326-6175

RIN: 1400–AA33

2129. ● VISAS; PART 41 DOCUMENTATION OF NONIMMIGRANTS UNDER THE INA, AS AMENDED

Significance: Regulatory Program

Legal Authority: PL 101-649, Title II; PL 101-649, Sec 204; PL 101-649, Sec 205; PL

STATE **Proposed Rule Stage**

101-649, Sec 206; PL 101-649, Sec 207; PL 101-649, Sec 208; PL 101-649, Sec 209

CFR Citation: 22 CFR 41.51; 22 CFR 41.53; 22 CFR 41.54; 22 CFR 41.55; 22 CFR 41.56; 22 CFR 41.57; 22 CFR 41.58

Legal Deadline: NPRM, Statutory, October 1, 1991.

Abstract: The Immigration Act of 1990 (the "Act"), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This rule modified certain nonimmigrant visa classifications and created others. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

Timetable:

Action	Date	FR Cite
NPRM - Modification of Nonimmigrant Visa Classifications	09/03/91	56 FR 43565
NPRM - Creation of New NIV Classification	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations, and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400–AA36

DEPARTMENT OF STATE (STATE) **Final Rule Stage**

2130. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 135

Legal Deadline: None

Abstract: This regulation established uniform administrative requirements for grants and cooperative agreements to State and local governments. The regulation is being changed to include institutions of higher education, hospitals, and other nonprofit organizations. This effort represents a merging of OMB circulars A-102 and A-110, and is being promulgated by 27 Federal agencies under the common rulemaking procedures. As a result of public comment, OMB has placed this rule on hold. OMB discontinued work to combine circulars A-110 and A-102. This effort would have resulted in uniform administrative requirements for grants and cooperative agreements. A new OMB task force reconvened to review provisions of circular A-110 (pertinent to institutions of higher education, hospitals, and other nonprofit organizations). Department regulations will follow circular A-110 final publication.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/84	49 FR 24958
Notice of Proposed Forms	05/29/87	52 FR 20178
NPRM	06/09/87	52 FR 21820
Begin Review	06/24/87	52 FR 23729
Notice Public Comment Period End	07/28/87	52 FR 20178
NPRM Comment Period End	08/10/87	52 FR 21820
Final Rule	03/11/88	53 FR 8034
NPRM	11/04/88	53 FR 44716
NPRM Public Comment Period End	01/03/89	53 FR 44716

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690

RIN: 1400–AA20

2131. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; 22 USC 2658

CFR Citation: 22 CFR 138, (New)

Legal Deadline: None

Abstract: This interim final rule establishes a uniform regulation for nonprocurement Federal transactions among 29 Federal agencies. The regulation adopts and implements guidance published by the Office of Management and Budget (see 54 FR 52306, December 20, 1989), pursuant to section 319 of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990. Section 319 added section 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," to title 31, United States Code. The interim final rule, published February 26, 1990, established semi-annual reporting requirements. The Federal Acquisition Regulation has been revised to provide for provisions of this rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
OMB Government-wide Guidance (Notice)	06/15/90	55 FR 24540

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, A/OPE, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690

RIN: 1400–AA29

STATE

Final Rule Stage

2132. ● FOREIGN PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS

Legal Authority: 8 USC 1288(d)

CFR Citation: 22 CFR 89

Legal Deadline: Final, Statutory, May 28, 1991.

Abstract: The above-mentioned statute requires the Secretary of State to compile, through Notice-and-Comment rulemaking procedures, a list, by particular longshore activity, of countries where performance of such activity is prohibited by law, regulation, or in practice in the country concerned. According to the statute cited above, the Attorney General will use this list for enforcing restrictions on work performed by crewmembers of vessels from such countries. Compilation of the list itself does not involve any significant costs and is based upon information being provided to the Department of State by U.S. diplomatic missions overseas as well as by the public. Questions regarding the policy justification for the list and its use are best directed to the Departments of Labor, Transportation, and Justice.

Timetable:

Action	Date	FR Cite
NPRM	02/27/91	56 FR 8167
NPRM Comment Period End	03/29/91	
Interim Final Rule	05/30/91	56 FR 24338
Final Action	12/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State, 2201 C Street, NW., Washington, DC 20520-5816, 202 647-6961

RIN: 1400–AA34

2133. ● VISAS; PART 40 REGULATIONS PERTAINING TO BOTH NONIMMIGRANTS AND IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Significance: Regulatory Program

Legal Authority: PL 101-649, Title VI; PL 101-649, Sec 601

CFR Citation: 22 CFR 40

Legal Deadline: NPRM, Statutory, June 1, 1991. Final, Statutory, July 2, 1991.

Abstract: The Immigration Act of 1990 (the "Act"), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This rule reorganizes the grounds of ineligibility. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

Timetable:

Action	Date	FR Cite
Final Rule - Restructuring of Grounds of Ineligibilities	07/02/91	56 FR 30422

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations, and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., Washington, DC 20522-0113, SA-1, 202 663-1184

RIN: 1400–AA35

2134. ● VISAS; PART 42 DOCUMENTATION OF IMMIGRANTS UNDER THE INA, AS AMENDED

Significance: Regulatory Program

Legal Authority: PL 101-649, Title I; PL 101-649, Sec 154; PL 101-649, Sec 155

CFR Citation: 22 CFR 42; 22 CFR 42.72; 22 CFR 42.54

Legal Deadline: NPRM, Statutory, October 1, 1991.

Abstract: The Immigration Act of 1990 (the "Act"), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This rule partially restructured the immigrant visa system. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

Timetable:

Action	Date	FR Cite
Final Rule - Expedited Issuance of Certain Lebanese Visas	05/03/91	56 FR 20347
Final Rule - Extended Validity of IVs for Hong Kong	07/16/91	56 FR 32322
Interim Final Rule - Reorganize Immigrant Visa Regulations	10/01/91	56 FR 49678
Interim Final Rule Effective	10/01/91	
Interim Final Rule Comment Period End	10/31/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations, and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400–AA37

2135. ● VISAS; PART 43 DOCUMENTATION OF IMMIGRANTS

Significance: Regulatory Program

Legal Authority: PL 101-649, Title I; PL 101-649, Sec 133; PL 101-649, Sec 132

CFR Citation: 22 CFR 43.6; 22 CFR 43.11

Legal Deadline: Final, Statutory, November 29, 1990.

Abstract: The Immigration Act of 1990 (the "Act"), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations. This rule implements the NP-5 program.

STATE

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Rule - Regulation for NP-5 Program	05/03/91	56 FR 20347

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations, and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400–AA38

2136. ● VISAS; PART 45 DOCUMENTATION OF IMMIGRANTS UNDER SECTION 124 OF PUBLIC LAW 101-649

Significance: Regulatory Program

Legal Authority: PL 101-649, Title I; PL 101-649, Sec 124

CFR Citation: 22 CFR 45

Legal Deadline: Final, Statutory, November 28, 1990.

Abstract: The Immigration Act of 1990 (the "Act"), Pub. L. 101-649, enacted November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This regulation implements a new program for displaced Tibetans. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

Timetable:

Action	Date	FR Cite
Final Rule - Regulations for Displaced Tibetans	07/16/91	56 FR 32503

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations, and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400–AA39

2137. ● VISAS; PART 47 DOCUMENTATION OF IMMIGRANTS UNDER SECTION 134 OF PUBLIC LAW 101-649

Significance: Regulatory Program

Legal Authority: PL 101-649, Title I; PL 101-649, Sec 134

CFR Citation: 22 CFR 47

Legal Deadline: Final, Statutory, November 29, 1990.

Abstract: The Immigration Act of 1990 (the "Act"), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This rule provides the documentation criteria for immigrants applying for benefits under section 134 of the law. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

Timetable:

Action	Date	FR Cite
Final Rule - Documentation of Immigrants Under Section 134 of PL 101-649	07/16/91	56 FR 32324

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations, and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., Washington, DC 20522-0113, SA-1, 202 663-1184

RIN: 1400–AA40

DEPARTMENT OF STATE (STATE)

Completed Actions

2138. DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

CFR Citation: 48 CFR 601 to 670

Completed:

Reason	Date	FR Cite
Merged with RIN 1400-AA31	07/22/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Will Zehnder, 703 516-1690

RIN: 1400–AA16

2139. AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-010)

CFR Citation: 48 CFR 625

Completed:

Reason	Date	FR Cite
Merged with RIN 1400-AA31	07/22/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Will Zehnder, 703 516-1690

RIN: 1400–AA27

[FR Doc. 91-24322 Filed 10-18-91; 8:45 am]

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Monday
October 21, 1991

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 91-15]

Department Regulations Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Department regulations agenda.

SUMMARY: The regulations agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 7th Street SW., Washington, DC 20590; except for the Federal Aviation Administration, which is located at 800 Independence Avenue SW., Washington, DC 20591, and the U.S. Coast Guard, which is located at 2100 2nd Street SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

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Agenda

SUPPLEMENTARY INFORMATION:

Background

Improvement of Government regulations is a prime goal of the Bush Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation (Department) achieve these goals and in accordance with Executive Order 12291 "Federal Regulation" (46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual regulations agenda for publication in the **Federal Register**. The agenda summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for and reviewed by the Department Regulations Council, the Department's regulations agenda is prepared and published in the **Federal Register**. The Department's last agenda was published in the **Federal Register** on April 22, 1991 (56 FR 17588). The next one is scheduled for publication in the **Federal Register** in April 1992.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Public Law 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared; i.e., those regulations that would have a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis is required for a rulemaking which, in the heading "Small Entities Affected," indicates an effect on small businesses, governmental jurisdictions, or organizations. If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that, each year, the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding 12 months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. However, it should be noted that, after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities, and a full RFA review will be unnecessary.

Regulatory Impact Analysis

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively, that

(1) is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) a major effect on the general economy in terms of costs, consumer prices, or production;

(c) a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) the Secretary or head of the initiating office has determined requires such an analysis.

Definitions

The agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that, in the judgment of the head of the initiating office or the Secretary or the Deputy Secretary,

(a) is a major regulation;

(b) concerns a matter on which there is substantial public interest or controversy;

(c) has a major impact on another operating administration or other parts of the Department or other Federal agency;

(d) has a substantial effect on State and local governments;

(e) has a substantial impact on a major transportation safety problem;

(f) initiates a substantial regulatory program or change in policy;

(g) is substantially different from international requirements or standards; or

(h) otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register** or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget memorandum of June 11, 1991.

First, the agenda is divided by initiating offices. Then, in accordance with the OMB memorandum, for each initiating office, the agenda is divided into four categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) The "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline and, if so, for what type of action (e.g., NPRM, final rule); (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision, on whether to issue the proposed or final regulation or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) an indication as to whether the rulemaking will affect small entities and/or levels of government and which categories of small entities or governments will be impacted; (9) if there is information that does not fit in the other categories, it will be included under a separate heading entitled, "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation, if a Regulatory Impact Analysis is not prepared.); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue in the **Federal Register** which may occur between agenda publications. (Departmental rulemaking documents published in the **Federal Register** now contain RIN numbers.)

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made

on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review under Executive Order 12291 must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for or to obtain copies of specific regulatory documents, including the Department's semiannual regulations agenda issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's regulations agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the presentation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this regulations agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded. If further information is desired on any of

the items listed in the agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the agenda in general or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC, on September 23, 1991.

Samuel K. Skinner,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Some Administrations within the Department differ in procedures or as to inclusion on a mailing list. For the offices listed below, persons desiring to obtain a copy of a specific regulatory document to be issued that is listed in this agenda should communicate, either by telephone or by letter, with the contact person listed with the regulation at the following addresses:

United States Coast Guard (USCG)

(Name of contact person), United States Coast Guard, 2100 Second Street SW., Washington, DC 20593.

Federal Highway Administration (FHWA)

(Name of contact person), Federal Highway Administration, 400 7th Street SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

(Name of contact person), Federal Railroad Administration, 400 7th Street SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street SW., Washington, DC 20590.

Urban Mass Transportation Administration (UMTA)

(Name of contact person), Urban Mass Transportation Administration, 400 7th Street SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

(Name of contact person) Research and Special Programs Administration, 400 7th Street SW., Washington, DC 20590.

Maritime Administration (MARAD)

James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590, (202) 366-5746.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-200, 800 Independence Avenue SW., Washington, DC 20591.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Department's regulations agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - LTCR Don Wrye, Marine Safety Council, USCG Headquarters Building, Room 3600, 2100 2nd Street SW., Washington, DC 20593; telephone: (202) 267-1534.

FAA - Donald Byrne, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone: (202) 267-3491.

FHWA - Thomas Holian, Office of Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: (202) 366-1383.

FRA - Jon Kaplan, Office of Chief Counsel, 400 7th Street SW., Room 8201, Washington, DC 20590; telephone: (202) 366-6332.

NHTSA - Steve Kratzke, Office of Chief Counsel, 400 7th Street SW., Room 5219, Washington, DC 20590; telephone: (202) 366-2992.

UMTA - Susan Schruth, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone: (202) 366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: (202) 366-0108.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone: (202) 366-4367.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590; telephone: (202) 366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street SW., Room 10424, Washington, DC 20590; telephone: (202) 366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand-deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street SW., Room 3600, Washington, DC 20593. Working Hours: 8:00-3:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave. SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street SW., Room 4232, Washington, DC 20590. Working Hours: 8:30-3:30.

FRA - Docket Clerk, 400 7th Street SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street SW., Room 5109, Washington, DC 20590. Working Hours: 9:30-4:00.

DOT

UMTA - Docket Clerk, 400 7th Street SW., Room 9316, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street SW., Room 842, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street SW., Room 7300, Washington, DC 20590. Working Hours: 8:30-5:00.

OST - Docket Clerk, 400 7th Street SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2140	+ Proposed Policy on Peak Period Pricing of Airport Landing Fees	2105-AB63
2141	+ Antidrug Programs for Department of Transportation Contractors	2105-AB40
2142	Direct Flights	2105-AA73
2143	Price Advertising	2105-AB25
2144	Transportation Acquisition Regulations; Rewrite	2105-AB75

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2145	+ Commercial Space Transportation: Financial Responsibility Requirements for Licensed Launch Activities	2105-AA26
2146	+ Licensing Commercial Space Launch Activities	2105-AB85
2147	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
2148	+ Anti-Alcohol Program for the Transportation Industry	2105-AB52
2149	+ Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act)	2105-AB60
2150	+ Commercial Space Transportation: Reciprocal Waiver of Claims	2105-AB76
2151	+ Passenger Manifest Information	2105-AB78
2152	+ Seismic Safety of DOT Assisted or Regulated New Building Construction	2105-AB79
2153	+ Procedures for Transportation Workplace Drug-Testing Programs: Management Information Systems	2105-AB81
2154	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
2155	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	2105-AB46
2156	Testimony of Employees of the Department and Production of Records in Legal Proceedings	2105-AB56
2157	Implementation of Amendments to the Equal Access to Justice Act	2105-AB73
2158	Aviation Economic Rules	2105-AB84

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2159	+ Computer Reservation System (CRS) Rules: Review	2105-AB47
2160	+ New Restrictions on Lobbying	2105-AB57
2161	+ Statement of Enforcement Policy on Rebating	2105-AB39
2162	+ Price Advertising	2105-AB50
2163	+ Smoking Aboard Aircraft	2105-AB58
2164	+ Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act)	2105-AB61
2165	+ Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	2105-AB62
2166	+ Participation by Disadvantaged Business Enterprises in Airport Concessions	2105-AB70
2167	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
2168	Air Travelers: Age Discrimination	2105-AA45
2169	Policy Statement on Airline Preemption	2105-AA46
2170	Diversion of Flights Within a Metropolitan Area	2105-AA78
2171	Simplified Aviation Exemption Procedures	2105-AA82
2172	Baggage Liability Notices in International Air Transportation	2105-AA84
2173	Simplified Airline Counter-Sign Notices	2105-AA88
2174	Transportation Acquisition Regulations	2105-AB54
2175	Centralization of Formal Hearing Dockets (OST)	2105-AB69

DOT

Office of the Secretary—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2176	Procedures for Transportation Workplace Drug-Testing Programs	2105-AB71
2177	Standard Time Zone Boundary in the State of Indiana: Proposed Relocation	2105-AB80
2178	Procedures and Evidence Rules for Air Carrier Fitness Proceedings	2105-AB82
2179	Unfair Competition by Commonly Owned Carriers in Alaska	2105-AB83

+ Designates significant regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2180	+ Federal Policy for the Protection of Human Subjects	2105-AB74
2181	+ Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
2182	+ Liberalization of Air-Carrier Charter Rules	2105-AA41
2183	+ Nondiscrimination on the Basis of Handicap in Federally Assisted Mass Transit Programs	2105-AB53
2184	+ Commercial Space Transportation: User Fees	2105-AB77
2185	Airline Time and Mileage Guides	2105-AA39

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2186	+ Inspection of Discharge-Removal Equipment and Carriage by Vessels of Discharge-Removal Equipment (CGD 90-068)	2115-AD66
2187	+ Tank Vessel Response Plans (91-034)	2115-AD81
2188	+ Facility Response Plans (91-036)	2115-AD82
2189	+ Existing Tank Vessel Hull Requirements	2115-AE01
2190	Controlling the Marine Asbestos Hazard (88-103)	2115-AD16
2191	Special Requirements for Lightering of Oil and Hazardous Material Cargoes (90-052)	2115-AD68
2192	Tank Level or Pressure Monitoring Devices (CGD 90-071)	2115-AD69
2193	Alcohol/Drug Abuse Review for License/Certificate of Registry and Merchant Mariner Document Applicants	2115-AD91
2194	Criminal Record Reviews for License or Certificate of Registry Renewals	2115-AD93
2195	Suspension and Revocation of Licenses, Certificates of Registry, and Merchant Mariners' Documents for Alcohol and Drug Abuse	2115-AD94
2196	Removal of Master or Person in Charge of a Vessel	2115-AD95
2197	Manning Standards for Foreign Tank Vessels	2115-AD97
2198	Reporting Marine Casualties	2115-AD98

+ Designates significant regulation.

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2199	+ Financial Responsibility for Water Pollution (Vessels) (CGD 91-005)	2115-AD76
2200	+ Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels (91-030)	2115-AD78
2201	+ Subdivision and Damage Stability of Dry Cargo Vessels (CGD 87-094)	2115-AC87
2202	+ Woodrow Wilson Bridge Operating Regulations (90-064)	2115-AD71
2203	+ Security for Passenger Vessels and Passenger Terminals (91-012)	2115-AD75
2204	+ Drug Testing Regulations Amendments; Reporting Requirement Added (MIS)(91-019)	2115-AD84
2205	+ Claims Procedures Under The Oil Pollution Act of 1990 (CGD 91-035)	2115-AD90
2206	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29
2207	Outer Continental Shelf Facilities: Aids to Navigation (82-054)	2115-AA92
2208	Safety Standards for New Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95

DOT

U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2209	Fire Protection Regulations (CGD 83-026)	2115-AB36
2210	Gulf Inland Waterway Regulated Navigation Area (85-096)	2115-AC03
2211	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
2212	Load Lines (86-013)	2115-AC37
2213	Revision to Inflatable Liferaft Approval: SOLAS 74/83 (85-205)	2115-AC51
2214	Posting Requirements on Inspected Vessels (87-031)	2115-AC68
2215	Regattas and Marine Parades (CGD 87-087)	2115-AC84
2216	Marine Transport of Bulk Solid Hazardous Materials (87-069)	2115-AD02
2217	Requirements for Marine Terminals Transferring Bulk Liquefied Hazardous Gases (88-049)	2115-AD06
2218	Written Warnings by Coast Guard Law Enforcement Officials (88-074)	2115-AD13
2219	Access Documents to Waterfront Facilities (88-097)	2115-AD14
2220	Regulated Navigation Areas; Brownsville Ship Channel (8-89-01)	2115-AD21
2221	Stability Regulations—General Revision of Subchapter S (89-038)	2115-AD34
2222	Vessel Identification System (89-050)	2115-AD35
2223	Definition of Channel 67 Radio Boundaries (89-086)	2115-AD44
2224	Recording of Instruments—Vessel Documentation (89-007)	2115-AD60
2225	Coastwise Oil Spill Cooperative Vessels (CGD 90-055)	2115-AD65
2226	VTS Prince William Sound Automated Dependent Surveillance Equipment Carriage Requirements (91-032)	2115-AD79
2227	Control of Discharge of Ballast Water Containing Harmful Marine Organisms	2115-AD80
2228	Hazards to Navigation; Definition	2115-AD83
2229	Overfill Devices (CGD 90-071a)	2115-AD87
2230	New Terms of Validity for Certificates of Registry and Merchant Mariner's Documents	2115-AD92
2231	Access to National Driver Register	2115-AD96
2232	Periodic Gauging of Plating Thickness of Commercial Vessels	2115-AD99
2233	Restrictions on Tank Vessel Operations With Auto-Pilot or Unattended Engine Room	2115-AE00
2234	Lightering Requirements	2115-AE02
2235	A Second Licensed Officer Required on Bridge of Tank Vessels	2115-AE03
2236	Designation of Areas for Pollution Response Planning	2115-AE04

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2237	+ Offshore Supply Vessel Regulations (82-004)	2115-AA77
2238	+ Traffic Separation Schemes and Shipping Safety Fairways off the Coast of California (83-032)	2115-AB29
2239	+ Licensing of Pilots—Manning of Vessels (84-060)	2115-AB67
2240	+ Lifesaving Equipment—Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
2241	+ Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
2242	+ Special Cargo Requirements for Benzene (88-040)	2115-AD08
2243	+ Implementation of the Commercial Fishing-Industry Vessel Safety Act (88-079)	2115-AD12
2244	+ Great Lakes Pilotage Rates, (89-104)	2115-AD47
2245	+ Double Hull Standards for Tank Vessels Carrying Oil (90-051)	2115-AD61
2246	+ Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel (90-053)	2115-AD63
2247	+ Direct User Fees for Marine Licensing, Certification of Registry, and Merchant Mariner Documentation	2115-AD72
2248	Tankermen (79-116)	2115-AA03
2249	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
2250	Manufacturer and Dealer First Purchaser List Requirements (77-115)	2115-AA16
2251	Safety/Security Zone Regulations	2115-AA97
2252	Anchorage Area Regulations	2115-AA98
2253	Incorporation of Amendments to the International Convention for Safety of Life at Sea, 1974	2115-AB41
2254	Personal Flotation Device Components (84-068)	2115-AB70
2255	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
2256	Oil Pollution Prevention, MARPOL Annex I (85-026)	2115-AC11
2257	Small Passenger Vessel Inspection and Certification (CGD 85-080)	2115-AC22
2258	Updating Approval and Carriage Requirements for Breathing Apparatus (86-036)	2115-AC30
2259	Uninspected Vessel Emergency Position Indicating Radio Beacons (EPIRBs) (87-016)	2115-AC69
2260	Delegation of Authority to Area Commanders When Functioning as Maritime Defense Zone Commanders (CGD 87-065)	2115-AC88
2261	Anchorage Regulations (86-079)	2115-AC96

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U.S. Coast Guard—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2262	Implementation of the Shore Protection Act of 1988 (89-014)	2115-AD23
2263	Stability Design and Operational Regulations (89-037)	2115-AD33
2264	Waiver of Crewmember Citizenship Requirements (89-061)	2115-AD38
2265	Chesapeake Bay Traffic Separation Scheme (90-039)	2115-AD43
2266	Federal Pilotage Requirements for Washington and Oregon (90-043)	2115-AD52
2267	National Vessel Traffic Service (VTS) Regulations (90-020)	2115-AD56
2268	Drawbridge Operation Regulations, Waterborne Emergency	2115-AD77
2269	Regulated Navigation Area; Puget Sound, Washington (13-90-03)	2115-AD86

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2270	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
2271	+ Recreational Vessel Fees (CGD 90-069)	2115-AD67
2272	+ Oil Pollution Act of 1990 Initiatives	2115-AD70
2273	+ Random Chemical Testing Programs for Commercial Vessel Personnel (90-014)	2115-AD59
2274	+ User Fees for Coast Guard Services	2115-AD73
2275	Performance Standards and Approval Procedures for Inflatable Life Jackets (78-174b)	2115-AC16
2276	Cargo Lists and Tables Update (CGD 88-100 and 88-100a)	2115-AC35
2277	Incorporation and Adoption of Industry Standards (88-032)	2115-AD05
2278	Regulated Navigation Area: Ohio River at Louisville, KY (2-89-04)	2115-AD45
2279	Replacement of References to SOLAS 60 With SOLAS 74 (90-008)	2115-AD48
2280	Deepwater Port Radar Beacons (90-016)	2115-AD53
2281	Distinctive Identification Light (90-032)	2115-AD58
2282	Pollution Prevention Requirements of Annex V of MARPOL 73/78	2115-AD64
2283	Programs for Chemical Drug and Alcohol Testing; Delay of Implementation Date	2115-AD74
2284	Regulated Navigation Area; Sparkman Channel, Tampa, Florida (07-90-52)	2115-AD88
2285	Puget Sound Vessel Traffic Service	2115-AE05

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2286	+ Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines	2120-AC87
2287	Review of Part 135, Air Taxi Operators and Commercial Operators	2120-AB28

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2288	+ Fatigue Evaluation of Structure	2120-AD42
2289	+ Fatigue Test Requirements for Aging Aircraft	2120-AD43
2290	+ Revision of Part 108, Airplane Operator Security	2120-AD45
2291	+ Revision of Part 107, Airport Security	2120-AD46
2292	+ High Density Traffic Airports Slot Allocation and Transfer Methods (New Entrants)	2120-AD93
2293	+ Criminal History Records Check	2120-AE14
2294	+ Revision of Medical Standards and Certification Procedures	2120-AA70
2295	+ Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking and at Training Centers	2120-AA83
2296	+ Repair Station and Repairmen Certification Rules	2120-AC38

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Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2297	+ Parts 121 and 135—Training, Checking, Certification, and Qualifications Requirements	2120-AC79
2298	+ Sole Radio Navigation System; Minimum Standards for Certification	2120-AD26
2299	+ Airworthiness Standards; Occupant Protection Standards for Commuter Category Airplanes	2120-AD27
2300	+ Allowable Carbon Dioxide Concentration in Transport Category Airplane Cabins	2120-AD47
2301	+ Anti-Drug Program; Consolidated Amendments	2120-AD67
2302	+ Establishment and Discontinuance Criteria for LORAN-C Nonprecision Approach Procedures	2120-AD68
2303	+ Protective Breathing Equipment; All Cargo	2120-AD74
2304	+ Protective Breathing Equipment; Fire Drills	2120-AD76
2305	+ Flight Recorders and Cockpit Voice Recorders	2120-AD82
2306	+ Crew Pairing Requirements	2120-AD88
2307	+ Child Restraint Systems	2120-AD90
2308	+ Biennial Flight Review	2120-AE11
2309	+ Establish Powered Ultralight Vehicles Standards	2120-AE12
2310	+ Fire-Blocking Material for Part 135 Airplane Seats	2120-AE33
2311	+ Access Into the Cockpit	2120-AE35
2312	+ Emergency Locator Transmitter Replacement	2120-AE36
2313	+ Drug Testing in the Workplace	2120-AE40
2314	Review of Part 47, Aircraft Registration, and Part 49, Recording of Aircraft Titles and Security Documents	2120-AC17
2315	Fuel System Vent Fire Protection	2120-AA49
2316	Composite Propellers	2120-AB05
2317	Standards for Approval of a Wet Runway Reduced V1 Methodology and Improved Takeoff and Landing Braking Performance	2120-AB17
2318	Aircraft Engines: Fuel and Induction Systems	2120-AB76
2319	Certification of Air Traffic Control Towers	2120-AC59
2320	Location of Marks on Fixed-Wing Aircraft and Airships	2120-AC99
2321	Maintenance Recordkeeping Requirements	2120-AD25
2322	Designated Engineering Organization Authorization Procedures	2120-AD31
2323	Requirements for Aircraft Protection in High Energy Radiated Electromagnetic Fields	2120-AD32
2324	Depressurization Evaluation of Structures	2120-AD35
2325	Bird Strike Damage Assessment	2120-AD39
2326	1-G Stalling Speed as a Basis for Compliance with Part 25 of the Federal Aviation Regulations	2120-AD40
2327	Parachute Equipment and Packing Requirements	2120-AD57
2328	Operations Over the High Seas and Within the North Atlantic Minimum Navigation Performance Specification Airspace	2120-AD59
2329	Reporting Requirements: Transferee Holders and Licensees	2120-AD64
2330	Exemption Process	2120-AD66
2331	Approval of Terminal Control Area and Special Visual Flight Rule Operations	2120-AD71
2332	Miscellaneous Amendments to Part 77, Objects Affecting Navigable Airspace	2120-AD72
2333	Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions	2120-AD75
2334	Improved Fire Safety Standards for Class A and Class D Compartments	2120-AD77
2335	Production Certificate Modernization	2120-AD78
2336	Powered-Lift Engine Type Certification Requirements and Definitions	2120-AD79
2337	New Contingency Ratings	2120-AD80
2338	Applications for Export Airworthiness Approvals	2120-AD81
2339	Model Rocket Operations	2120-AD84
2340	Cost of Services and Transfer of Fees to Part 187 from Parts 47, 49, 61, 63, 65, and 143	2120-AD91
2341	Autopilot Minimum Altitudes	2120-AE15
2342	Terminal Airspace Review	2120-AE18
2343	Offshore Airspace Review	2120-AE32
2344	Visual Descent Points	2120-AE34
2345	Airport Signs	2120-AE37
2346	Airport Runway Incursion	2120-AE38

+ Designates significant regulation.

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Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2347	+ Primary Category Aircraft	2120-AB53
2348	+ Civil Supersonic Aircraft Noise Type Certification Standards and Operating Rules	2120-AC22
2349	+ Improved Survival Equipment for Inadvertent Water Landings	2120-AC72
2350	+ Retrofit of Improved Seats in Air Carrier Transport Category Airplanes	2120-AC84
2351	+ Drug Enforcement Assistance	2120-AD16
2352	+ Elimination of Airport Delays	2120-AB42
2353	+ Miscellaneous Operational Amendments	2120-AB45
2354	+ Airspace Reclassification	2120-AB95
2355	+ Passenger-Carrying and Cargo Air Operations for Compensation or Hire	2120-AC08
2356	+ Flight Attendant Requirements	2120-AC32
2357	+ Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes	2120-AC43
2358	+ Improved Access to Type III Exits	2120-AC46
2359	+ Revision of Aviation Maintenance Technician Schools Regulations	2120-AD09
2360	+ Emergency Locator Transmitters	2120-AD19
2361	+ Ground Proximity Warning Systems	2120-AD29
2362	+ Airworthiness Standards; Emergency Exit Provisions for Normal, Utility, Acrobatic, and Commuter Category Airplanes	2120-AD33
2363	+ Exit Row Seating	2120-AE22
2364	+ Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System	2120-AE27
2365	+ Notification to Air Traffic Control (ATC) of Deviations From ATC Clearances and Instructions in Response to Traffic Alert and Collision Avoidance System Resolution Advisories	2120-AE31
2366	Objects Affecting Navigable Airspace	2120-AA09
2367	Miscellaneous Amendments	2120-AA50
2368	Airworthiness Standards; Crash Resistant Fuel Systems	2120-AA57
2369	Airworthiness Standards: Aircraft Engine Electrical and Electronic Engine Control Systems	2120-AB06
2370	Standards for Approval for High Altitude Operation of Subsonic Transport Airplanes	2120-AB18
2371	Airworthiness Standards; Transport Category Rotorcraft Performance	2120-AB36
2372	Low Fuel Quantity Alerting System	2120-AB46
2373	Amend Section 43.17 to Allow for Maintenance of U.S. Aeronautical Products in Canada in Compliance with the U.S.-Canadian Bilateral Airworthiness Agreement	2120-AB89
2374	Airworthiness Standards; New Rotorcraft 30-Second/2-Minute One-Engine-Inoperative Power Ratings	2120-AB90
2375	Airworthiness Standards; Turboshaft Engine Rotor Burst Protection	2120-AB91
2376	Miscellaneous Changes to Emergency Evacuation Demonstration Procedures, Exit Handle Illumination, and PA Handsets	2120-AC45
2377	Airworthiness Standards; Crash Resistant Fuel Systems in Normal and Transport Category Rotorcraft	2120-AC68
2378	Electrical and Electronic Systems Lightning Protection	2120-AC81
2379	Landing Gear Aural Warning	2120-AC82
2380	Ketchikan International Airport; Special Airport Traffic Rule	2120-AC90
2381	Proposed Alteration of the Houston Hobby Terminal Control Area and Revocation of the Houston Hobby Airport Radar Service Area, Texas	2120-AD04
2382	Small Airplane Airworthiness Review Program Notice No. 4	2120-AD20
2383	Airworthiness Standards: Aircraft Engines; Proposal for New One-Engine-Inoperative Ratings, Definitions, and Type Certification Standards	2120-AD21
2384	Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins	2120-AD28
2385	Small Airplane Airworthiness Review Program Notice No. 3	2120-AD30
2386	Airplane Engine Cowling Retention	2120-AD34
2387	Vibration, Buffet and Aeroelastic Stability Requirements for Transport Category Airplanes	2120-AD36
2388	Use of Inert Gas for Tire Inflation in Lieu of Air	2120-AD37
2389	Design Standards for Airplane Jacking and Tie-Down Provisions	2120-AD38
2390	Airworthiness Standards; Small Airplanes With Stall Speed Greater Than 61 Knots	2120-AD48
2391	Temporary Flight Restrictions	2120-AD55
2392	Centralization of Formal Hearing Dockets (FAA)	2120-AD63
2393	Proposed Alteration of the Dallas-Fort Worth Terminal Control Area and Revocation of the Airport Radar Service Area at Dallas Love Field Airport, Texas	2120-AE03
2394	Inapplicability of Basic VFR Weather Minimums for Helicopter Operations	2120-AE19
2395	Cockpit Voice Recorder/Flight Recorder	2120-AE39
2396	Part 95 Instrument Flight Rules	2120-AA63
2397	Airworthiness Directives	2120-AA64
2398	Standard Instrument Approach Procedures	2120-AA65
2399	Airspace Actions	2120-AA66

+ Designates significant regulation.

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Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2400	+ Use of X-Ray Systems	2120-AD13
2401	+ Passenger Facility Charges	2120-AD87
2402	+ Flight and Cabin Crew Notification Guidelines	2120-AD92
2403	+ Foreign Air Carriers' Security Programs	2120-AD94
2404	+ Employment Standards	2120-AD95
2405	+ Phaseout of Stage 2 Airplanes Operating in the 48 Contiguous United States and the District of Columbia	2120-AD96
2406	+ Notice and Approval of Airport Noise and Access Restrictions	2120-AD98
2407	+ Airplane Cabin Fire Protection	2120-AB22
2408	+ United States Control Area	2120-AC88
2409	+ Flight Attendant Duty Period Limitations and Rest Requirements	2120-AD50
2410	+ Submission to Drug Tests	2120-AD56
2411	+ Anti-Drug Program for Personnel Engaged in Specified Aviation Activities (Section 135.1(c))	2120-AD65
2412	+ Temporary Flight Restrictions in National Disaster Areas in the State of Hawaii	2120-AD97
2413	+ Relief for Participants in Operation Desert Shield/Storm	2120-AE00
2414	+ Anti-Drug Program for Personnel Engaged in Specified Aviation Activities; Extension of Compliance Date (International)	2120-AE01
2415	+ Communication Records	2120-AE13
2416	+ Operation of Jet Aircraft in Commuter Slots at O'Hare International Airport	2120-AE21
2417	+ Restriction on Certain Flights From the United States to Iraq or Kuwait	2120-AE28
2418	+ Anti-Drug Program for Personnel Engaged in Specified Aviation Activities (Extension of Compliance Date for 135.1(c) Operators)	2120-AE29
2419	Review of Part 137 - Agricultural Aircraft Operations	2120-AE23
2420	Review of Part 39 - Airworthiness Directives	2120-AE24
2421	Review of Part 25 - Airworthiness Standards: Transport Category Airplanes	2120-AE25
2422	Review of Part 23 - Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Airplanes	2120-AE26
2423	Airworthiness Standards; Shoulder Harnesses in Normal and Transport Category Rotorcraft	2120-AC67
2424	Acknowledgement of Air Traffic Control Clearances and Instructions	2120-AC91
2425	Distance Remaining Markers and Friction Measurement Program	2120-AD51
2426	Alteration of the St. Louis Terminal Control Area; Missouri	2120-AD61
2427	Notice of Construction, Alteration, Activation, and Deactivation of Airports	2120-AE20
2428	Special Federal Aviation Regulation No. 38; Certification and Operating Requirements	2120-AE30

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2429	+ Qualification of Drivers; Epilepsy, Hearing, and Vision	2125-AC62
2430	+ Radar Detectors in Commercial Motor Vehicles	2125-AC79
2431	Truck Size and Weight; Dromedary Boxes Carrying Explosives	2125-AC61
2432	Parts and Accessories for Safe Operation: Intermodal Cargo Containers	2125-AC74
2433	Manual on Uniform Traffic Control Devices	2125-AA37

+ Designates significant regulation.

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2434	+ Commercial Driver's License Standards; Biometric Identifier	2125-AC24
2435	+ Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Definition	2125-AC27
2436	+ Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking	2125-AC28
2437	+ Federal Motor Carrier Safety Regulations; General Transportation of Hazardous Materials	2125-AC78
2438	+ Highway Routing Standards for Certain Types and Quantities of Hazardous Materials	2125-AC80
2439	+ Qualifications of Drivers; Controlled Substances Testing, Recordkeeping, and Reporting Requirements	2125-AC81
2440	Construction Contract Equal Opportunity Compliance Procedures	2125-AB15
2441	Acquisition of Real Property for Rights-of-Way	2125-AC17
2442	Parts and Accessories for Safe Operation; Emergency Warning Devices	2125-AC26

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Federal Highway Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2443	Truck Length and Width Exclusive Devices	2125-AC30
2444	Qualification of Drivers: Written Examinations	2125-AC42
2445	State Compliance with CDL Program Requirements	2125-AC53
2446	Certification of Size and Weight Enforcement	2125-AC60
2447	Qualification of Drivers; Medical Examination Form	2125-AC63
2448	Truck Size & Weight; Maxi-Cube Vehicles	2125-AC65
2449	Safety Fitness Procedures; Safety Fitness Information	2125-AC77

+ Designates significant regulation.

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2450	+ Private Carriage of Passengers	2125-AB62
2451	+ Safety Fitness Procedures; Safety Ratings	2125-AC71
2452	Qualification of Drivers; Diabetes	2125-AB91
2453	Compatibility of State Safety Requirements Affecting Interstate Commercial Motor Vehicles	2125-AC11
2454	Public Availability of Information; Freedom of Information Act Regulations; Technical Amendments	2125-AC20
2455	Design Standards for Highways; AASHTO Publication; Geometric Design of Highways and Streets	2125-AC22
2456	Design Standards for Highways; Interstate System	2125-AC34
2457	Qualification of Drivers; Tow-Truck Operators	2125-AC43
2458	Qualification of Drivers; Medical Examination	2125-AC44
2459	Inspection, Repair and Maintenance; Periodic Inspections	2125-AC47
2460	Notification and Reporting of Accidents; Property Damage	2125-AC48
2461	Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes on Mexican Commercial Motor Vehicles	2125-AC49
2462	Commercial Driver Instruction Permits	2125-AC54
2463	Truck Size and Weight; Beverage Semitrailers	2125-AC57
2464	Centralization of Formal Hearing Dockets (FHWA)	2125-AC59
2465	Reimbursement for Railroad Work and Railroad-Highway Insurance Protection	2125-AC64
2466	Hours of Service of Drivers; Exception for Emergency Relief Situations	2125-AC66
2467	Federal Motor Carrier Safety Regulations; General; Emergency Relief	2125-AC67
2468	Highway Bridge Replacement and Rehabilitation Program	2125-AC73
2469	Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs	2125-AC75
2470	Commercial Motor Carrier Safety Assistance Program; Verification	2125-AC76
2471	Federal Motor Carrier Safety Regulations; Motor Vehicle Marking	2125-AC82

+ Designates significant regulation.

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2472	+ Controlled Substances Testing	2125-AC50
2473	Contract Procedures	2125-AA18
2474	Administration of Engineering and Design Related Service Contracts	2125-AB30
2475	Mitigation of Impacts to Privately Owned Wetlands	2125-AC69

+ Designates significant regulation.

DOT

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2476	+ Review: Passenger Car Front Seat Occupant Protection (Federal Motor Vehicle Safety Standard No. 208)	2127-AD82
2477	+ Rollover	2127-AC64
2478	+ Door-Mounted Passive Belt Systems and Motorized Passive Belt Restraint Systems	2127-AD42
2479	+ Detachable Automatic Safety Belts	2127-AD91
2480	+ Side Door Strength	2127-AE05
2481	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
2482	Review: Glass-Plastic Windshields	2127-AD29
2483	Standard 301; Fuel-System Integrity	2127-AB43
2484	Brake Lining	2127-AC66
2485	Standard 105; Hydraulic Brake	2127-AC94
2486	Tire Labeling, FMVSS 109, 110, 117, 119, 120; Parts 569, 574, 575	2127-AD28
2487	Truck Voltage for Exterior Lighting	2127-AD40
2488	Harmonization of Seat-Belt Assembly Anchorages	2127-AD43
2489	Rulemaking to Delete "Due Care" Provisions from the Occupant Crash Protection Standard	2127-AD54
2490	Brake Hoses and Fluids	2127-AD70
2491	Key Removal During Electrical Failure	2127-AE13
2492	Power-Operated Windows	2127-AE14

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2493	+ Commercial Vehicle Conspicuity	2127-AA12
2494	+ Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
2495	+ Truck Rear Underride Protection	2127-AA43
2496	+ Standard 302; Flammability of Interior Materials - School Buses	2127-AA44
2497	+ Cars and Light Trucks: Padding A-Pillars, Side Rail, etc	2127-AB85
2498	+ Side-Impact Protection—Light Trucks, Vans, and Multipurpose Passenger Vehicles	2127-AC43
2499	+ Standard 205; Glazing Materials, Film Transmittance	2127-AC85
2500	+ Alcohol Fuels	2127-AD47
2501	+ Compressed Natural Gas (CNG) and Propane	2127-AD48
2502	+ Wheelchair Lifts	2127-AD50
2503	+ Wheelchair Securement Devices	2127-AD51
2504	+ Side Impact Protection: Anthropomorphic Alternate Test Dummies (BIOSID and EUROSID)	2127-AD73
2505	+ Drug Offender's License Suspension Certification	2127-AE10
2506	Procedures for Considering Environmental Impacts	2127-AB79
2507	Standard 208; Occupant Crash Protection, Emergency Locking Retractors	2127-AC57
2508	Standard 301; Fuel System Integrity, Fuel Spillage	2127-AC62
2509	Pedestrian Head-Protection Standard	2127-AC90
2510	Standard 121; Air Brake Systems Stopping-Distance Performance	2127-AD07
2511	Standard 207; Seating Systems - Performance	2127-AD08
2512	"Lock" Child Safety Systems	2127-AD39
2513	Enforcement of the National Traffic and Motor Vehicle Safety Act	2127-AD83
2514	Daytime Running Lamps As an Option	2127-AD84
2515	Headlighting System; Combinations	2127-AD98
2516	Vehicle Based Roadway Illumination Performance Requirements - Replaceable Light Source	2127-AE07
2517	Tire Selection Rims for Motor Vehicles Other Than Passenger Cars	2127-AE09
2518	Windshield Wiping and Washing Systems Definitions: Seating Reference Point	2127-AE11
2519	Adjustment Procedure for Burnish and Recovery	2127-AE15
2520	Side Door Strength Definition	2127-AE17
2521	Insurance Cost Information	2127-AE18
2522	Exclusive Use of Hybrid III Test Dummy in Compliance Testing	2127-AE19

+ Designates significant regulation.

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National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2523	+ Crashworthiness Ratings	2127-AA03
2524	+ Lighting Simplification—Potential Amendments on Long-Term Issues; Standard 108	2127-AB87
2525	+ Standard 221; School Bus Body Joint Strength	2127-AC19
2526	+ Standard 217; Bus Window Retention and Release - Upgrade for School Buses	2127-AC88
2527	+ Standard 111; Rearview Mirrors - School Buses	2127-AD24
2528	+ Child Safety Seat Registration	2127-AD46
2529	Proposed New Standard 135; Passenger-Car Brake System	2127-AA13
2530	Air-Brake Systems, Parking and Emergency Brakes - Trailers	2127-AA27
2531	Anthropomorphic Test Dummies: 6-Year-Old	2127-AC09
2532	Standard 121; Air-Brake Systems, Supplemental Connector	2127-AC80
2533	Standard 213; Child Restraint Systems - Newborn and Very Small Children	2127-AC87
2534	Importation of Motor Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards	2127-AD00
2535	Standard 106; Brake Hoses - Assembly Labeling	2127-AD04
2536	Standard 207; Seating Systems - Test Procedure	2127-AD09
2537	Standard 110, Tire Selection and Rims; and 120, Tire Selection and Rims for Other Than Passenger Cars - Size Labelling	2127-AD23
2538	Air-Brake Systems; Pneumatic Timing Requirements	2127-AD27
2539	Automatic Brake Adjusters for Heavy Duty Vehicles	2127-AD34
2540	Definition of "Seat Belt Anchorage"	2127-AD44
2541	Child Restraint Warning Labels	2127-AD45
2542	Final Listing of High Theft Lines for 1992 Model Year—Technical Amendment to Final Rule	2127-AD53
2543	State Highway Safety Programs	2127-AD55
2544	Exemption from Average Fuel Economy Standards	2127-AD64
2545	Uniform Tire Quality Grading Standards	2127-AD68
2546	Create A New Category, AS-15B - Tempered Glass-Plastic	2127-AD75
2547	Issuance, Amendment, and Revocation of Rules: Procedural Regulations	2127-AD78
2548	Upright Positioning on Steering Wheel	2127-AD80
2549	Electrochromic Rearview Mirrors	2127-AD81
2550	Motorcycle Fuel Valves	2127-AD85
2551	Impact Protection for the Driver From The Steering Control System	2127-AD87
2552	Seat Belt Assemblies - Cycling Rate	2127-AD88
2553	Certification Label: Rated Cargo Load	2127-AD97
2554	Highway Safety Program: Determination of Effectiveness	2127-AE06
2555	Combination of Center High-Mounted Stoplamps for Light Trucks	2127-AE16

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2556	+ Pedestrian Protection	2127-AA45
2557	+ Vehicle Classification	2127-AA57
2558	+ Standard 301; Fuel-System Integrity—Upgrade for Buses	2127-AC89
2559	+ Standard 216; Roof Crush Resistance - Light Trucks, Vans, and Multipurpose Passenger Vehicles	2127-AD13
2560	+ Stop-Signal Arms on New School Buses; New Standard	2127-AD16
2561	+ Procedures for Participating in and Receiving Data from the National Driver Register Problem Driver Pointer System	2127-AD26
2562	+ Center High-Mounted Stoplamps for Light Trucks	2127-AD35
2563	+ Light Truck Average Fuel Economy Standards for Model Years 1993 and 1994	2127-AD56
2564	+ Side Impact Protection: Anthropomorphic Alternate Test Dummy (EUROSID)	2127-AD74
2565	Part 571.3 - Definitions - Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
2566	Anthropomorphic Test Dummies: 9-Month-Old	2127-AC10
2567	Supplemental FMVSS No. 208 Injury Criteria - Facial Lacerations, Neck Injury, Knee Shear, Tibia and Ankle Injuries	2127-AC12
2568	Standard 208; Occupant Crash Protection - Chest Injury Criteria and Mandatory Use of the Part 572(E) Dummy in the Standard Compliance Testing	2127-AC13
2569	Standard 205; Glazing Materials - Create a New Category, AS-15	2127-AC38
2570	Odometer Disclosure Requirements	2127-AC42
2571	Standard 118; Power-Operated Window Systems, Sunroofs	2127-AC52
2572	Parking Brake Requirements	2127-AC73
2573	Standard 108; Optically Combined Lamps: New Definition	2127-AC77

DOT

National Highway Traffic Safety Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2574	Standard 201; Occupant Protection in Interior Impact	2127-AC84
2575	Standard 105; Hydraulic Brake Systems—Brake Failure Indicator Lamps	2127-AD03
2576	Standard 208; Occupant Crash Protection - Dynamically Tested Seat Belts	2127-AD11
2577	Procedures for Selecting Lines to be Covered by the Theft Prevention Standard	2127-AD32
2578	Bead Unseating Test Fixture	2127-AD36
2579	Passenger Motor Vehicle Theft Data for 1989	2127-AD52
2580	Exemption from Average Fuel Economy Standards	2127-AD57
2581	Exemption from Average Fuel Economy Standards	2127-AD58
2582	Exemption from Average Fuel Economy Standards	2127-AD61
2583	Exemption from Average Fuel Economy Standards	2127-AD62
2584	Exemption from Average Fuel Economy Standards	2127-AD63
2585	Exemption from Average Fuel Economy Standards	2127-AD66
2586	Light Truck Fuel Economy Standards	2127-AD67
2587	New Non-Pneumatic Tires for Passenger Cars	2127-AD86
2588	Seat Belt Assemblies - Shape	2127-AD89
2589	Seat Belt Assemblies - Maximum Release Effect	2127-AD90
2590	Rear Seat Lap/Shoulder Belt Assembly	2127-AD92
2591	Transfer Medium in School Buses	2127-AD94
2592	Seat Belt Assemblies - Testing	2127-AD95
2593	Seat Belt Assemblies - Carbon Arc	2127-AD96
2594	Daytime Running Lights	2127-AD99
2595	Test Course Specifications	2127-AE01
2596	Treadwear Grading Procedures	2127-AE02
2597	Exemption From the Average Fuel Economy Standards for Model Years 1993-95	2127-AE03
2598	Extend Performance Requirements for Windshield Defrosting and Defogging to Multipurpose Passenger Vehicles	2127-AE04
2599	Vehicle Based Roadway Illumination Performance Requirement - Headlamp Lens	2127-AE08
2600	New Maximum Permissible Tire Inflation Pressure	2127-AE12

+ Designates significant regulation.

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2601	+ Special Safety Inquiry; Railroad Reporting Requirements	2130-AA56

+ Designates significant regulation.

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2602	+ Railroad Accident Reporting	2130-AA58
2603	+ Alcohol/Drug Regulations; Miscellaneous Technical Amendments and Corrections	2130-AA63
2604	+ Annual Reporting Requirements; Amendments to Alcohol/Drug Regulations	2130-AA64

+ Designates significant regulation.

Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2605	+ Railroad Operating Practices; Procedures for Bridge-Worker Safety	2130-AA48
2606	+ Train Operation Event Recorders	2130-AA53
2607	+ Railroad User Fees	2130-AA62
2608	+ Tank Car Air Brake Equipment Support Attachments	2130-AA66

DOT

Federal Railroad Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2609	Centralization of Formal Hearing Dockets (FRA)	2130-AA59
2610	Local Rail Freight Assistance to States	2130-AA60
2611	Revision of State Safety Participation Regulations	2130-AA65
2612	Amendment to Railroad Safety Regulations	2130-AA67

+ Designates significant regulation.

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2613	+ Alcohol/Drug Regulations: Postponement of International Application	2130-AA43
2614	+ Rail-Highway Grade Crossing Safety	2130-AA45
2615	+ Locomotive Operator; Qualification Standards	2130-AA51

+ Designates significant regulation.

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2616	Uniform System of Accounts and Records and Reporting System	2132-AA36

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2617	+ Major Capital Investment Projects	2132-AA34
2618	+ Bus Testing	2132-AA30
2619	Capital Leases	2132-AA28

+ Designates significant regulation.

Urban Mass Transportation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2620	Pre-Award and Post-Delivery Audits of Rolling-Stock Purchases	2132-AA29

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2621	+ Improving Hazardous Materials Identification: Placarding; Reporting/Tracking; and Continually Monitored Telephone Systems	2137-AB75
2622	Consolidation of Specifications for High-Pressure Seamless Cylinders and Rewrite of 49 CFR 173.34	2137-AA92
2623	Modernizing the Passenger Origin-Destination Survey	2137-AB92

DOT

Research and Special Programs Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2624	Updating Confidentiality Rules for International Passenger Origin-Destination Survey Data and Service Segment Data	2137-AC07

+ Designates significant regulation.

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2625	+ Gas Gathering Line Definition	2137-AB15
2626	+ Hazardous Materials in Intrastate Commerce	2137-AB37
2627	+ Qualification of Pipeline Personnel	2137-AB38
2628	+ Registration of Shippers and Carriers of Hazardous Materials	2137-AB43
2629	+ Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies; Pipe Inventory	2137-AB48
2630	+ Drug Testing: Standardized Data Collection	2137-AB95
2631	+ Safeguarding Food From Contamination During Transportation	2137-AC00
2632	Review of Commuter Air Traffic and Market Data Reporting	2137-AB18
2633	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AA44
2634	Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Detection Flaws, and Other Defects of Tank Car Tanks	2137-AB40
2635	DOT 3AL Aluminum Cylinders; Safety Problems	2137-AB51
2636	Gas Pipelines Operating Above 72 Percent of Specified Minimum Yield Strength	2137-AB53
2637	Revision of Operating Requirements for Rail Carriage	2137-AB55
2638	Leakage Surveys	2137-AB64
2639	Passage of Internal Inspection Devices	2137-AB71
2640	Transportation of a Hazardous Liquid at 20 Percent or Less of Specified Minimum Yield Strength	2137-AB86
2641	Specifications for Tank Car Tanks	2137-AB89
2642	Amendments to the DOT Airline On-Time Disclosure Rule	2137-AB94
2643	Excess Flow Valves in Service Lines	2137-AB97
2644	Distribution System Definitions	2137-AC02
2645	Alternative Weld Defect Acceptance Criteria	2137-AC03
2646	Petroleum Gas Systems	2137-AC04
2647	Confidentiality of Aircraft Inventory Data	2137-AC08
2648	Public Sector Emergency Response Planning and Training Grants	2137-AC09
2649	Clarification of Requirements for Limited Quantities of Compressed Gases	2137-AC10
2650	Design and Construction of Welded Breakout Tanks	2137-AC11
2651	Allocation Formula for State Grants	2137-AC12

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2652	+ Training for Hazardous Materials Transportation	2137-AB26
2653	+ Hydrostatic Testing of Certain Hazardous Liquid Pipelines	2137-AB46
2654	+ Operation and Maintenance Procedures for Pipelines	2137-AB44
2655	+ Excavation Damage Prevention Programs for Gas and Hazardous Liquid Pipelines	2137-AB47
2656	Odorization of LP Gas	2137-AA25
2657	Quantity Limitations Aboard Aircraft	2137-AA85
2658	Enforcement of Motor Carrier Financial Responsibility Requirements	2137-AB35
2659	Gas Detection and Monitoring in Compressor Station Buildings	2137-AB49
2660	Determining the Extent of Corrosion on Exposed Gas Pipelines	2137-AB50
2661	Elevated Temperature Materials	2137-AB58
2662	Transportation Regulations; Compatibility with the International Atomic Energy Agency	2137-AB60
2663	Retest Requirements for DOT 8 and 8AL Cylinders	2137-AB61
2664	Transportation of Hydrogen Sulfide by Pipeline	2137-AB63
2665	Centralization of Formal Hearing Dockets (RSPA)	2137-AB91
2666	Burial of Offshore Pipelines	2137-AB96

DOT

Research and Special Programs Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2667	Air Bag Inflators and Air Bag Modules for Passive Restraint Systems; Conversion of Individual Exemptions into Regulations of General Applicability	2137-AB98
2668	Implementation of the ICAO Technical Instructions	2137-AB99
2669	Amendments to the Hazardous Materials Program Procedures	2137-AC06
2670	Thermoplastic Gas Pressure Piping Systems	2137-AC13

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2671	+ Performance-Oriented Packaging Standards	2137-AA01
2672	+ Requirements for Cargo Tanks; Corrections and Revisions	2137-AA42
2673	+ Highway Routing Standards for Certain Types and Quantities of Hazardous Materials	2137-AB42
2674	Transportation of Carbon Dioxide by Pipeline	2137-AB72
2675	Amendment of an Operator's Plans or Procedures	2137-AB77
2676	Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations	2137-AC05

+ Designates significant regulation.

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2677	Values for War Risk Insurance; Review of War Risk Insurance Valuation Methodology	2133-AA89
2678	Agency Agreements	2133-AA91

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2679	+ Regulated Transactions Involving Documented Vessels and Other Maritime Interests	2133-AA79
2680	+ Determination of Fair and Reasonable Guideline Rates for Less Than Shipload Lots of Bulk Preference Cargoes Carried on U.S.-Flag Liner Vessels	2133-AA87
2681	Centralization of Formal Hearing Dockets (MARAD)	2133-AA84
2682	Priority Use and Allocation of Shipping Services, Containers, Chassis, and Port Facilities and Services for National Security and National Defense Related Operations	2133-AA85
2683	Seamen's Claims; Administrative Action and Litigation	2133-AA92

+ Designates significant regulation.

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2684	Statements, Reports, and Agreements Required To Be Filed	2133-AA90

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Office of the Secretary (OST)

2140. + PROPOSED POLICY ON PEAK PERIOD PRICING OF AIRPORT LANDING FEES

Significance: Regulatory Program

Legal Authority: 49 USC 1301 et seq

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: The Department is considering whether to propose to establish a set of guidelines to encourage the voluntary development of peak and off-peak pricing systems for airport landing fees at congested U.S. airports. The guidelines would provide economic incentives to promote more efficient use of existing airport facilities, which would reduce congestion and delays. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Proposed Policy	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: Additional contact: Martha Langelan, 366-5404

Agency Contact: Gwyneth Radloff, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9305**

RIN: 2105–AB63

2141. + ANTIDRUG PROGRAMS FOR DEPARTMENT OF TRANSPORTATION CONTRACTORS

Significance: Agency Priority

Legal Authority: 49 USC 322; 40 USC 486(c)

CFR Citation: 48 CFR 1226.7001; 48 CFR 1252.226-70; 48 CFR 34; 48 CFR 1.301

Legal Deadline: None

Abstract: Consistent with DOT antidrug initiatives for DOT employees and employees of regulated industries, DOT was considering requiring its contractors to establish antidrug programs (including drug testing and employee assistance programs) for employees performing sensitive safety or security functions under DOT contracts. Although initially considered significant because of substantial public interest, the Department is considering withdrawing this rulemaking. Uniform, government-wide regulations to deter drug use among contractor employees have been issued to implement the Drug-Free Workplace Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Room 10424, Washington, DC 20590, **202 366-9306**

RIN: 2105–AB40

2142. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The petition is filed in Docket 41217.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA73

2143. PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking (Dkt 43147)	05/22/85	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AB25

2144. TRANSPORTATION ACQUISITION REGULATIONS; REWRITE

Significance: Nonsignificant

Legal Authority: 40 USC 486C

CFR Citation: 48 CFR 1200 et seq

Legal Deadline: None

Abstract: The Department is contemplating a possible rewrite of 48 CFR Chapter 12 with a view toward revision in light of recent changes in the Federal Acquisition Regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

DOT—OST

Prerule Stage

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Additional Information: Because of this expanded project, the entry under RIN 2105-AB54, which proposed only limited revision, will be withdrawn.

Agency Contact: Diane Coad, Chief, Acquisition Policy, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4287

RIN: 2105–AB75

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Proposed Rule Stage

2145. + COMMERCIAL SPACE TRANSPORTATION: FINANCIAL RESPONSIBILITY REQUIREMENTS FOR LICENSED LAUNCH ACTIVITIES

Significance: Regulatory Program

Legal Authority: PL 98-575; PL 100-656, Sec 15(c) to 16 Commercial Space Launch Act

CFR Citation: None

Legal Deadline: None

Abstract: Persons authorized to conduct commercial launch activities by a license issued by the Office of Commercial Space Transportation (OCST) are required to obtain insurance or demonstrate financial responsibility, in amounts and on terms prescribed by OCST, to protect against third-party or government property damage claims resulting from the licensed activities. Licensees and other launch participants are also required to enter into reciprocal waivers of claims arising out of licensed activities. In addition, persons engaged in commercial launch operations must provide proof of financial responsibility, or offer other assurances, adequate to protect the government when its property or personnel are involved in such operations. This rulemaking codifies the procedures by which OCST sets appropriate levels and terms of insurance and financial responsibility required to be carried by persons subject to its authority. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Elaine David, Attorney Advisor, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9305

RIN: 2105–AA26

2146. ● + LICENSING COMMERCIAL SPACE LAUNCH ACTIVITIES

Significance: Regulatory Program

Legal Authority: 49 USC app 2601 to 2623

CFR Citation: 14 CFR 400 to 415

Legal Deadline: None

Abstract: The Commercial Space Launch Act of 1984, as amended, grants the Department of Transportation's Office of Commercial Space Transportation authority to license and otherwise regulate commercial launches and the commercial operation of launch sites. The Office must ensure that commercial space launch activities are conducted in a manner that does not jeopardize public health and safety, and the safety of property without, however, imposing unnecessary regulatory burdens on the commercial launch industry. The industry has grown in size and complexity since the original regulations were published in 1988, and the Office continues to evolve its licensing program to reflect these changes. This rulemaking would modify the current regulations to reflect a streamlined and more mature licensing regime developed over the past few years. Such changes would benefit the industry by reducing regulatory burdens, thus reducing costs.

This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Agency Contact: Norman C. Bowles, Associate Director for Licensing Programs, Office of Commercial Space Transportation, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2929

RIN: 2105–AB85

2147. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f); PL 100-17, Sec 106(c)

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) extended and modified the program as applied to FHWA and UMTA; similar legislation applied the same requirements to the FAA. The Department issued a final rule to make the STURAA changes in October 1987; a similar rule for FAA programs was published in May 1988. The Department intends subsequently

to issue an NPRM that would propose further changes in the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM Interim Amdt. to Final Rule, Pending Revision of Entire Rule	03/12/81	46 FR 16282
Final Action for Interim Amendment	04/27/81	46 FR 23457
Interim Final Rule	10/21/87	52 FR 39225
NPRM	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/21/87 (52 FR 39225)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA04

2148. + ANTI-ALCOHOL PROGRAM FOR THE TRANSPORTATION INDUSTRY

Significance: Agency Priority

Legal Authority: 49 USC 1657

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The DOT is considering whether additional regulations concerning the use of alcohol by sensitive safety- and security-related personnel in industries regulated by its operating administrations are necessary and, if so, what the scope and focus of any new regulations should be. This proceeding is being conducted to ensure that the Department and its modal administrations have the necessary regulatory tools to respond to the hazards of alcohol use and abuse in transportation, and is considered significant because of important departmental policy.

Timetable:

Action	Date	FR Cite
ANPRM	11/02/89	54 FR 46326
ANPRM Comment Period End	01/31/90	
ANPRM Comment Period Extended to 03/09/90	02/20/90	55 FR 5856

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Agency Contact: Gwyneth Radloff, Attorney, Office of Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9305**

RIN: 2105–AB52

2149. + NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)

Significance: Agency Priority

Legal Authority: 49 USC 1374(a); 49 USC 1374(c)

CFR Citation: 14 CFR 382

Legal Deadline: None

Abstract: An ANPRM requested comments on lifts and other boarding equipment for use in regional and commuter aircraft and air taxis, and accessible lavatories for narrowbody and smaller aircraft. It also sought comments on additional accommodations for hearing-impaired persons. Comments received on the ANPRM are being reviewed. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/06/90	55 FR 8078
ANPRM Comment Period Extended to 07/20/90	06/08/90	55 FR 23450
ANPRM Comment Period End	07/05/90	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: ADDITIONAL CONTACT: Ira Laster, (202) 366-4859. The telephone number for TDD is (202) 755-7687.

Agency Contact: Donald Trilling, Director, Office of Transportation, Regulatory Affairs, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4220**

RIN: 2105–AB60

2150. + COMMERCIAL SPACE TRANSPORTATION: RECIPROCAL WAIVER OF CLAIMS

Significance: Agency Priority

Legal Authority: 49 USC app 2615(a)(1)(D)

CFR Citation: None

Legal Deadline: None

Abstract: The Government is required to enter into reciprocal waivers of claims with persons authorized to conduct commercial launch activities by a license issued by the Office of Commercial Space Transportation (OCST) and other launch participants. This rulemaking will propose to codify the form of waiver agreement entered into as a condition of a license. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Elaine David, Attorney Advisor, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9305**

RIN: 2105–AB76

2151. + PASSENGER MANIFEST INFORMATION

Significance: Agency Priority

Legal Authority: PL 101-604

CFR Citation: 14 CFR 243

Legal Deadline: Final, Statutory, March 16, 1991.

Abstract: PL 101-604, enacted November 16, 1990, mandates that the Secretary of Transportation require all U.S. airlines to comply with a

Passenger Manifest Collection Regulation for international flights. The Department of Transportation is therefore soliciting comments and suggestions from the public on the most cost-effective methods of facilitating the collection of the required information. This rulemaking is considered significant because of substantial public interest and the congressional mandate.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/91	56 FR 3810
ANPRM Correction	02/12/91	56 FR 5665
ANPRM Comment Period End	02/19/91	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: This entry was formerly titled Aviation Security: Passenger Manifest Information.

Agency Contact: Arnold Levine, Director, Office of International Transportation and Trade, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington DC 20590, **202 366-4368**

RIN: 2105–AB78

2152. + SEISMIC SAFETY OF DOT ASSISTED OR REGULATED NEW BUILDING CONSTRUCTION

Significance: Agency Priority

Legal Authority: PL 95-124 Earthquake Hazards Reduction Act of 1977; 42 USC 7701 et seq; 91 Stat 1098; EO 12699

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory, January 5, 1993.

Abstract: Executive Order 12699 implements certain provisions of the Earthquake Hazards Reduction Act of 1977. The Department has up to three years from the date of the Order (January 1, 1990) to demonstrate compliance for developing and implementing its own mission-appropriate and cost-effective seismic safety and hazard reduction program. For DOT, this includes the design and construction of new transportation buildings, construction and leasing of new buildings, assistance in financing through grants/ loans and guarantees of newly constructed buildings, and responsibility for regulating the structural safety of new buildings. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 00/00/00

Additional Information: EO 12699 is titled "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction".

Agency Contact: Donald Trilling, Director, Office of Transportation Regulatory Affairs, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4813**

RIN: 2105–AB79

2153. + PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS: MANAGEMENT INFORMATION SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This rulemaking would amend the Department-wide drug-testing procedures to require that regulated entities in each of the transportation industries submit reports on their drug-testing results on an annual basis in a standardized, uniform manner. The information is intended to provide compliance and enforcement as well as effectiveness data. Each of the Department's operating administrations will be making appropriate, conforming amendments to its drug-testing regulations. This action is significant because of substantial public interest and because it involves a number of administrations within the Department.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Douglas Lamar Allen, Jr., Program Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-3784**

RIN: 2105–AB81

2154. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None

Abstract: This action proposed to make direct air carriers responsible for returning charter passengers stranded by strikes or other service interruptions, by eliminating the force majeure clause from charter contracts. However, the CAB subsequently issued an interpretive rule (ER-1387, 49 FR 33436) which was affirmed in court. (Arrow Air, Inc. v. Dole, 784 F.2d 1118 (1986)). Therefore, this action is now moot; the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	
To Be Withdrawn	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: EDR 405, Docket 37169.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA40

2155. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 322(a)

CFR Citation: 49 CFR 18

Legal Deadline: None

Abstract: The current rule is being revised to address comments on the NPRM of 11/04/88 and Federal agency concerns on the current rule, and to update deviations from the common rule. OMB has decided not to merge into the existing rule those requirements that apply to universities, hospitals, and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	
SNPRM	11/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 11/04/88 (53 FR 44716)

Agency Contact: Robert G. Taylor, Chief, Grants and Systems Management Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4289

RIN: 2105–AB46

2156. TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

Significance: Nonsignificant

Legal Authority: 5 USC 301; 45 USC 41 to 42; 49 USC 322; 49 USC 504(f); 23 USC 409; 31 USC 9701

CFR Citation: 49 CFR 9

Legal Deadline: None

Abstract: The Department of Transportation (DOT or Department) is proposing to establish procedures that must be followed when a Department employee or former employee is requested or subpoenaed to provide testimony or produce records concerning information acquired in the course of performing official duties or because of the official status of the employee. It is also proposing to impose certain restrictions on employee testimony. The proposed procedures and restrictions are necessary because Department attorneys and employees currently spend a considerable amount of time responding to litigants' requests for documents or testimony, often on the same matter. This rule would ensure more efficient use of Department resources, minimize the possibility of involving the Department in controversial issues not related to its mission, maintain the impartiality of the Department among private litigants, and enhance the Department's ability to respond to requests.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Steven Farbman, Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9307

RIN: 2105–AB56

2157. IMPLEMENTATION OF AMENDMENTS TO THE EQUAL ACCESS TO JUSTICE ACT

Significance: Nonsignificant

Legal Authority: 5 USC 504

CFR Citation: 49 CFR 6; 48 CFR 6301; 14 CFR 14

Legal Deadline: None

Abstract: This action would incorporate the latest amendments to the Equal Access to Justice Act (EAJA or "Act"), 5 USC 504, into OST's EAJA regulations, 49 CFR 6. The EAJA provides for the award of attorneys' fees and other expenses to eligible individuals and entities who prevail over the Government in administrative proceedings, unless the position of the Government was substantially justified. The latest amendment made certain technical and substantive amendments to the EAJA, as well as made the Act, as so amended, permanent. This rulemaking is undertaken at the Department's initiative in response to the statutory changes in the EAJA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB73

2158. ● AVIATION ECONOMIC RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324; 49 USC 1351; 49 USC 1371 to 1375; 49 USC 1377 to 1379; 49 USC 1381 to 1382; 49 USC 1386 to 1389; 49 USC 1396; 49 USC 1481; 49 USC 1502

CFR Citation: 14 CFR 200; 14 CFR 203; 14 CFR 205 to 206; 14 CFR 231 to 232; 14 CFR 235; 14 CFR 263; 14 CFR 288; 14 CFR 292; 14 CFR 294; 14 CFR 296 to 298; 14 CFR 372; 14 CFR 380; 14 CFR 384; 14 CFR 387; 14 CFR 399

Legal Deadline: None

Abstract: This rulemaking is one of a series of projects to update the aviation economic regulations in order to eliminate references to the CAB and other terms and provisions, to bring the rules into conformance with current needs and to facilitate their use by the public.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Carol Woods, Transportation Analyst, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2340

RIN: 2105–AB84

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Final Rule Stage

2159. + COMPUTER RESERVATION SYSTEM (CRS) RULES: REVIEW

Significance: Regulatory Program

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 255

Legal Deadline: None

Abstract: This rulemaking has been initiated to determine the need to continue or modify existing regulations governing computer reservations systems (CRSs) and to obtain comments on issues raised in various petitions. This rulemaking is significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	09/21/89	54 FR 38870
ANPRM Comment Period End	11/20/89	
Proposed Extension of Expiration Date	12/04/90	55 FR 50033
Expiration Date Extended to 11/30/91	12/27/90	55 FR 53149
NPRM	03/26/91	56 FR 12586
NPRM Comment Period End	06/24/91	
Final Action	11/29/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 03/26/91 (56 FR 12586)

Additional Information: Under the existing rules, the Department must conduct a review within 5 years after their effective date. Unless extended on the basis of that review, the rules would have terminated on December 31, 1990. This deadline has been extended to 11/30/91. This proceeding is to determine if the rules should be extended still further and, perhaps, revised. By DOT Order 91-8-63, CRS vendors were required to file certain information on CRS reliability that may be relevant to this rulemaking.

Agency Contact: **Thomas Ray**, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4731**

RIN: 2105–AB47

2160. + NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 49 USC 322(a); 31 USC 1352

CFR Citation: 49 CFR 20

Legal Deadline: Final, Statutory, March 22, 1990.

Abstract: This regulation will implement the provisions of a new section 1352 to title 31, United States Code, that prohibits the use of appropriated funds to influence certain Federal contracting and financial transactions. Organizations that use their own funds to pay for lobbying activities are required to disclose such activity. The rule will be issued as a common rule based on guidance issued by the Office of Management and Budget on December 20, 1989, 54 FR 52305. Final action is awaiting OMB resolution of comments received on the interim final rule.

This action is considered significant because it involves governmentwide agencies or departments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Comment Period End	04/27/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 00/00/00

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: OMB has control of development of the final rule.

Agency Contact: **Robert G. Taylor**, Chief, Grants and Systems Management Division, Department of Transportation, Office of the Secretary, Office of Acquisition and Grant Management, Rm. 9401, M-62, Washington, DC 20590, **202 366-4289**

RIN: 2105–AB57

2161. + STATEMENT OF ENFORCEMENT POLICY ON REBATING

Significance: Agency Priority

Legal Authority: 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399.80; 14 CFR 399.85

Legal Deadline: None

Abstract: The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by the American Society of Travel Agents. The proposed regulation is significant because it involves important departmental policies and substantial industry interest.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41353
NPRM Comment Period End	12/20/88	
Extension of Comment Period to 02/21/89	02/03/89	54 FR 5497
Correction to Comment Period Document	02/10/89	54 FR 6475

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/21/88 (53 FR 41353)

Agency Contact: **Betsy Wolf**, Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9342**

RIN: 2105–AB39

2162. + PRICE ADVERTISING

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380; 14 CFR 399

Legal Deadline: None

Abstract: The Department is proposing to amend its rule and policy statement with respect to air transportation price advertising. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31052
Comment Period Extended to 9/25/89	08/23/89	54 FR 35005
NPRM Comment Period End	08/25/89	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/26/89 (54 FR 31052)

Agency Contact: Steven Farbman, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9307

RIN: 2105–AB50

2163. + SMOKING ABOARD AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1386; PL 101-164

CFR Citation: 14 CFR 252

Legal Deadline: None
Although there is no judicial or statutory deadline for the Department's implementation, the statutory ban was effective 02/25/90.

Abstract: This interim final rule amends the rules governing smoking aboard aircraft to incorporate a recent statutory ban on smoking aboard most U.S. flight segments. The statutory ban applies to both U.S. and foreign air carriers. This rulemaking proposed to clarify current rule and make other minor changes. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/13/90	55 FR 4991
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/13/90 (55 FR 4991)

Additional Information: The interim final rule was effective 02/25/90; the comments were due by 04/16/90.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB58

2164. + NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)

Significance: Agency Priority

Legal Authority: 49 USC 1374(a); 49 USC 1374(c)

CFR Citation: 14 CFR 382

Legal Deadline: None

Abstract: An SNPRM proposed three additions to Part 382 to implement the Air Carrier Access Act of 1986. The additions concern standards for boarding chairs; airport terminal transportation systems; and substitute service for persons denied the opportunity to fly because of inaccessible small aircraft. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
SNPRM: Final Rule Amendments: Comment Period End 06/04/90	03/06/90	55 FR 8076
Comment Period Extended to 07/20/90	06/08/90	55 FR 23450

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/90 (55 FR 8076)

Additional Information: The telephone number for TDD is (202) 755-7687; a taped copy of the SNPRM is available on request.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB61

2165. + NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 27

Legal Deadline: None

Abstract: This action would amend portions of the rule implementing Section 504 of the Rehabilitation Act of 1973 concerning federally assisted airport facilities to comport with 14 CFR 382, implementing the Air Carrier Access Act of 1986. The proposed rule would also apply the Section 504 rule to air carriers receiving Federal financial assistance under the essential air service program. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/06/90	55 FR 8081
NPRM Comment Period End	06/04/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/90 (55 FR 8081)

Additional Information: The telephone number for TDD is (202) 755-7687; a taped copy of the NPRM is available on request.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB62

DOT—OST

Final Rule Stage

2166. + PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN AIRPORT CONCESSIONS

Significance: Agency Priority

Legal Authority: PL 100-223

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: This action proposed requirements for the participation of disadvantaged business enterprises (DBE) in airport concessions. It also proposed to amend the existing DBE regulation needed to implement a provision of the Airport and Airway Improvement Act of 1982, as amended in 1987, and is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/30/90	55 FR 11964
NPRM Correction	04/25/90	55 FR 17465
NPRM Comment Period End	05/29/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/30/90 (55 FR 11964)

Additional Information: The NPRM published 03/30/90 inadvertently used RIN 2105-AA03; the correct RIN for this action is 2105-AB70.

Agency Contact: Irene H. Mields, General Legal Services Division, Office of Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-3473

RIN: 2105–AB70

2167. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135

CFR Citation: 29 CFR 1691

Legal Deadline: None

Abstract: The NPRM proposed to prohibit age discrimination by recipients of DOT financial assistance programs. However, it has been concluded that exceptions to the statute would result in no substantive coverage of DOT programs. Moreover, the paperwork requirements for recipients, without substantive coverage, would have been counterproductive. The NPRM will be withdrawn. The Department will consider, in light of any changes in DOT programs, whether resultant substantive coverage would then warrant a new rulemaking proceeding.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
NPRM Comment Period End	01/21/80	
To Be Withdrawn	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/22/79 (44 FR 60946)

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5992

RIN: 2105–AA09

2168. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes.

Timetable:

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action Adopted by the Board	04/10/80	
HHS Approved Final Rule with Changes	07/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SPDR-74, Docket 36639.

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AA45

2169. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This action would adopt as final an interim Policy Statement on preemption issued by the Civil Aeronautics Board in 1979. It discusses the policy of the Department with respect to three areas in which State law has been preempted by the Airline Deregulation Act of 1978: regulation of commuter air carriers and air taxis, the rights of airport proprietors, and general State authority as it directly or indirectly affects air transportation competition. Final action has been temporarily deferred pending the Supreme Court's decision of a certiorari petition filed in a Fifth Circuit case, which may affect this rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9948
Request for Comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: PS-83, Docket 34684.

Agency Contact: Paul Smith, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9285

RIN: 2105–AA46

2170. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

DOT—OST

Final Rule Stage

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601. Docket 41683, EDR 468/PSDR-81.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA78

2171. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None

Abstract: A Civil Aeronautics Board rulemaking proposed to revise and simplify the requirements and procedures for applying for exemptions under Section 416(b) of the Federal Aviation Act. This action has become unnecessary since the Department included most of its provisions in its rule transferring the CAB's rules to DOT. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
To Be Withdrawn	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PDR-88/ODR-27/PSDR-83.

Agency Contact: Gwyneth Radloff, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9305**

RIN: 2105–AA82

2172. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49111
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Docket 41690; EDR-477.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA84

2173. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation

Additional Information: Docket 41971; EDR-474

Agency Contact: Joanne Petrie, Attorney, Department of

Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AA88

2174. TRANSPORTATION ACQUISITION REGULATIONS

Significance: Nonsignificant

Legal Authority: 40 USC 486C

CFR Citation: 48 CFR 1200 et seq

Legal Deadline: None

Abstract: This rule proposed changes to the Department's acquisition regulations (TAR). However, in the light of comments received, and the fact that the proposal has been overtaken by subsequent events, it will be withdrawn. Instead, the Department is contemplating possible rewrite of Chapter 12. See RIN 2105-AB75, in the Prerule section of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	54 FR 51426
NPRM Comment Period End	02/13/90	
To Be Withdrawn	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/15/89 (54 FR 51426)

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lawrence E. Sawler, Procurement Analyst, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4287

RIN: 2105–AB54

2175. CENTRALIZATION OF FORMAL HEARING DOCKETS (OST)

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1323 to 1324; 49 USC 1371 to 1374; 49 USC 1376; 49 USC 1382; 49 USC 1471; 49 USC 1481 to 1482; 49 USC 1485; 42 USC 4321; 39 USC 5402

CFR Citation: 14 CFR 302

Legal Deadline: None

Abstract: This final rule provides that all evidence and documents in formal hearing cases adjudicated within the Office of the Secretary (OST), and all of the Department of Transportation's modal administrations, except the Coast Guard and the Urban Mass Transportation Administration (UMTA), will be filed and maintained in the OST Office of Documentary Services. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB69

2176. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS

Significance: Nonsignificant

Legal Authority: 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This notice proposed to amend the recent final rule concerning drug-testing procedures for programs required in six transportation industries (54 FR 49854, 12/01/89). The proposed amendment would provide that negative test results may be sent to the employer directly, or to a designated employer representative, or to a medical review officer. The amendment may affect all negative results or, alternatively, only those negative results from pre-employment testing. The Department may decide not to amend the current rule after analyzing the comments received.

Timetable:

Action	Date	FR Cite
NPRM	07/13/90	55 FR 28782
NPRM Comment Period End	08/13/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/13/90 (55 FR 28782)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB71

2177. STANDARD TIME ZONE BOUNDARY IN THE STATE OF INDIANA: PROPOSED RELOCATION

Significance: Nonsignificant

Legal Authority: 15 USC 260 to 264

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: At the request of the Board of Commissioners of Starke County, Indiana, DOT proposes to relocate the boundary between central time and eastern time in the State of Indiana in order to move Starke County, located in the northwest corner of the State, from the central time zone to the eastern time zone.

Timetable:

Action	Date	FR Cite
NPRM	04/03/91	56 FR 13609
NPRM Comment Period End	06/03/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/91 (56 FR 13609)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9326

RIN: 2105–AB80

2178. ● PROCEDURES AND EVIDENCE RULES FOR AIR CARRIER FITNESS PROCEEDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1377

DOT—OST

Final Rule Stage

CFR Citation: 14 CFR 201 to 202; 14 CFR 204; 14 CFR 291; 14 CFR 302

Legal Deadline: None

Abstract: This rulemaking would update the filing procedures and evidentiary requirements pertinent to applicants for certificate, commuter, and domestic all-cargo air carrier authority.

Timetable:

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27696
NPRM Comment Period End	08/16/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 06/17/91 (56 FR 27696)

Agency Contact: Carol Woods, Transportation Analyst, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2340**

RIN: 2105–AB82

2179. ● UNFAIR COMPETITION BY COMMONLY OWNED CARRIERS IN ALASKA

Significance: Nonsignificant

Legal Authority: 39 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This action proposes to amend part 399 to state that it will be the Department's policy to regard it as an unfair method of competition under section 411 of the Federal Aviation Act for an individual or entity to own multiple air carriers that engage in direct competition in the same city-pair market within the State of Alaska with the effect that the multiple carriers, taken together, receive a greater proportion of the mail tendered for transport for the United States Postal Service, under its present regulations, than the proportion received by any individual carrier serving the same market.

Timetable:

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27469
NPRM Comment Period End	08/13/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/14/91 (56 FR 27469)

Agency Contact: Carol Woods, Transportation Analyst, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2340**

RIN: 2105–AB83

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Completed Actions

2180. + FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 42 USC 300v.1(b)

CFR Citation: 49 CFR 11 (New)

Legal Deadline: None

Abstract: This rulemaking implemented a common Federal policy for the protection of human subjects of research conducted, supported, or regulated by specific Government departments and agencies. This action was coordinated by an ad hoc committee under the auspices of the Federal Coordinating Counsel for Science, Engineering, and Technology. It was a significant rulemaking involving other U.S. Government departments and agencies.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
NPRM Comment Period End	01/09/89	
Final Action	06/18/91	56 FR 28003
Final Rule Correction	06/28/91	56 FR 29756
Final Action Effective	08/19/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: The DOT portion of the NPRM begins at 53 FR 45671. An additional contact is Dr. Joan P. Porter of the National Institutes of Health, telephone (301) 496-7005. The DOT portion of the final rule is at 56 FR 28023.

Agency Contact: Dr. William T. Shepherd, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, **202 366-6910**

RIN: 2105–AB74

2181. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None

Abstract: This regulation provides for enforcement of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by Federal agencies. The final rule sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individual with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination. This rulemaking was significant because of substantial public interest and because it affects programs of all DOT Modes.

Timetable:

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4633
NPRM Correction	03/13/90	55 FR 9342
NPRM Comment Period End	04/10/90	
Comment Period Reopened to 05/11/90	04/18/90	55 FR 14439
Final Action	08/06/91	56 FR 37292

Action	Date	FR Cite
Final Action Effective	09/05/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 02/09/90 (55 FR 4633)

Additional Information: The final rule published in the Federal Register inadvertently showed docket 47666. The correct docket is 46769.

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA29

2182. + LIBERALIZATION OF AIR-CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None

Abstract: The CAB proposed new charter rules for direct and indirect air carriers involving eligibility of charter groups, security instruments, and contract rules for public protection. The action was considered significant because of substantial public interest. However, in light of the elapsed time, the lack of support for the proposal, and the numerous changes which have occurred in the aviation industry, the Department decided to withdraw this proposal.

Timetable:

Action	Date	FR Cite
NPRM	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
SNPRM Comment Period End 06/13/83	04/12/83	48 FR 15639
Withdrawn	07/09/91	56 FR 31092

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/19/82 (47 FR 7443)

Additional Information: Docket 40336. Original NPRM was EDR-439/SPDR 86; SNPRM of 04/12/83 was EDR-456/SPDR-88.

Agency Contact: Charles McGuire, Regulatory Analysis Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1037**

RIN: 2105–AA41

2183. + NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED MASS TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794; 49 USC 1612; PL 101-336 Americans with Disabilities Act

CFR Citation: 49 CFR 27; 49 CFR 37 to 38

Legal Deadline: Other, Statutory, July 26, 1991. NPRM, Judicial, March 22, 1990. Final, Judicial, September 21, 1990. The above judicial schedule, established by the Federal District Court on remand, did not include the ADA requirements subsequently added, for which the statutory deadline was 07/26/91

Abstract: In response to litigation, the Department amended its current 504 rule to eliminate the cost cap. Also, a related final rule implemented the immediately effective provisions of the recently enacted Americans with Disabilities Act of 1990 (ADA). These additional final rules cover all aspects of the ADA, including accessibility for vehicles and facilities, paratransit requirements, and numerous other requirements. This rulemaking is significant because of substantial public interest and judicial and statutory mandates.

Timetable:

Action	Date	FR Cite
NPRM	03/26/90	55 FR 11120
NPRM Correction	05/03/90	55 FR 18644
NPRM Comment Period End	05/25/90	
Final Action Bus Accessibility	10/04/90	55 FR 40764
Final Action Cost Cap, etc.	10/04/90	55 FR 40762
NPRM Comment Period End 06/03/91	04/04/91	56 FR 13856
Notice of Public Hearings	04/09/91	56 FR 14341
Final Action	09/06/91	56 FR 45584

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 09/06/91 (56 FR 45584)

Additional Information: The telephone number for Susan Schruth (UMTA) is (202) 366-4011.

A Notice in response to comments on the final rule of 10/04/90 (55 FR 40762) was published 02/20/91 (56 FR 6811).

Agency Contact: Robert C. Ashby (OST)/Susan Schruth (UMTA), Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AB53

2184. + COMMERCIAL SPACE TRANSPORTATION: USER FEES

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: None

Legal Deadline: None

Abstract: The Department of Transportation is authorized to license and regulate commercial launch activities, and may prescribe regulations establishing fees for carrying out its regulatory responsibilities. This rulemaking established a schedule of fees for certain activities involved in reviewing a license application and issuing and administering a license authorizing the conduct of commercial launch activities. This action was significant because it involved substantial public interest and represented a substantial change in policy.

Timetable:

Action	Date	FR Cite
NPRM	02/28/91	56 FR 8301
NPRM Correction	03/25/91	56 FR 12423
NPRM Comment Period End	04/01/91	
Final Action	08/19/91	56 FR 41062
Final Action Effective	09/18/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 08/19/91 (56 FR 41062)

Agency Contact: Elaine David, Attorney Advisor, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9305**

RIN: 2105–AB77

2185. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221.55

Legal Deadline: None

Abstract: This final rule removed the tariff regulations that prohibited statements of fares or rates based on units of distance or time. These provisions applied only to charter tariffs which are no longer required to be filed. This change removed superfluous regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/27/82	47 FR 47599
NPRM Comment Period End	12/13/82	
SNPRM Comment Period End 12/12/89	10/13/89	54 FR 41989
Final Action	09/06/91	56 FR 44000
Final Action Effective	10/07/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/13/89 (54 FR 41989)

Additional Information: This rulemaking was transferred to the Research and Special Programs Administration as a result of departmental reorganization.

Agency Contact: Don Bright, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2420**

RIN: 2105–AA39

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Prerule Stage

2186. + INSPECTION OF DISCHARGE-REMOVAL EQUIPMENT AND CARRIAGE BY VESSELS OF DISCHARGE-REMOVAL EQUIPMENT (CGD 90-068)

Significance: Regulatory Program

Legal Authority: 46 USC 4202

CFR Citation: 46 CFR 165

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: The Oil Pollution Act of 1990 directs the President by August 18, 1992 to (1) require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and (2) require carriage of discharge-removal equipment by vessels operating in the navigable waters of the U.S. and carrying oil or hazardous substances. This proposal would implement those provisions. This proposal is considered significant because of expected costs and substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Wood, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-6228**

RIN: 2115–AD66

2187. ● + TANK VESSEL RESPONSE PLANS (91-034)

Significance: Regulatory Program

Legal Authority: 46 USC 4202; 46 USC 5005; PL 101-30

CFR Citation: 46 CFR 165

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: This rulemaking partially implements action 4202(b)(4) and 5005 of the Oil Pollution Act of 1990, P.L. 101-30 (OPA-90) concerning tank vessel and facility response plans. Section 4202(b)(4) of the OPA-90 amends section 311(j)(5) of the Federal Water Pollution Control Act (FWPCA), which requires owners and operators of tank vessels and facilities to develop response plans for responding to worst-case discharges (or substantial threat thereof) of oil or hazardous substances. Section 5005 requires that response plans for tank vessels operating in Prince William Sound, Alaska, and facilities permitted under the Trans-Alaska Pipeline Authorization Act provide for additional measures of oil spill preparedness. This action is considered significant because of substantial public interest and environmental considerations. This rulemaking covers tank vessel requirements. Facility requirements is a separate rulemaking under RIN 2155-AD82.

Timetable:

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: CDR Borison, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-6744**

RIN: 2115–AD81

2188. ● + FACILITY RESPONSE PLANS (91-036)

Significance: Regulatory Program

Legal Authority: 46 USC 4202; 46 USC 5005; PL 101-30

CFR Citation: 46 CFR 165

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: This rulemaking partially implements sections 4202(b)(4) and 5005 of the Oil Pollution Act of 1990, P.L. 101-30 (OPA 90) concerning tank vessel and facility response plans. Section 4202(b)(4) of OPA-90 amends section

311(j)(5) of the Federal Water Pollution Control Act (FWPCA), which requires owners and operators of tank vessels and facilities to develop response plans for responding to worst-case discharges (or substantial threat thereof) of oil or hazardous substances. Section 5005 requires that response plans for tank vessels operating in Prince William Sound, Alaska, and facilities permitted under the Trans-Alaska Pipeline Authorization Act provided for additional measures of oil spill preparedness. This action is considered significant because of substantial public interest and environmental considerations. This rulemaking covers facility requirements. Tank vessel requirements is a separate rulemaking under RIN 2115-AD81.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: LCDR Hunt, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6230

RIN: 2115–AD82

2189. ● + EXISTING TANK VESSEL HULL REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 46 USC 3703; PL 101-380

CFR Citation: 33 CFR Not yet determined; 46 CFR Not yet determined

Legal Deadline: None

Abstract: This rulemaking will address the interim measures existing vessels must take to provide substantial protection to the environment. The interim measures will apply to existing vessels until the vessel must comply with the double hull regulations beginning on January 1, 1995. No tank vessel without a double hull may operate after January 15, 2015. Interim measures are to include structural and operational standards to provide substantial protection to the environment that are economically and technologically feasible. This rulemaking is considered significant due to substantial public interest and environmental impact.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Mr. Neyhart, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6743

RIN: 2115–AE01

2190. CONTROLLING THE MARINE ASBESTOS HAZARD (88-103)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 43 USC 1333

CFR Citation: 46 CFR 143

Legal Deadline: None

Abstract: Asbestos has been identified as a carcinogen for which there are no safe limits of exposure. This regulatory project would limit the hazards posed by asbestos to marine industry personnel aboard Coast Guard inspected vessels, mobile offshore drilling units, Outer Continental Shelf platforms, and deepwater ports.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Grasselli, Project Counsel, G-LRA, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1534

RIN: 2115–AD16

2191. SPECIAL REQUIREMENTS FOR LIGHTERING OF OIL AND HAZARDOUS MATERIAL CARGOES (90-052)

Significance: Nonsignificant

Legal Authority: 33 USC 1312(j)

CFR Citation: 33 CFR 155; 33 CFR 156

Legal Deadline: None

Abstract: This proposed rulemaking would require that lightering operations conducted from 12 to 200 nautical miles off the coast be conducted in accordance with applicable portions of the pollution prevention requirements in 33 CFR. Lightering operations past 12 miles have increased in frequency and there is reason to believe the trend will continue. This proposal would require that these offshore lightering operations are conducted with at least minimal safety standards.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Formerly titled Lightering of Oil and Hazardous Material Cargo.

Agency Contact: Ltjg John Burton, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6714

RIN: 2115–AD68

2192. TANK LEVEL OR PRESSURE MONITORING DEVICES (CGD 90-071)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; PL 101-380

CFR Citation: 46 CFR 32

Legal Deadline: Final, Statutory, December 1, 1991.

Abstract: The Oil Pollution Act of 1990 requires the Secretary of Transportation to issue regulations concerning the use of tank level or pressure monitoring devices. This proposal would implement the provisions of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/91	56 FR 21116
ANPRM Comment Period End	10/04/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Formerly titled Overfill and Tank Level or Pressure Monitoring Devices.

DOT—USCG

Prerule Stage

Agency Contact: Mr. T. Felleisen, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AD69

2193. ● ALCOHOL/DRUG ABUSE REVIEW FOR LICENSE/CERTIFICATE OF REGISTRY AND MERCHANT MARINER DOCUMENT APPLICANTS

Significance: Nonsignificant

Legal Authority: 46 USC 7101; 46 USC 7302

CFR Citation: 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: This regulation will require that license, certificate of registry, and merchant marine document applicants make available certain national driver registry data and be tested for use of illegal, dangerous drugs. A review of the applicant's criminal record may also be required. (See RIN 2115-AD93).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6758

RIN: 2115–AD91

2194. ● CRIMINAL RECORD REVIEWS FOR LICENSE OR CERTIFICATE OF REGISTRY RENEWALS

Significance: Nonsignificant

Legal Authority: 46 USC 7109

CFR Citation: 46 CFR 10

Legal Deadline: None

Abstract: This regulation will allow for the review of the criminal record of each holder of a license or certificate of registry when the holder is applying for renewal.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6758

RIN: 2115–AD93

2195. ● SUSPENSION AND REVOCATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS FOR ALCOHOL AND DRUG ABUSE

Significance: Nonsignificant

Legal Authority: 46 USC 2101; 46 USC 7701; 46 USC 7702; 46 USC 7703

CFR Citation: 33 CFR 95; 46 CFR 5; 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: This regulation will require the availability of national driver registry data, permit alcohol or dangerous drug use testing, and allow the temporary suspension of these papers under certain circumstances as part of the suspension and revocation procedures. These revisions would not involve substantial changes to existing regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. Williamson, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6770

RIN: 2115–AD94

2196. ● REMOVAL OF MASTER OR PERSON IN CHARGE OF A VESSEL

Significance: Nonsignificant

Legal Authority: 46 USC 8101

CFR Citation: 46 CFR 5; 46 CFR 15

Legal Deadline: None

Abstract: This regulation will require, under specific conditions, the relieving of the master or person in charge by the next most senior master, mate, or licensed operator.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Mr. W. Williamson, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6732

RIN: 2115–AD95

2197. ● MANNING STANDARDS FOR FOREIGN TANK VESSELS

Significance: Nonsignificant

Legal Authority: 46 USC 9101

CFR Citation: 46 CFR 30

Legal Deadline: None

Abstract: This regulation will establish the requirements and procedures for the review for equivalency of foreign manning, training, qualification, and watchkeeping standards with respect to comparable United States or accepted international requirements. Enforcement of these standards by each respective government will also be reviewed.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Williamson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6732

RIN: 2115–AD97

2198. ● REPORTING MARINE CASUALTIES

Significance: Nonsignificant

Legal Authority: 46 USC 6101

CFR Citation: 46 CFR 4

Legal Deadline: None

Abstract: This regulation will add to the definition of a reportable marine casualty "significant harm to the environment." Some casualty reporting requirements are extended to include foreign tankships operating in U.S.

DOT—USCG

Prerule Stage

waters, including the exclusive economic zone.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Vekert, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6220

RIN: 2115–AD98

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Proposed Rule Stage

2199. + FINANCIAL RESPONSIBILITY FOR WATER POLLUTION (VESSELS) (CGD 91-005)

Significance: Regulatory Program

Legal Authority: 33 USC 2716; 42 USC 9608

CFR Citation: 33 CFR 130 to 132; 33 CFR 137

Legal Deadline: None

Abstract: This rulemaking will implement the provisions concerning financial responsibility for vessels in the Oil Pollution Act of 1990 and the Comprehensive Environmental Response Compensation and Liability Act. It will prescribe the means by which owners and operators of vessels establish and maintain evidence of insurance or other evidence of financial responsibility sufficient to meet their potential liability under these Acts. This rule is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Additional Information: The Oil Pollution Act of 1990 (OPA) repealed or superseded certain oil spill liability provisions under the Federal Water Pollution Control Act (33 USC 1321), Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (43 USC 1814), the Trans-Alaska Pipeline Authorization Act (43 USC 1653) and the Deepwater Port Act of 1974 (33 USC 1517). The financial responsibility provisions of those Acts were replaced by a single financial responsibility regime under OPA and keyed to the broader liability of OPA. In addition to financial responsibility requirements under OPA, which is limited to oil, this project would include financial responsibility requirements under the Comprehensive Environmental Response, Compensation, and Liability Act, which concerns hazardous substances. This consolidation would allow the issuance of a single, unified Certificate of Financial Responsibility for vessels, replacing separate certificates and financial responsibility regimes under the previously mentioned Acts.

Agency Contact: Robert M. Skall, Project Manager, Department of Transportation, U.S. Coast Guard, National Pollution Funds Center, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4704

RIN: 2115–AD76

2200. ● + DIRECT USER FEES FOR INSPECTION OR EXAMINATION OF U.S. AND FOREIGN COMMERCIAL VESSELS (91-030)

Significance: Regulatory Program

Legal Authority: 14 USC 633; 14 USC 6641; 31 USC 9701; 46 USC 2103; 46 USC 2104; 46 USC 2110; 46 USC 2111; 46 USC 3303(a); 46 USC 3303(b); 46 USC 3306; 46 USC 3317; 46 USC 3714; 46 USC 5115; 46 USC 8105; 46 USC 3703

CFR Citation: 33 CFR 143; 46 CFR 2

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: The Omnibus Budget Reconciliation Act of 1990 requires the Coast Guard to establish user fees for Coast Guard services related to the inspection and examination of U.S. and foreign vessels and issuance of Certificates of Inspection, Certificates of Compliance, and related documents. The proposed fees are based on the way the Coast Guard presently conducts vessel inspection activities. This proposal is intended to recover costs of providing certain vessel inspection services. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: CDR Bruce Russell, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6923

RIN: 2115–AD78

2201. + SUBDIVISION AND DAMAGE STABILITY OF DRY CARGO VESSELS (CGD 87-094)

Significance: Agency Priority

Legal Authority: 46 USC 3301

CFR Citation: 46 CFR 174

Legal Deadline: None

Abstract: This proposal would require dry cargo vessels to meet a minimum standard of subdivision and stability. This rulemaking is significant because of international implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/88	53 FR 11440
ANPRM Comment Period End	01/03/89	
Reopen ANPRM Comment Period	11/06/89	54 FR 46631
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/00/91

Agency Contact: LT Randall Gilbert, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC87

2202. + WOODROW WILSON BRIDGE OPERATING REGULATIONS (90-064)

Significance: Agency Priority

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Legal Deadline: None

Abstract: At the request of State and local government officials, the Coast Guard is evaluating the operating regulations for the Woodrow Wilson Bridge, which crosses the Potomac River between Alexandria, VA, and Oxon Hill, MD, at mile 103.8. This action is considered significant because of substantial public interest in the operation of this bridge.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Temporary rules were issued 06/04/91 (56 FR 25369) and 07/29/91 (56 FR 35816) to evaluate the impacts of alternatives under consideration. The first rule was effective 06/01/91 - 07/30/91; the second, 07/31/91 - 09/28/91. A third temporary rule published 09/29/91 (56 FR 49145) is effective through 11/27/91 unless sooner terminated.

Agency Contact: Christina Barrett, Project Manager, G-NBR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2317

RIN: 2115–AD71

2203. + SECURITY FOR PASSENGER VESSELS AND PASSENGER TERMINALS (91-012)

Significance: Agency Priority

Legal Authority: 33 USC 1226

CFR Citation: 33 CFR 6

Legal Deadline: None

Abstract: The purpose of this action is to improve security measures on passenger vessels engaged in international voyages of 24 hours or more, and on the port facilities serving these vessels. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Gary W. Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AD75

2204. ● + DRUG TESTING REGULATIONS AMENDMENTS; REPORTING REQUIREMENT ADDED (MIS)(91-019)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

CFR Citation: 46 CFR 16; 49 CFR 40

Legal Deadline: None

Abstract: To provide effective oversight and monitoring of transport industry antidrug programs, DOT would propose to implement a Management Information System (MIS) of standardized drug-testing data collected from the regulated industries. (See RIN 2105-AB81.) This entry is the Coast Guard's part of the departmental action and is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Tom Murphy, Project Manager, G-MMI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1421

RIN: 2115–AD84

2205. ● + CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (CGD 91-035)

Significance: Agency Priority

Legal Authority: 33 USC 2713; 33 USC 2714

CFR Citation: 33 CFR 136

Legal Deadline: None

Abstract: This rulemaking will implement the provisions of the Oil Pollution Act of 1990 concerning claims, designation of the source of the discharge or threat of discharge of oil, notification of responsible parties, and advertisements of the discharge or threat of discharge. This rulemaking is a temporary, interim measure to provide relief for eligible claimants damaged by oil pollution or incurring costs as a result of oil removal, until a more comprehensive rule can be developed. The action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Stephen H. Barber, Project Counsel, National Pollution Fund Center, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 703 235-4720

RIN: 2115–AD90

2206. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
SNPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Additional Information: A related project is listed in this agenda. That project is CGD 78-174b (RIN 2115-AC16), in the Completed Action Section.

Agency Contact: Mr. S. Wehr, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA29

2207. OUTER CONTINENTAL SHELF FACILITIES: AIDS TO NAVIGATION (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Formerly entitled Aids to Navigation on Outer Continental Shelf.

Agency Contact: Charles Mosher, Project Manager, G-NSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AA92

2208. SAFETY STANDARDS FOR NEW SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None

Abstract: This proposal would update standards for ships carrying bulk liquefied gases by adopting Amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Mr. T. Felleisen, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA95

2209. FIRE PROTECTION REGULATIONS (CGD 83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR 32; 46 CFR 72; 46 CFR 92; 46 CFR 190; 46 CFR 193; 46 CFR 30; 46 CFR 31; 46 CFR 34; 46 CFR 35; 46 CFR 70; 46 CFR 76; 46 CFR 77; 46 CFR 78; 46 CFR 90; 46 CFR 95; ...

Legal Deadline: None

Abstract: The purpose of this proposal is to bring into agreement the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments and Coast Guard regulations.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Formerly titled Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974.

Agency Contact: Marsha Kupferman, Project Manager, Department of Transportation, U.S. Coast Guard, G-MTH-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AB36

2210. GULF INLAND WATERWAY REGULATED NAVIGATION AREA (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None

Abstract: Contemplated action would revise and update the inland waterways navigation regulations for the Gulf Intracoastal Waterway from St. Marks, FL, to the Rio Grande River. Certain frequently granted exemptions regarding length and width of tows would be incorporated into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation

Additional Information: Formerly titled: Exemptions to Gulf Inland Waterway Regulations.

Agency Contact: Robert Robertson, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street,

SW., Washington, DC 20593-0001, 202 267-0405

RIN: 2115–AC03

2211. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None

Abstract: This rulemaking would generally update and revise 46 CFR Subchapter J to address changes in technology, include international conventions (Amendments to SOLAS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Bob Landman, Project Manager, G-MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AC20

2212. LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5115

CFR Citation: 46 CFR 41 to 48

Legal Deadline: None

Abstract: This proposal will revise 46 CFR Parts 42 and 44 through 46 and add Parts 41, 43, 47 and 48 (Subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published and implement provisions of the new Load Line Law enacted on 21 Oct 86 and now in effect.

Timetable:

Action	Date	FR Cite
Notice	12/29/86	51 FR 46972
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Mr. P. Cojeen, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC37

2213. REVISION TO INFLATABLE LIFERAFT APPROVAL: SOLAS 74/83 (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish approval requirements for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
ANPRM RIN AA50	06/29/81	46 FR 33341
NPRM RIN AA50	01/11/85	50 FR 7558
Comment Period Extended to 10/14/85 RIN AA50	07/05/85	50 FR 27628
Comment Period Extended to 01/10/86 RIN AA50	09/09/85	50 FR 36639
ANPRM RIN AA57	08/14/86	51 FR 29117
Public Meeting RIN AA57	12/22/86	51 FR 45783
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Two related projects have been consolidated into this one: Inflatable Liferaft Stability (CGD 80-113) RIN AA50, and Servicing Inflatable Liferafts (CGD 81-010) RIN AA57.

Agency Contact: Mr. Kurt Heinz, Project Manager, MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC51

2214. POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

Legal Deadline: None

Abstract: Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; others are primarily informational. This rulemaking project will seek to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available rather than being posted are being considered.

Timetable:

Action	Date	FR Cite
ANPRM	04/24/87	52 FR 31786
ANPRM Comment Period End	11/24/87	52 FR 31786

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: As a result of the ANPRM, a new project was created to remove regulations requiring merchant vessels to post Form 811. A final rule was published under Docket Number 87-031a (RIN 2115-AC91) on 22 July 1988 (53 FR 27686). Work on this project has been suspended to allow development of a higher priority project.

Agency Contact: LT Ralph Hetzel, Project Counsel, G-LRA, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC68

DOT—USCG

Proposed Rule Stage

2215. REGATTAS AND MARINE PARADES (CGD 87-087)

Significance: Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100.15

Legal Deadline: None

Abstract: This proposal would amend current regatta and marine parade regulations to increase the lead time requirement for submitting regatta permit applications. The rulemaking will allow the Coast Guard adequate time to review regatta permit applications, conduct appropriate coordination, and provide necessary public notice relating to regattas and marine events. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	02/04/88	53 FR 3221
NPRM Comment Period End	04/04/88	53 FR 3221
SNPRM	10/00/91	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 02/04/88 (53 FR 3221)

Agency Contact: Mr. Carlton Perry, Project Manager, G-NAB-5, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AC84

2216. MARINE TRANSPORT OF BULK SOLID HAZARDOUS MATERIALS (87-069)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 46 CFR 148

Legal Deadline: None

Abstract: This proposal would incorporate into 46 CFR 148 the requirements for shipping certain frequently carried hazardous bulk solids. Putting these requirements into regulation would eliminate paperwork for both the Coast Guard and the shipping industry. This proposal would also incorporate requirements found in the International Maritime Organization's Code of Safe Practice For Solid Bulk Cargoes.

Timetable:

Action	Date	FR Cite
ANPRM	04/28/89	54 FR 18308
ANPRM Comment Period End	06/27/89	
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Frank Thompson, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AD02

2217. REQUIREMENTS FOR MARINE TERMINALS TRANSFERRING BULK LIQUEFIED HAZARDOUS GASES (88-049)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 126; 33 CFR 127

Legal Deadline: None

Abstract: This project would develop requirements for marine terminals transferring bulk liquefied hazardous gases (petroleum and chemical) and establish comparable levels of safety and contingency measures for these commodities as are now required for liquefied natural gas (LNG).

Timetable:

Action	Date	FR Cite
ANPRM	09/28/88	53 FR 37792
ANPRM Comment Period End	11/28/88	
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Mr. G. W. Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AD06

2218. WRITTEN WARNINGS BY COAST GUARD LAW ENFORCEMENT OFFICIALS (88-074)

Significance: Nonsignificant

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 1

Legal Deadline: None

Abstract: This proposal would clarify which Coast Guard officials may issue written warnings for violations of statutes and regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lt. T. Beistle, Project Manager, LMI, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0014

RIN: 2115–AD13

2219. ACCESS DOCUMENTS TO WATERFRONT FACILITIES (88-097)

Significance: Nonsignificant

Legal Authority: EO 10277

CFR Citation: 33 CFR 125

Legal Deadline: None

Abstract: This proposal would reemphasize the Port Security Card as an access control document rather than a personal identification document.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: LT Corpuc, Project Manager, G-MP-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0475

RIN: 2115–AD14

2220. REGULATED NAVIGATION AREAS; BROWNSVILLE SHIP CHANNEL (8-89-01)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: In recent years the port of Brownsville, Texas, has experienced several casualties involving vessels to be scrapped. This proposal would limit the possibility of future casualties by requiring advance notice of arrival and inspection for watertight integrity and the presence of hazardous gas.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Agency Contact: LCDR McHenry, Project Manager, Department of Transportation, U.S. Coast Guard, U.S.C.G. Marine Safety Office, P.O. Box 1621, Corpus Christi, TX 78403-1621, **512 888-3192**

RIN: 2115–AD21

2221. STABILITY REGULATIONS—GENERAL REVISION OF SUBCHAPTER S (89-038)

Significance: Nonsignificant

Legal Authority: 46 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 170 to 174

Legal Deadline: None

Abstract: This project proposes general editorial changes to the stability regulations to correct errors and clarify meaning. No substantive revisions are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Agency Contact: LT T. Skuby, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-2988**

RIN: 2115–AD34

2222. VESSEL IDENTIFICATION SYSTEM (89-050)

Significance: Nonsignificant

Legal Authority: 46 USC 12501

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: Public Law 100-710 requires the Secretary of Transportation to establish a vessel identification system. This proposal would implement the provisions of the Act including an annual fee of $1.00 per vessel to pay for administrative costs.

Timetable:

Action	Date	FR Cite
ANPRM	09/15/89	54 FR 38358
ANPRM Comment Period End	12/14/89	
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: LTJG Dave Fish, Project Manager, G-MIM-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-6044**

RIN: 2115–AD35

2223. DEFINITION OF CHANNEL 67 RADIO BOUNDARIES (89-086)

Significance: Nonsignificant

Legal Authority: 33 USC 1201; 33 USC 1208

CFR Citation: 33 CFR 26

Legal Deadline: None

Abstract: The purpose of this proposal is to define in 33 CFR the demarcation line between where channel 13 is used as the designated bridge-to-bridge radiotelephone frequency, and where channel 67 is used.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Joe Epstein, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0352**

RIN: 2115–AD44

2224. RECORDING OF INSTRUMENTS—VESSEL DOCUMENTATION (89-007)

Significance: Nonsignificant

Legal Authority: 46 USC 313

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: This project would streamline the documentation process by eliminating unnecessary forms, merging forms, and simplifying procedures. In addition, the proposal would establish a fee system such that vessel owners would pay only for those services actually received and necessary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: The Coast Guard has combined two related dockets, CGD 89-007 and CGD 89-008a. They will be carried under docket number CGD 89-007 and RIN 2115-AD60. This action should help to avoid confusion. RIN 2115-AD30, the first phase of this project, was a completed action in the April 1991 Agenda.

Agency Contact: Mr. T. Willis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-1492**

RIN: 2115–AD60

2225. COASTWISE OIL SPILL COOPERATIVE VESSELS (CGD 90-055)

Significance: Nonsignificant

Legal Authority: 46 USC 12106; PL 101-380

CFR Citation: 46 CFR 68

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Oil Pollution Act of 1990 that allow oil spill response cooperatives with some

foreign ownership to operate cleanup vessels which are at least 50% owned by U.S. citizenship.

Timetable:

Action	Date	FR Cite
NPRM	09/11/91	56 FR 46268
NPRM Comment Period End	10/28/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/11/91 (56 FR 46268)

Agency Contact: Mr. Ray Bunnell, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6778

RIN: 2115–AD65

2226. ● VTS PRINCE WILLIAM SOUND AUTOMATED DEPENDENT SURVEILLANCE EQUIPMENT CARRIAGE REQUIREMENTS (91-032)

Significance: Nonsignificant

Legal Authority: 33 USC 1221; 33 USC 2734

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: The Coast Guard proposes to amend 33 CFR 161.376, imposing an additional equipment carriage requirement for tank vessels transiting Prince William Sound, Alaska. The carriage rule would allow implementation of automated dependent surveillance using a differential Global Positioning System (dGPS). This dependent surveillance system would automatically provide the Vessel Traffic Service Center (VTC) with accurate GPS position information on tankers throughout the VTS area.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Bruce Riley, Project Manager, G-NSP, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0412

RIN: 2115–AD79

2227. ● CONTROL OF DISCHARGE OF BALLAST WATER CONTAINING HARMFUL MARINE ORGANISMS

Significance: Nonsignificant

Legal Authority: PL 101-646

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, November 29, 1992.

Abstract: This action will propose regulations to control ballast-water discharges in the Great Lakes as required by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, which charged the Coast Guard to issue voluntary guidelines and then regulations within 24 months of enactment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Joint U.S.-Canadian voluntary guidelines were published on 03/15/91 (56 FR 11330).

Agency Contact: LTJG J. C. Burton, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0426

RIN: 2115–AD80

2228. ● HAZARDS TO NAVIGATION; DEFINITION

Significance: Nonsignificant

Legal Authority: 14 USC 633; 33 USC 409; 42 USC 9118; 43 USC 1333; 33 USC 1231

CFR Citation: 33 CFR 64

Legal Deadline: None

Abstract: As a result of the passage of Public Law 101-599, it became necessary for the Coast Guard to define the meaning of the term "hazard to navigation". This regulation amends Title 33, Code of Federal Regulations Part 64, to add that definition.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Frank Parker, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0357

RIN: 2115–AD83

2229. ● OVERFILL DEVICES (CGD 90-071A)

Significance: Nonsignificant

Legal Authority: 44 USC 3507; 46 USC 3306; 46 USC 3703; EO 12234

CFR Citation: 46 CFR 30; 46 CFR 32

Legal Deadline: Final, Statutory, December 1, 1991.

Abstract: The Oil Pollution Act of 1990 requires the Secretary of Transportation to issue regulations concerning the use of overfill devices. This proposal would implement the provisions of this Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Tom J. Felleisen, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AD87

2230. ● NEW TERMS OF VALIDITY FOR CERTIFICATES OF REGISTRY AND MERCHANT MARINER'S DOCUMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 7107; 46 USC 7302

CFR Citation: 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: This regulation will specify a five year period of validity for certificates of registry and merchant

mariner's documents. The expiration of existing papers is also addressed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6758

RIN: 2115–AD92

2231. ● ACCESS TO NATIONAL DRIVER REGISTER

Significance: Nonsignificant

Legal Authority: 23 USC 401; 46 USC 2302; 46 USC 7505

CFR Citation: 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: This regulation will create the procedures by which an applicant or a holder of a license, certificate of registry, or merchant mariner's document may review and comment upon any data received from the national driver's registry with regard to any action taken or intended to be taken against said license, certificate of registry, or merchant mariner's document under administrative procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6758

RIN: 2115–AD96

2232. ● PERIODIC GAUGING OF PLATING THICKNESS OF COMMERCIAL VESSELS

Significance: Nonsignificant

Legal Authority: PL 101-380

CFR Citation: 46 CFR 30; 46 CFR 32

Legal Deadline: None

Abstract: This rulemaking applies to vessels constructed or adapted to carry oil in bulk or as cargo residue and requires that minimum standards for plating thickness be established. It also requires periodic gauging of the applicable vessels that are more than 30 years old. The purpose of these regulations is to prevent oil leaks from cracks in hull plating.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: LCDR Karr, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6756

RIN: 2115–AD99

2233. ● RESTRICTIONS ON TANK VESSEL OPERATIONS WITH AUTO-PILOT OR UNATTENDED ENGINE ROOM

Significance: Nonsignificant

Legal Authority: PL 101-380

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation project defines the conditions and designates the waters upon which tankers may operate with their auto-pilot engaged or with an unattended engine room.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/00/92

Agency Contact: Ms. Tilghman, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6401

RIN: 2115–AE00

2234. ● LIGHTERING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 3715; PL 101-380

CFR Citation: 33 CFR 156

Legal Deadline: None

Abstract: This action would amend section 3715(a) of Title 46, USC by listing the requirements for tank vessels engaged in lightering operations in the exclusive economic zone. It summarizes the requirements, mandated elsewhere in the USC by Oil Pollution Act of 1990, for Certificates of Financial Responsibility, compliance with section 311(j) of the Federal Water Pollution Control Act (33 USC 1321(j)) (including response plans), and compliance with the new double-hull requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LT Taylor, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6752

RIN: 2115–AE02

2235. ● A SECOND LICENSED OFFICER REQUIRED ON BRIDGE OF TANK VESSELS

Significance: Nonsignificant

Legal Authority: PL 101-380; 46 USC 8502

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation will designate the waters on which certain tankers must have on the bridge a master or mate licensed to direct and control their vessel who is separate and distinct from the required pilot.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/00/92

DOT—USCG

Proposed Rule Stage

Agency Contact: Ms. Tilghman, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6401

RIN: 2115–AE03

2236. ● DESIGNATION OF AREAS FOR POLLUTION RESPONSE PLANNING

Significance: Nonsignificant

Legal Authority: PL 101-380; 33 USC 1321

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: This regulation will designate the areas for which area committees are established under Section 311(j)(4) of the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990.

Timetable:

Action	Date	FR Cite
Notice of Intent	07/22/91	56 FR 33481

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Gauvin, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6226

RIN: 2115–AE04

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Final Rule Stage

2237. + OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)

Significance: Regulatory Program

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136; 46 CFR 174; 46 CFR 170

Legal Deadline: None

Abstract: These regulations would consolidate existing Offshore Safety Vessel standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged. Rules specifically applicable to liftboats would be included. Because of public interest in certain aspects of this proposal, it has been classified as significant.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
Comment Period Extended to 09/12/83	06/09/83	48 FR 26631
ANPRM Comment Period End	06/14/83	48 FR 6636
ANPRM of Consolidated RIN AC63	04/16/87	52 FR 12439
NPRM	05/09/89	54 FR 20006
Comment Period Extended to 12/06/89	08/31/89	54 FR 36040
NPRM Comment Period End	09/06/89	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/09/89 (54 FR 20006)

Additional Information: Coast Guard Docket 86-074 (RIN 2115-AC63) titled Regulations for Self-Elevating Offshore Service and Support Vessels was combined with this project. Public Hearing was held in New Orleans 09/13/89 in response to House Subcommittee request.

Agency Contact: CDR Mike Ashdown, Project Manager, Department of Transportation, U.S. Coast Guard, G-MTH-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0177

RIN: 2115–AA77

2238. + TRAFFIC SEPARATION SCHEMES AND SHIPPING SAFETY FAIRWAYS OFF THE COAST OF CALIFORNIA (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard has conducted the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic-separation schemes. No structures would be permitted in the fairway. This project is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/27/89	54 FR 18258
Correction Notice	05/10/89	54 FR 20235
Announcement of Public Hearings	06/01/89	54 FR 23493
NPRM Comment Period End	07/26/89	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 04/27/89 (54 FR 18258); Environmental Assessment 04/27/89 (54 FR 18258)

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). This rulemaking involves coordination with the Minerals Management Service of the Department of the Interior. This project was formerly titled California Offshore Routing System.

Agency Contact: Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AB29

2239. + LICENSING OF PILOTS—MANNING OF VESSELS (84-060)

Significance: Agency Priority

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 15.812; 46 CFR 10.700

Legal Deadline: None

Abstract: This proposal would: (1) delineate when certain inspected vessels are required to be under the direction and control of a pilot, (2) describe first class pilotage areas where local pilotage expertise is warranted, (3) allow licensed individuals to serve as pilot in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control, and (4) permit individuals with 5 years experience on towing vessel combinations of at least 5,000 gross tons while acting under the authority of a license as master, mate, or operator of uninspected towing vessels, with a minimum of 2 of the 5 years having been on towing vessels combinations of at least 10,000 gross tons, to obtain without a written examination, an endorsement as first class pilot, restricted to tug and barge combinations only, for those routes over which they have made the required number of round trips. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
SNPRM Supplemental	06/06/88	53 FR 20654
SNPRM Notice of Public Hearing	08/11/89	54 FR 33045
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Additional Information: This proposal has been split from a previously published action identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04, completed in 50 FR 26106. The Coast Guard initiated a comprehensive study of pilotage issues and requested public comment in 54 FR 31136.

Agency Contact: Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0217

RIN: 2115–AB67

2240. + LIFESAVING EQUIPMENT—IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Agency Priority

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 199; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	04/21/89	54 FR 16198
NPRM Comment Period End	08/21/89	
Comment Period Reopened to 01/03/90	10/05/89	54 FR 41124
Public Hearing in Seattle 10/17/89	10/05/89	54 FR 41124

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/21/89 (54 FR 16198)

Additional Information: CFR CITATION CONT: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199. This project has been delayed to allow time to develop a higher priority project.

Agency Contact: Mr. B. Berringer, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB72

2241. + LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3703; 46 USC 8105

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None

Abstract: This project makes provision for the licensing of officers on mobile offshore drilling units and establishes manning standards for these vessels. This action is considered significant because of substantial public interest. Based on comments received, two SNPRMs were issued and the interim final rule revised.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	10/16/87	52 FR 38660
Suspended Effective Date of Interim Final Rule	02/28/89	54 FR 8334
SNPRM Comment Period End 06/16/89	05/17/89	54 FR 21246
Extension of Comment Period to 7/31/89	06/20/89	54 FR 25881
Interim Final Rule	04/18/90	55 FR 14792
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/18/90 (55 FR 14792)

Additional Information: This project was split from Coast Guard Docket 81-059, Licensing of Maritime Personnel, which was completed under RIN 2115-AA64 (54 FR 125). The interim final rule effective date was suspended because the comments received indicated substantive revisions to the rule were necessary. The refined interim final rule of 04/18/90 withdrew the notice

suspending the effective date and invited public comment through 06/18/90.

Agency Contact: Paul Eulich, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0224

RIN: 2115–AB91

2242. + SPECIAL CARGO REQUIREMENTS FOR BENZENE (88-040)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: This proposal would update the special cargo requirements for benzene. This would include the lowering of permissible exposure limits, addition of requirements for personal protective equipment, measurement of employee exposures, training, and medical surveillance. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	01/29/90	55 FR 2978
NPRM Comment Period End	04/30/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/29/90 (55 FR 2978)

Agency Contact: Dr. A. Schneider, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AD08

2243. + IMPLEMENTATION OF THE COMMERCIAL FISHING-INDUSTRY VESSEL SAFETY ACT (88-079)

Significance: Agency Priority

Legal Authority: 46 USC 4502; 46 USC 4506; 46 USC 6104(c); 46 USC 10603(b)

CFR Citation: 46 CFR 27; 46 CFR 28; 46 CFR 29

Legal Deadline: None

Abstract: The Commercial Fishing Industry Act of 1988 requires the Secretary of Transportation to prescribe regulations for certain safety equipment and vessel operating procedures. Subjects addressed by the rulemaking included: navigation, radio, firefighting, and lifesaving equipment, as well as fuel, ventilation, and electrical systems. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM of Consolidated RIN AC34	07/09/87	52 FR 25890
ANPRM Correction of Consolidated RIN AC34	08/10/87	52 FR 29556
ANPRM	12/29/88	53 FR 52735
ANPRM Comment Period End	02/27/89	53 FR 52735
ANPRM Extension of Comment Period	03/02/89	54 FR 8765
NPRM	04/19/90	55 FR 14924
NPRM Comment Period End	08/20/90	
Notice of Intent to Publish SNPRM	08/31/90	55 FR 35694
Final Action Except SNPRM Issues; Final Action Effective 09/15/91	08/14/91	56 FR 40364
Final Rule Correction	09/20/91	56 FR 47679
SNPRM To Address Stability and Other Small Fishing Vessel Issues	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/14/91 (56 FR 40364)

Additional Information: While the final rule addressed most areas of the NPRM, a SNPRM is being developed to address stability for vessels less that 79 feet in length, survival craft for vessels operating near shore with less than four persons on board, and exemptions for fisheries having high vessel density or of limited durations.

Coast Guard docket 86-024 titled Uninspected Fish-Processing Vessels (RIN 2115-AC34) has been incorporated into this project.

Agency Contact: CDR M. Rosecrans, Project Manager, G-MTH, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0177

RIN: 2115–AD12

2244. + GREAT LAKES PILOTAGE RATES, (89-104)

Significance: Agency Priority

Legal Authority: 46 USC 8105; 46 USC 9303; 46 USC 9304

CFR Citation: 46 CFR 401

Legal Deadline: None

Abstract: This proposal would amend the Great Lakes Pilotage Regulations by increasing the basic pilotage rates from between 27 to 34 percent. These proposed changes are in order to increase the revenue received by the pilot organizations so that they may meet their operating costs. This rulemaking is considered significant because it is of substantial public interest and controversial, and has international implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: The next action on this proposal depends on the outcome of negotiations between the United States and Canada.

Agency Contact: Mr. J. Hartke, Project Manager, G-MVP-7, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0217

RIN: 2115–AD47

2245. + DOUBLE HULL STANDARDS FOR TANK VESSELS CARRYING OIL (90-051)

Significance: Agency Priority

Legal Authority: 33 USC 1903; 46 USC 3703a; PL 101-380

CFR Citation: 33 CFR 157

Legal Deadline: None

Abstract: The Oil Pollution Act of 1990 requires a double hull to be fitted on a tank vessel carrying oil. The Act does

not provide technical standards for a double hull. This proposal would implement the requirements of the Act and establish technical standards. This rulemaking is significant because of substantial general, international, and congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	12/05/90	55 FR 50192
NPRM Comment Period End	04/01/91	
NPRM Comment Period Reopened to 10/07/91	09/06/91	56 FR 44051
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/05/90 (55 FR 50192)

Agency Contact: Mr. S. Shapiro, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AD61

2246. + PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING OF COMMERCIAL VESSEL PERSONNEL (90-053)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

CFR Citation: 46 CFR 16

Legal Deadline: None

Abstract: This proposal would revise the conditions under which commercial vessel personnel may be excepted from pre-employment and periodic chemical testing for dangerous drugs, to provide relief from the unnecessary, repetitive testing required by the current rules. This proposal is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/19/91	56 FR 6778
NPRM Correction	04/04/91	56 FR 13854
NPRM Comment Period End	04/05/91	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 02/19/91 (56 FR 6778)

Agency Contact: LCDR T. Murphy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1421

RIN: 2115–AD63

2247. + DIRECT USER FEES FOR MARINE LICENSING, CERTIFICATION OF REGISTRY, AND MERCHANT MARINER DOCUMENTATION

Significance: Agency Priority

Legal Authority: 31 USC 9701; 46 USC 2110

CFR Citation: 33 CFR 1; 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: Pursuant to the mandate of the Budget Reconciliation Act of 1990, the Coast Guard proposed to establish direct user fees for services it provides relating to issuing, renewing, or revising merchant mariner documents. The fees will be deposited in the U.S. Treasury, ascribed to U.S. Coast Guard activities. This action is significant because of substantial public interest and because it is pursuant to a congressional mandate.

Timetable:

Action	Date	FR Cite
NPRM	06/20/91	56 FR 28448
NPRM Comment Period End	08/05/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/20/91 (56 FR 28448)

Agency Contact: LT Kevin Gillespie, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6982

RIN: 2115–AD72

2248. TANKERMEN (79-116)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 78; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 154; 46 CFR 97; 46 CFR 15

Legal Deadline: None

Abstract: Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers 1978 (STCW), has entered into effect and establishes international standards for tank vessel personnel qualifications. In view of the length of time since publication of the NPRM, a supplemental NPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
NPRM Comment Period End	03/18/81	
SNPRM; Comment Period End 01/16/90	10/17/89	54 FR 42624
Interim Final Rule	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/18/80 (45 FR 83268)

Additional Information: Former title: Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116). Public meetings were held during January and February of 1981. Docket 79-116a (RIN 2115-AD18) has been included in this project and will no longer be listed as a separate Regulatory Agenda item.

Agency Contact: CDR Mike De Cesare, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0224

RIN: 2115–AA03

2249. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None

Abstract: This action would establish standards for Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. SNPRM addressed new comments received requesting that industry specifications be used and incorporated by reference.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
NPRM Comment Period End	06/03/82	
SNPRM; Comment Period End 03/11/91	01/09/91	56 FR 829
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/09/91 (56 FR 829)

Agency Contact: Mr. K. Wahle, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AA08

2250. MANUFACTURER AND DEALER FIRST PURCHASER LIST REQUIREMENTS (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None

Abstract: This rulemaking would require marine dealers to furnish boat and engine manufacturers with serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. Manufacturers would use the information to locate purchasers of boats and engines recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. Currently many manufacturers cannot obtain sufficient first-purchaser information and their attempts to notify during recalls are inadequate.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
NPRM Comment Period End	02/27/81	
SNPRM	05/29/87	52 FR 20115
Comment Period Extended	12/17/87	52 FR 47950

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/16/87 (52 FR 47950)

Additional Information: As a result of a substantial number of negative comments on the SNPRM and a substantially larger estimated annual burden on the public, the Coast Guard is looking for other ways to accomplish the objectives of the regulatory project. The next action will consist of a third SNPRM or initiation of a new regulatory project. The former titles of this project were Defect Notification and First-Purchaser Information, then Dealer and First Purchaser List.

Agency Contact: Mr. Alston Colihan, Project Manager, G-NAB-6, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0981**

RIN: 2115–AA16

2251. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/91: 300.

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AA97

2252. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/91: 6.

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AA98

2253. INCORPORATION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA, 1974

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 46 CFR 50; 46 CFR 52; 46 CFR 56; 46 CFR 58; 46 CFR 51; 46 CFR 111

Legal Deadline: None

Abstract: This project would incorporate the provisions of Chapters II-1, II-2, and V of the Safety of Life at Sea, 1974 International Convention (SOLAS 74). These provisions generally provide for acceptance of technology

which is standard industry practice, such as use of plastic pipe in some places and common-rail bilge and ballast systems.

Timetable:

Action	Date	FR Cite
NPRM	09/28/90	55 FR 39638
NPRM Comment Period End	12/27/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/28/90 (55 FR 39638)

Additional Information: Formerly titled "Reassessment of Coast Guard Marine Engineering Regulations - Incorporation of SOLAS 74 Amendments"

Agency Contact: LCDR R. Dent, Project Manager, G-MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AB41

2254. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47234
NPRM Comment Period End	01/12/90	54 FR 47234
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/13/89 (54 FR 47234)

Agency Contact: LT(jg) Jandrossek, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB70

2255. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164; 46 CFR 10

Legal Deadline: None

Abstract: Current regulations require installation of ARPA on certain ships to improve vessel and waterway safety. Training in the use of this equipment is necessary to ensure its proper application and maximum benefit. A very small percentage of licensed personnel (those manning vessels of 10,000 GT or larger) would be required to complete an ARPA training course. The course is expected to cost about $400.00 per student.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 43258
ANPRM Comment Period End	12/23/85	
NPRM	03/07/90	55 FR 8155
NPRM Comment Period End	06/05/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/07/90 (55 FR 8155)

Agency Contact: Ltjg Mark Williams, Project Manager, Department of Transportation, U.S. Coast Guard, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0214

RIN: 2115–AB99

2256. OIL POLLUTION PREVENTION, MARPOL ANNEX I (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4768
NPRM Comment Period End	03/24/86	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/07/86 (51 FR 4768)

Additional Information: Formerly entitled MARPOL Pollution Prevention Regulations.

Agency Contact: CDR W. Chubb, Project Manager, Department of Transportation, U.S. Coast Guard, G-MER-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0421

RIN: 2115–AC11

2257. SMALL PASSENGER VESSEL INSPECTION AND CERTIFICATION (CGD 85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175 to 185; 46 CFR 170; 46 CFR 171; 46 CFR 173

Legal Deadline: None

Abstract: This rulemaking would revise Subchapters "S" and "T" to reflect statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals, drydocking intervals, lifesaving equipment requirements, and fire protection requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4412
Comment Period Extended and Notice of Hearings	04/26/89	54 FR 17997
Notice of Public Hearing Change	05/25/89	54 FR 22608
NPRM Comment Period End	05/30/89	
Notice of Intent to Issue SNPRM	09/18/89	54 FR 38410

Action	Date	FR Cite
SNPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/30/89 (54 FR 4412)

Additional Information: On April 26, 1989, the Coast Guard published notice of six public hearings and extended the comment period to July 31, 1989. Because of extensive substantive public comments, the Coast Guard will issue an SNPRM.

Agency Contact: LCDR B. Bennett, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-1053**

RIN: 2115–AC22

2258. UPDATING APPROVAL AND CARRIAGE REQUIREMENTS FOR BREATHING APPARATUS (86-036)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 3703; 46 USC 6101

CFR Citation: 46 CFR 77; 46 CFR 96; 46 CFR 108; 46 CFR 160; 46 CFR 164; 46 CFR 167; 46 CFR 195; 46 CFR 35.30-20

Legal Deadline: None

Abstract: Proposal would update the approval specifications for breathing apparatus for merchant vessels by citing present certification agencies and test schedules. It is also proposed to revise the tank vessel regulations for the carriage of approved pressure-demand type self-contained breathing apparatus.

Timetable:

Action	Date	FR Cite
NPRM	07/30/90	55 FR 30935
NPRM Comment Period End	10/29/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/30/90 (55 FR 30935)

Agency Contact: LCDR Mark Grossetti, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-1181**

RIN: 2115–AC30

2259. UNINSPECTED VESSEL EMERGENCY POSITION INDICATING RADIO BEACONS (EPIRBS) (87-016)

Significance: Nonsignificant

Legal Authority: 46 USC 4102

CFR Citation: 46 CFR 25; 46 CFR 26

Legal Deadline: None

Abstract: As a result of the passage of Public Law 100-540, EPIRBs will be required on each manned uninspected vessel operating on the high seas or beyond three miles from the coast line of the Great Lakes. On August 17, 1988 the Coast Guard published a rule to require EPIRBs on certain fishing vessels. This action would extend the requirements of the August 17th rule as required by PL 100-540.

Timetable:

Action	Date	FR Cite
NPRM	04/19/90	55 FR 14922
NPRM Comment Period End	06/18/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/19/90 (55 FR 14922)

Additional Information: Although this action would extend the requirements of the August 17 rule for most of this class of vessels, in a separate action the Coast Guard suspended the effective date for owners of small vessels so as to avoid the cost of a Category 1 EPIRB while alternatives are considered for them (04/19/90, 55 FR 14920).

Agency Contact: LT(jg) Jendrossek, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AC69

2260. DELEGATION OF AUTHORITY TO AREA COMMANDERS WHEN FUNCTIONING AS MARITIME DEFENSE ZONE COMMANDERS (CGD 87-065)

Significance: Nonsignificant

Legal Authority: 50 USC 191; 33 USC 1231

CFR Citation: 33 CFR 6

Legal Deadline: None

Abstract: Following the 1986 reorganization of the Coast Guard, Area Commanders do not have authority to establish security zones, control vessels, or perform other necessary actions. This rule would delegate that authority to the Area Commanders. Since this proposal deals with agency procedure, it will be issued as a rule with no notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0491**

RIN: 2115–AC88

2261. ANCHORAGE REGULATIONS (86-079)

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035

CFR Citation: 33 CFR 165; 33 CFR 110

Legal Deadline: None

Abstract: This proposal would update the anchorage regulations by removing nonregulatory, obsolete or duplicative language; by standardizing the anchorage description format; by publishing subparts A and B as two parts: Part 110--Special Anchorage Areas and Part 111--Anchorage Grounds.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7949
NPRM Comment Period End	05/11/88	
SNPRM Expanding Revisions - Comments by 02/03/89	12/05/88	53 FR 48935
Final Action	10/00/91	

Small Entities Affected: None

DOT—USCG

Final Rule Stage

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/11/88 (53 FR 7949)

Agency Contact: Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AC96

2262. IMPLEMENTATION OF THE SHORE PROTECTION ACT OF 1988 (89-014)

Significance: Nonsignificant

Legal Authority: 33 USC 2602

CFR Citation: 33 CFR 151

Legal Deadline: Final, Statutory, June 15, 1989.
See discussion in the Abstract.

Abstract: The Shore Protection Act of 1988 (33 USC 2501 et seq.) prohibits vessels from transporting municipal and commercial waste unless they have a permit and display a number. The Act requires the permit and number 240 days after enactment. This interim rule implements these provisions of the Act and requests comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/89	54 FR 22546
Correction to Interim Final Rule	06/05/89	54 FR 24078

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/24/89 (54 FR 22546)

Additional Information: Further action on this proposal is awaiting legislative action which will eliminate certain problems with the existing legislation.

Agency Contact: Janice Jackson, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-6714

RIN: 2115–AD23

2263. STABILITY DESIGN AND OPERATIONAL REGULATIONS (89-037)

Significance: Nonsignificant

Legal Authority: 46 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115; 50 USC 198

CFR Citation: 46 CFR 171; 46 CFR 32; 46 CFR 35; 46 CFR 78; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 167; 46 CFR 169; 46 CFR 170; 46 CFR 185; 46 CFR 196

Legal Deadline: Final, Statutory, April 29, 1990.

Abstract: This project proposes adding to the stability and operating regulations for all inspected U.S. flag vessels the requirements of recently adopted amendments to the Safety of Life at Sea (SOLAS) Convention of 1974. The amendments came into force on April 29, 1990. The amendments involve stability after damage, draft indicators, stability information, and the closing of cargo doors before going to sea.

Timetable:

Action	Date	FR Cite
NPRM	02/13/90	55 FR 5120
NPRM Comment Period End	04/16/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/13/90 (55 FR 5120)

Additional Information: This project was formerly titled Incorporation of New SOLAS Amendments on Stability.

Agency Contact: Ms. P. Carrigan, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AD33

2264. WAIVER OF CREWMEMBER CITIZENSHIP REQUIREMENTS (89-061)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3703; 46 USC 8105

CFR Citation: 46 CFR 15

Legal Deadline: None

Abstract: This interim final rule established a general waiver from crew member citizenship requirements (except for Master) with respect to offshore supply vessels from a foreign port and mobile offshore drilling units operating beyond the U.S. outer continental shelf.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/90	55 FR 1210
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/12/90 (55 FR 1210)

Additional Information: The interim final rule was effective 2/12/90 and comments were due 6/30/90.

Agency Contact: Mr. C. Young, Project Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0216

RIN: 2115–AD38

2265. CHESAPEAKE BAY TRAFFIC SEPARATION SCHEME (90-039)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(c)

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: The Coast Guard conducted a study for the need for port access routes for the approaches to Chesapeake Bay, VA. (Notice of study results published July 13, 1989, 54 FR 29627). The study concluded that the southern approach part of the traffic separation scheme should be reconfigured to incorporate a proposed deep-water route for inbound and outbound vessel traffic. This proposal would implement that recommendation.

Timetable:

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36666
NPRM Comment Period End	11/06/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/06/90 (55 FR 36666)

Agency Contact: Margie Hegy, Project Manager, Department of

DOT—USCG

Final Rule Stage

Transportation, U.S. Coast Guard, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AD43

2266. FEDERAL PILOTAGE REQUIREMENTS FOR WASHINGTON AND OREGON (90-043)

Significance: Nonsignificant

Legal Authority: 46 USC 8503

CFR Citation: 46 CFR 15

Legal Deadline: None

Abstract: The States of Washington and Oregon do not require vessels engaged in foreign commerce to take a State pilot when they are traversing U.S. navigable waters. This regulatory action would establish a Federal pilot requirement for foreign trade vessels transiting certain waters in these two States.

Timetable:

Action	Date	FR Cite
NPRM	02/19/91	56 FR 6598
NPRM Comment Period End	03/21/91	
NPRM Correction	04/04/91	56 FR 13854

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 02/19/91 (56 FR 6598)

Agency Contact: Mr. J. Hartke, Project Manager, G-MVP-7, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0217**

RIN: 2115–AD52

2267. NATIONAL VESSEL TRAFFIC SERVICE (VTS) REGULATIONS (90-020)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This proposal would draw all the Vessel Traffic Service Regulations into one place in the CFR. It also would require all vessels subject to the "Bridge-to-Bridge Radiotelephone Act" operating in any U.S. port or harbor to comply with reporting procedures upon entry and while navigating in the VTS area.

Timetable:

Action	Date	FR Cite
NPRM	08/01/91	56 FR 36910
NPRM Correction	08/16/91	56 FR 40946
NPRM Comment Period End	09/30/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/01/91 (56 FR 36910)

Agency Contact: Mr. B. Riley, Project Manager, G-NSP, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0412**

RIN: 2115–AD56

2268. ● DRAWBRIDGE OPERATION REGULATIONS, WATERBORNE EMERGENCY

Significance: Nonsignificant

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Legal Deadline: None

Abstract: This action would amend the regulations which govern the Nation's drawbridges by requiring that emergency vessels and vessels in an emergency situation that have given the proper emergency signal be passed through an attended draw at any time.

Timetable:

Action	Date	FR Cite
NPRM	08/07/91	56 FR 37504
NPRM Comment Period End	09/23/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/07/91 (56 FR 37504)

Agency Contact: Larry Tyssens, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0376**

RIN: 2115–AD77

2269. ● REGULATED NAVIGATION AREA; PUGET SOUND, WASHINGTON (13-90-03)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard has proposed to amend the regulations for the Regulated Navigation Area (RNA) of Puget Sound. An SNPRM addressed changes subsequent to the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	55 FR 39986
NPRM Comment Period End	11/15/90	
SNPRM; Comment Period End 08/30/91	07/31/91	56 FR 36121

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/31/91 (56 FR 36121)

Agency Contact: CDR Michael J. Haucke, Project Manager, USCG Puget Sound Vessel Traffic Service, Department of Transportation, U.S. Coast Guard, 1519 Alaskan Way South, Seattle, Washington 98134, **206 286-5640**

RIN: 2115–AD86

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Completed Actions

2270. + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 33 CFR 140; 33 CFR 141; 33 CFR 142; 33 CFR 143; 33 CFR 144; 33 CFR 145; 33 CFR 146; 33 CFR 147

Legal Deadline: None

Abstract: This project would have revised regulations on the outer continental shelf activities. It was considered significant because of the need for extensive interagency cooperation. However, the major portions of this project were completed as indicated under Additional Information and no further action is necessary herein. Therefore, this project was terminated.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	06/05/85	50 FR 9290
Withdrawn	04/16/91	56 FR 15314

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: CGD 84-098(a)(RIN AC40) Self-Inspection of Fixed OCS Facilities split from CGD 84-098 and completed in 53 FR 18977. CGD 84-098(b)(RIN AC41) titled Offshore Evacuation Procedures separated from CGD 84-098 and completed in 54 FR 21566.

Agency Contact: Mr. J. Magill, Project Manager, G-MVI-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-2307**

RIN: 2115–AB74

2271. + RECREATIONAL VESSEL FEES (CGD 90-069)

Significance: Regulatory Program

Legal Authority: 46 USC 2110

CFR Citation: 33 CFR 1

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1990 requires the Secretary of Transportation to establish a fee or charge for recreational vessels and collect it annually in fiscal years 1991 through 1995 from the vessel owner or operator. This action implemented that requirement. It was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/28/91	56 FR 13050
NPRM Correction	04/02/91	56 FR 13520
NPRM Comment Period End	05/13/91	
Final Action	07/01/91	56 FR 30244
Final Action Effective	07/31/91	
Final Action; Correction	08/20/91	56 FR 41392

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/01/91 (56 FR 30244)

Agency Contact: Mr. C. Perry, Project Manager, G-NAB, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0979**

RIN: 2115–AD67

2272. + OIL POLLUTION ACT OF 1990 INITIATIVES

Significance: Regulatory Program

Legal Authority: PL 101-380

CFR Citation: 00 CFR 000

Legal Deadline: Final, Statutory, 00/00/00.
The Oil Pollution Act has various legal deadlines

Abstract: The oil pollution resulting from the grounding of the Exxon Valdez, along with several other incidents, has resulted in enactment of the Oil Pollution Act of 1990. The Act is a complex piece of legislation which (1) increases the liability of companies that ship and transport oil; (2) establishes a Federal trust fund for financing cleanup operations and damage claims; and (3) mandates new preventive measures. Included in those preventive measures are: drug and alcohol testing programs for maritime personnel; review and improvement of U.S. Vessel Traffic Service Systems; establishing minimum plating thickness and periodic gauging for vessels transporting oil in bulk; work hour limitations on tankers; and phasing out of single hulls for vessels transporting oil. There are approximately 35 different rulemaking projects required by the Act, along with five or more studies. Some of these projects are new, while some will expand on or replace projects listed in the Agenda. Many of these rulemaking projects will be classified as "significant" because of their cost and the high level of interest the (cont)

Timetable:

Action	Date	FR Cite
Separate RINs Issued for Project	07/10/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: public has in environmental issues. The Coast Guard has now progressed to the point that separate Agenda entries can be established for the required regulations. As the projects are now defined, they are listed individually and this entry will no longer appear as a separate one in the Agenda.

Agency Contact: Mr. N. Lemley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, **202 267-6827**

RIN: 2115–AD70

2273. + RANDOM CHEMICAL TESTING PROGRAMS FOR COMMERCIAL VESSEL PERSONNEL (90-014)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

CFR Citation: 46 CFR 16

Legal Deadline: None

Abstract: On November 21, 1988, the Coast Guard issued a final rule requiring random drug testing. On December 18, 1989 the District Court enjoined the Coast Guard from implementing random testing. The judge invited the Coast Guard to promulgate new random drug testing regulations applicable only to crew members whose duties have a clear and direct nexus to the safety concerns of the Government. Therefore, this action

established random testing requirements for crew members serving in positions which affect the safe operation of a vessel. It was considered significant because of substantial public interest, controversy surrounding random testing, and litigation.

Timetable:

Action	Date	FR Cite
NPRM	07/27/90	55 FR 30886
NPRM: Correction	08/01/90	55 FR 31297
NPRM Comment Period End	09/10/90	
Final Action	07/08/91	56 FR 31030
Final Action; Correction	08/20/91	56 FR 41392
Final Action Effective	10/01/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/08/91 (56 FR 31030)

Agency Contact: LCDR Tom Murphy, Project Manager, G-MMI, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1421

RIN: 2115–AD59

2274. + USER FEES FOR COAST GUARD SERVICES

Significance: Agency Priority

Legal Authority: 31 USC 9701; 46 USC 2110

CFR Citation: None

Legal Deadline: None

Abstract: The Budget Reconciliation Act of 1990 removed previous prohibitions on charging user fees for Coast Guard services and directed the Coast Guard to establish and collect fees for direct services provided in Subtitle II of Title 46, USC. Fees will be established for specified services including vessel inspections, vessel documentation, plan review, and approvals. These rulemaking actions are considered significant because of substantial public interest and the congressional mandate. As individual rulemakings covering particular services are now initiated, they are listed separately in the Agenda and this entry will no longer appear in the Agenda.

Timetable:

Action	Date	FR Cite
Separated into Several Projects	07/09/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This rulemaking has been divided into several independent projects: Vessel Documentation User Fees; Recording of Instruments (2115-AD60); Recreational Vessel Fees (2115-AD67) (published as Final Rule in 56 FR 30344); Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels (2115-AD78); Direct User Fees for Marine Licensing, Certification of Registry, and Merchant Mariner Documentation (2115-AD72).

Agency Contact: CDR Bruce Russel, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, 202 267-6923

RIN: 2115–AD73

2275. PERFORMANCE STANDARDS AND APPROVAL PROCEDURES FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None

Abstract: The interim final rule which established approval and operating requirements for inflatable life jackets was adopted as the final rule with only minor changes.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
NPRM Comment Period End	07/15/85	
Interim Final Rule	12/05/89	54 FR 50316
Final Action	06/27/91	56 FR 29439
Final Action Effective	07/29/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/91 (56 FR 29439)

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; Establishment of Approval Requirements (78-174) (RIN: 2115-AA29), which was published as an interim final rule (50 FR 33923). The former title of the rulemaking herein was Carriage and Operational Requirements for Inflatable Life Jackets (CGD 78-174b).

Agency Contact: Mr. Wehr, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC16

2276. CARGO LISTS AND TABLES UPDATE (CGD 88-100 AND 88-100A)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1804

CFR Citation: 46 CFR 30; 46 CFR 150; 46 CFR 151; 46 CFR 153; 46 CFR 154

Legal Deadline: None

Abstract: The Coast Guard periodically issues rules listing additional cargoes which may be carried on tank vessels, in a continuing docket established for this purpose. Notices for this procedure are anticipated in January and July of each year. Notices per year: 4.

Timetable:

Action	Date	FR Cite
Final Rule; Bulk Hazardous Materials	04/24/90	55 FR 17275
Final Rule; Noxious Liquid Substances	04/24/90	55 FR 17268
NPRM: Bulk Gases	09/06/90	55 FR 36670
Final Rule; Bulk Gases	12/06/90	55 FR 50330
Final Action	12/06/90	55 FR 50330
Final Action Effective	01/07/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Former regulation title: Noxious Liquid Substances Lists (CGD 88-100a; Bulk Hazardous Materials (CGD 88-100)(53 FR 49018). The RIN AC35 is used for both entries in the Federal Register. The project titled Safety Rules for Ships

Carrying Hazardous Liquids (CGD 84-085), RIN 2115-AB92, was consolidated into this entry.

Agency Contact: Dr. M. Parnarouskis/Mr. Payne, Chemical Engineer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AC35

2277. INCORPORATION AND ADOPTION OF INDUSTRY STANDARDS (88-032)

Significance: Nonsignificant

Legal Authority: 33 USC 1321j; 46 USC 3306; 46 USC 3703

CFR Citation: 33 CFR 127; 33 CFR 154; 46 CFR 25; 46 CFR 30; 46 CFR 32; 46 CFR 34; 46 CFR 38; 46 CFR 54; 46 CFR 56; 46 CFR 58; 46 CFR 64; 46 CFR 71; 46 CFR 76; 46 CFR 91; 46 CFR 92; ...

Legal Deadline: None

Abstract: This rulemaking incorporated industry-developed standards by reference; it also adopted international standards, allowing the United States to be more competitive in world markets.

Timetable:

Action	Date	FR Cite
NPRM	08/17/90	55 FR 33824
NPRM Comment Period End	10/01/90	
Final Action	07/29/91	56 FR 35817
Final Action Effective	08/28/91	
Final Rule Correction	09/11/91	56 FR 46354

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/29/91 (56 FR 35817)

Additional Information: The rulemaking on fire detection and alarm systems (RIN 2115-AC13) has been consolidated into this project.

CFR CITATION CONT: 46 CFR 95; 46 CFR 98; 46 CFR 105; 46 CFR 108; 46 CFR 150; 46 CFR 151; 46 CFR 153; 46 CFR 154; 46 CFR 169; 46 CFR 170; 46 CFR 174; 46 CFR 182; 46 CFR 189; 46 CFR 190; 46 CFR 193.

Agency Contact: Steve Irvin, Project Manager, G-MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AD05

2278. REGULATED NAVIGATION AREA: OHIO RIVER AT LOUISVILLE, KY (2-89-04)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 162; 33 CFR 165

Legal Deadline: None

Abstract: This regulation restricts the operation of recreational boats in the vicinity of the Louisville, KY lock. The intent is to clarify the existing regulation to preclude the entrance of recreational boaters not intending to transit the lock.

Timetable:

Action	Date	FR Cite
NPRM	08/09/89	54 FR 32661
NPRM Comment Period End	09/25/89	
Final Action	06/07/90	55 FR 23202
Final Action Effective	07/09/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/07/90 (55 FR 23202)

Agency Contact: LTJG M. Stalker, Project Manager, Department of Transportation, U.S. Coast Guard, 600 Martin Luther King Jr. Place, Louisville, KY 40202-2230, 502 582-5194

RIN: 2115–AD45

2279. REPLACEMENT OF REFERENCES TO SOLAS 60 WITH SOLAS 74 (90-008)

Significance: Nonsignificant

Legal Authority: EO 12234

CFR Citation: 46 CFR 2 to 296

Legal Deadline: None

Abstract: This action ensures that all references to SOLAS in Coast Guard regulations are up to date to reflect the convention of 1974.

Timetable:

Action	Date	FR Cite
Final Action	07/26/90	55 FR 30658
Final Action Effective	08/27/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/26/90 (55 FR 30658)

Additional Information: As this amendment was administrative in nature, the Coast Guard dispensed with notice and comment period.

Agency Contact: LCDR Steve Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AD48

2280. DEEPWATER PORT RADAR BEACONS (90-016)

Significance: Nonsignificant

Legal Authority: 33 USC 1504

CFR Citation: 33 CFR 149

Legal Deadline: None

Abstract: In order to conform to more modern technology, deepwater port radar beacon regulations were modified to require transmission in both the X-band and S-band, to eliminate the sweep requirements, and to have a programmed off time for frequency agile radar beacons.

Timetable:

Action	Date	FR Cite
NPRM	09/19/90	55 FR 38562
NPRM Comment Period End	11/20/90	
Final Action	05/07/91	56 FR 21081
Final Action Effective	07/08/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/07/91 (56 FR 21081)

Agency Contact: Mr. Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AD53

2281. DISTINCTIVE IDENTIFICATION LIGHT (90-032)

Significance: Nonsignificant

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 80

Legal Deadline: None

Abstract: This final rule established an alternately flashing red and yellow identification light signal for optional use by vessels engaged in public safety activities.

Timetable:

Action	Date	FR Cite
NPRM	07/18/90	55 FR 29229
NPRM Comment Period End	09/17/90	
Final Action	07/22/91	56 FR 33384
Final Action Effective	08/21/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/22/91 (56 FR 33384)

Agency Contact: Harry C. Robertson, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0405**

RIN: 2115–AD58

2282. POLLUTION PREVENTION REQUIREMENTS OF ANNEX V OF MARPOL 73/78

Significance: Nonsignificant

Legal Authority: 33 USC 1321(j)(1)(C); 33 USC 11735

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This action implemented two amendments to Annex V. These amendments designate the North Sea as a special area in which strict rules will apply concerning discharge of garbage. The amendments also forbid discharge into the water of synthetic material from the repair of fishing nets.

Timetable:

Action	Date	FR Cite
NPRM	01/09/91	56 FR 824
NPRM Correction	02/05/91	56 FR 4676
NPRM Comment Period End	02/25/91	
Final Action	04/29/91	56 FR 19577
Final Action Effective	05/29/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/29/91 (56 FR 19577)

Agency Contact: LCDR D. Jones, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, **202 267-0491**

RIN: 2115–AD64

2283. PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING; DELAY OF IMPLEMENTATION DATE

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

CFR Citation: 40 CFR 16

Legal Deadline: None

Abstract: This final rule extends the date of required testing of employees on U.S vessels in waters subject to the jurisdiction of a foreign government. This action further extends the implementation date previously extended in the final rule of 12/27/89 (54 FR 53286).

Timetable:

Action	Date	FR Cite
Final Action	04/24/91	56 FR 18982

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR T.A. Murphy, Project Manager, G-MMI, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-2215**

RIN: 2115–AD74

2284. ● REGULATED NAVIGATION AREA; SPARKMAN CHANNEL, TAMPA, FLORIDA (07-90-52)

Significance: Nonsignificant

Legal Authority: 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard has designated Sparkman Channel, Tampa, Florida, a regulated navigation area. A pipeline crossing the channel at the southern entrance creates a ridge in the outer quarters of the channel and limits water depths to 37 feet over the pipeline in the center of the channel and to an average of 32 feet in the outer quarters of the channel. To ensure safe navigation in the channel, this rule establishes vessel draft restrictions, limits meeting and passing situations, and requires vessels with drafts greater than 30 feet to transit near the center of the channel.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/25/91	56 FR 2850
Final Action	07/30/91	56 FR 36005
Final Action; Correction	08/20/91	56 FR 41284

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/30/91 (56 FR 36005)

Agency Contact: LT Paul J. McDonald, Project Manager, Department of Transportation, U.S. Coast Guard, Marine Safety Office, Tampa, Florida 33050, **813 228-2194**

RIN: 2115–AD88

2285. ● PUGET SOUND VESSEL TRAFFIC SERVICE

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This action amended the Puget Sound Vessel Traffic Service (VTS) regulations to incorporate a multi-channel communications system. Communicating on the present VTS frequency, 156.700 MHz (channel 14) has become difficult due to increased vessel traffic. By using a second VTS designated frequency, 156.250 MHz (channel 5A), communications on channel 14 will be reduced, thereby improving navigational safety in the VTS area.

Timetable:

Action	Date	FR Cite
NPRM	04/05/91	56 FR 14046
NPRM Comment Period End	06/04/91	
Final Action	08/07/91	56 FR 37475
Final Action Effective	09/06/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/07/91 (56 FR 37475)

Additional Information: The NPRM inadvertently used RIN 2115-AD62, a completed action. The correct RIN is 2115-AE05.

DOT—USCG **Completed Actions**

Agency Contact: Bruce Riley, Project Manager, G-NSP, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0412

RIN: 2115–AE05

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Prerule Stage

2286. + INSTALLATION OF CRASHWORTHY FUSELAGE FUEL TANKS AND FUEL LINES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; PL 100-591

CFR Citation: 14 CFR 25

Legal Deadline: NPRM, Statutory, February 3, 1989.
Public Law 100-591, Aviation Safety Research Act of 1988.

Abstract: This preliminary action was initiated to determine the feasibility of installing, in all air carrier aircraft, crashworthy fuselage fuel tanks and fuselage fuel lines which are rupture resistant and which disconnect and seal in the event of an accident. This notice solicited public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning this proposed regulatory action. This rulemaking is considered significant because of a statutory requirement.

In view of the comments received in response to this ANPRM, the FAA will issue a second ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/89	54 FR 18824
ANPRM Comment Period End	10/30/89	
Second ANPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Project No. ANM-89-005R.

Agency Contact: Mike McRae, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2133

RIN: 2120–AC87

2287. REVIEW OF PART 135, AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This part governs: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft.

This part is being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Marvin L. Olson, Manager, Systems & Policy Analysis Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3296

RIN: 2120–AB28

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Proposed Rule Stage

2288. + FATIGUE EVALUATION OF STRUCTURE

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice would propose to revise the fatigue requirements for damage-tolerant structures on transport category airplanes to require full-scale fatigue testing and to require that the thresholds for inspections be based on crack growth from initial flaws in the structure. These proposed changes are based on the service history of airplanes evaluated to the current damage tolerance requirements and are intended to ensure that, should serious fatigue damage occur within the operational life of the airplane, the remaining structure can withstand reasonable loads without failure until the damage is detected. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number ANM-88-013R.

Agency Contact: Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, 206 227-2120

RIN: 2120–AD42

2289. + FATIGUE TEST REQUIREMENTS FOR AGING AIRCRAFT

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice would require full-scale fatigue testing on the current fleet of aging transport airplanes to two times their design service. If adopted, this rulemaking would apply to all turbine-powered transport category airplanes certified in any category. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ANM-90-004R.

Agency Contact: Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, 206 227-2120

RIN: 2120–AD43

2290. + REVISION OF PART 108, AIRPLANE OPERATOR SECURITY

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108

Legal Deadline: None

Abstract: This notice would propose to amend Part 108 of the Federal Aviation Regulations to incorporate new requirements in response to worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/92

Additional Information: Project Number ACS-87-107R.

Agency Contact: Karl Shrum, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3946

RIN: 2120–AD45

2291. + REVISION OF PART 107, AIRPORT SECURITY

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1358; 49 USC 1421; 49 USC 106(g)

CFR Citation: 14 CFR 107

Legal Deadline: None

Abstract: This notice would propose to amend Part 107 of the Federal Aviation Regulations to incorporate new requirements in response to the worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/92

Additional Information: Project Number ACS-87-106R.

Agency Contact: Robert Cammaroto, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-7723

RIN: 2120–AD46

2292. + HIGH DENSITY TRAFFIC AIRPORTS SLOT ALLOCATION AND TRANSFER METHODS (NEW ENTRANTS)

Significance: Regulatory Program

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1421; 49 USC 1424; 49 USC 106(g); PL 101-508

CFR Citation: 14 CFR 93

Legal Deadline: Final, Statutory, July 1, 1991.
Airport Noise and Capacity Act of 1990

Abstract: This action would establish more efficient methods of allocating existing capacity at high density airports in order to provide improved opportunities for operation by new entrant air carriers. In addition, this rulemaking would add a new definition of a "limited incumbent," allocating all newly available slots to new entrants and limited incumbents, amending the use-or-lose provisions, and creating a special pool of slots for use by new entrants and limited incumbents. This rulemaking is considered significant because of substantial congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/22/88	53 FR 51628
NPRM Comment Period End	02/06/89	
SNPRM	09/13/91	56 FR 46674
SNPRM Comment Period End	11/12/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/13/91 (56 FR 46674)

Additional Information: Project Number ATP-91-046R.

This project was formerly titled New Entrant Slots.

The Department of Transportation and the FAA believe that the most productive and efficient means of initiating the rulemaking required by the Airport Noise and Capacity Act of 1990 would be to incorporate Notice Number 88-18 (53 FR 51628, December 22, 1988) into this rulemaking.

Therefore, this supplemental notice of proposed rulemaking will represent a continuation of the rulemaking initiated in Notice Number 88-18, as well as the Department of Transportation's action in compliance with the requirements of the Act. The comments received in response to Notice Number 88-18 will be addressed, together with the additional comments received in response to this supplemental notice, in any final disposition of this rulemaking.

Agency Contact: David Bennett, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3491

RIN: 2120–AD93

2293. + CRIMINAL HISTORY RECORDS CHECK

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to establish regulations to implement criminal history records checks for air carrier and airport security employees. This rulemaking is considered significant because of substantial congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/92

Additional Information: Project Number ACS-91-076R.

Agency Contact: Pete Falcone, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-7296

RIN: 2120–AE14

2294. + REVISION OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: This notice would revise the medical standards and the medical certification procedures of the Federal Aviation Regulations. This action follows the completion of a comprehensive review of the medical standards which was announced in previous notices. If adopted, these revised standards for airman medical certification and associated administrative procedures will better provide for safety in the aviation system and reflect current medical knowledge, practice, and terminology. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which was used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040). RIN 2120-AB13 has been combined into this review.

Project No. AAM-82-288R.

Agency Contact: Dennis P. McEachen, Special Projects Officer, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3428

RIN: 2120–AA70

2295. + AIRCRAFT FLIGHT SIMULATOR USE IN PILOT TRAINING, TESTING, AND CHECKING AND AT TRAINING CENTERS

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 141; 14 CFR 142

Legal Deadline: None

Abstract: This notice would propose to amend the pilot and flight instructor certification rules to include additional use of aircraft flight simulators and flight training devices for pilot training, testing, and checking. This notice also would propose a new Part 142 that would govern a new concept called training centers. This new concept will emphasize the use of flight simulators in training applicants for pilot certificates. This rulemaking is considered significant because of substantial public interest; it involves a major change in the way industry trains applicants.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: This project was formerly entitled "Aircraft Simulator Use in Airman Training and Certification." Project Number AFS-83-105R.

Agency Contact: Warren Robbins, Manager, Regulations Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8150

RIN: 2120–AA83

2296. + REPAIR STATION AND REPAIRMEN CERTIFICATION RULES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 43; 14 CFR 65; 14 CFR 145

Legal Deadline: None

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair station requirements and update the rules to reflect the current international and domestic environment and needs. The FAA has held four public meetings to solicit information and views to review the existing regulations and to explore alternatives in revising the rules of this part. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Meetings	07/24/89	54 FR 30866
Notice Correction	08/08/89	54 FR 32563
NPRM	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/92

Additional Information: Project No. AFS-87-045R. This project was formerly entitled Review and Revision of Repair Station Requirements.

Agency Contact: Leo Weston, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8283

RIN: 2120–AC38

2297. + PARTS 121 AND 135—TRAINING, CHECKING, CERTIFICATION, AND QUALIFICATIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would revise and upgrade the Parts 121 and 135 training, checking, certification, and qualification requirements, including cockpit resource management. In addition, commuter air carriers conducting Part 135 commuter operations in airplanes that require two pilots would be required to meet the proposed upgraded Part 121 requirements. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is significant because of its safety implications.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: Project No. AFS-88-301R.

Agency Contact: David Catey, Project Development Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3750

RIN: 2120–AC79

2298. + SOLE RADIO NAVIGATION SYSTEM; MINIMUM STANDARDS FOR CERTIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, September 30, 1989.
Airway Safety and Capacity Expansion Act of 1987 (PL 100-223)

Abstract: This notice proposed to establish minimum standards under which a radio navigation system may be certified as the sole radio navigation system required in an aircraft conducting Instrument Flight Rules en route and terminal area operations, including nonprecision approach, in controlled airspace in the United States. This notice was developed in response to the Airport and Airway Safety and Capacity Expansion Act of 1987. This rulemaking is considered significant because of a congressional mandate.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/90	55 FR 2206
ANPRM Comment Period End	05/22/90	
NPRM	09/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/92

Additional Information: Project No. AFS-89-215-R. This project was formerly entitled Sole Means Radio Navigation System.

Agency Contact: James Crowling, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-5215

RIN: 2120–AD26

2299. + AIRWORTHINESS STANDARDS; OCCUPANT PROTECTION STANDARDS FOR COMMUTER CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice would propose to amend the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes by upgrading the requirements for both seat/restraint systems and for flammability standards for seat cushions used in commuter category airplanes. These amendments are needed to improve the occupant protection provisions for these types of airplanes. These new requirements would result in a level of safety commensurate with that provided by the seat/restraint requirements and the flammability standards for transport category airplanes. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project No. ACE-87-014-R. This project was formerly entitled Improved Seat Safety Standards for Commuter Category Airplanes.

Agency Contact: Joseph Snitkoff, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 426-5688**

RIN: 2120–AD27

2300. + ALLOWABLE CARBON DIOXIDE CONCENTRATION IN TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This rulemaking has been established in order to review Part 25 of the Federal Aviation Regulations to determine if the current allowable concentration of carbon dioxide in the airplane cabin and flight deck is appropriate in light of standards established for air quality in buildings occupied by the general public and with workplace exposure limits adopted by other regulatory agencies. This rulemaking is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: This project was formerly entitled "Carbon Dioxide Concentration." Project Number ANM-87-017R.

Agency Contact: Bob McCracken, Flight Test and Systems Branch, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2118**

RIN: 2120–AD47

2301. + ANTI-DRUG PROGRAM; CONSOLIDATED AMENDMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose revisions to certain provisions of the FAA's anti-drug rule in order to clarify the responsibilities of the employer and the medical review officer under the rule. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AAM-90-302R.

Agency Contact: Julie Murdoch, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-0299**

RIN: 2120–AD67

2302. + ESTABLISHMENT AND DISCONTINUANCE CRITERIA FOR LORAN-C NONPRECISION APPROACH PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1343; 49 USC 1346; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 170

Legal Deadline: None

Abstract: This proposed rule would prescribe benefit-cost-based criteria for establishment and discontinuance of LORAN-C nonprecision approach procedures at airports. It would consider traffic density, passengers served, and aircraft operating efficiencies along with the cost of establishing and maintaining an approach. The criteria will provide a guide for FAA management to assure the cost-effective placement of LORAN-C approaches. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number APO-90-340R.

Agency Contact: Norman Elrod, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3292**

RIN: 2120–AD68

2303. + PROTECTIVE BREATHING EQUIPMENT; ALL CARGO

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to revise the Federal Aviation Regulations governing portable protective breathing equipment (PBE) required for crewmembers' use in combatting in-flight fires. This notice would address concerns and issues identified by the Air Transport Association and several operators regarding required portable PBE for all-cargo operations. This notice also would clarify the Federal Aviation Regulations governing required portable PBE in passenger compartments. This rulemaking is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AFS-90-324R.

Agency Contact: Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AD74

2304. + PROTECTIVE BREATHING EQUIPMENT; FIRE DRILLS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to amend the current regulations requiring Part 121 crewmembers to perform an approved firefighting drill using protective breathing equipment. The objective of this proposed amendment is to ensure that each crewmember accomplishes a firefighting drill in which the crewmember combats an actual fire in addition to, or combined with, a protective breathing equipment drill. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AFS-90-325R.

Agency Contact: Donell Pollard, Regulations Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AD76

2305. + FLIGHT RECORDERS AND COCKPIT VOICE RECORDERS

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations so that Part 91 operators may continue flights or ferry certain aircraft in the event that the flight recorder and/or cockpit voice recorder is inoperable. This change will provide Part 91 operators the same relief currently provided to holders of air carrier or commercial operator certificates when they are operating under Part 91. Additionally, this change would allow Part 91 operators to operate for up to 15 days with an inoperative flight recorder or cockpit voice recorder. These proposed amendments are intended to prevent Part 91 operations from being forced out of service unnecessarily. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AFS-90-326R.

Agency Contact: Thomas Glista, Project Development Branch, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8150

RIN: 2120–AD82

2306. + CREW PAIRING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to establish minimum experience levels for cockpit crew pairing. This notice would propose guidelines for initial operating experience and specify operating restrictions when the second in command has less than 100 hours of flight time. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: Project Number AFS-91-004R.

Agency Contact: Donell Pollard, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AD88

2307. + CHILD RESTRAINT SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to amend several sections of the Federal Aviation Regulations related to the seating and restraint of children in child restraint systems. This notice would propose to facilitate the use of more child restraint systems in aircraft,

which would increase the safety of children aboard aircraft. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AFS-90-323R.

Agency Contact: Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AD90

2308. + BIENNIAL FLIGHT REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This notice would propose to amend Part 61 of the Federal Aviation Regulations to require that the biennial flight review consist of a minimum of one hour of ground training and one hour of flight training. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AFS-90-431R.

A final rule published 09/05/91 (56 FR 43970) extended the compliance date for recreational pilots and non-instrument-rated private pilots with less than 400 hours of flight time to receive an annual flight review of a minimum of one hour each of flight and ground instruction. This action was necessary to allow the agency adequate time to complete the rulemaking herein.

Agency Contact: Tom Glista, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8150

RIN: 2120–AE11

2309. + ESTABLISH POWERED ULTRALIGHT VEHICLES STANDARDS

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1422; 49 USC 1423; 49 USC 106(g)

CFR Citation: 14 CFR 103

Legal Deadline: None

Abstract: This notice would propose to amend the standards for powered ultralight vehicles in the areas of registration, airworthiness, and pilot certification. In amending these standards, the recreational nature of ultralight operations would be taken into consideration. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/92

Additional Information: Project Number AFS-88-234P.

Agency Contact: William Cook, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3840

RIN: 2120–AE12

2310. ● + FIRE-BLOCKING MATERIAL FOR PART 135 AIRPLANE SEATS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to amend Part 135 of the Federal Aviation Regulations to require the use of fire-blocking materials in passenger seats. This proposal is the result of a National Transportation Safety Board Recommendation. This rulemaking is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/92

Additional Information: Project Number ACE-91-001R.

Agency Contact: Victor Sokoloski, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, Missouri 64106, 816 426-5688

RIN: 2120–AE33

2311. ● + ACCESS INTO THE COCKPIT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to revise Part 121 of the Federal Aviation Regulations by allowing air traffic control specialists to ride on the cockpit jumpseat in nonpassenger-carrying air carrier operations. This action is significant because of anticipated substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/92

Additional Information: Project Number AFS-91-207R.

Agency Contact: Donell Pollard, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-8096**

RIN: 2120–AE35

2312. ● + EMERGENCY LOCATOR TRANSMITTER REPLACEMENT

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would require the replacement of emergency locator transmitters (ELT's) on U.S.-registered airplanes with improved ELT's that meet the requirements of revised technical standard order number TSO-C91. This proposal is prompted by unsatisfactory performance of ELT's manufactured under the original technical standard order. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Project Number AIR-91-160R.

Agency Contact: Phil Akers, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9571**

RIN: 2120–AE36

2313. ● + DRUG TESTING IN THE WORKPLACE

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to amend the FAA's drug testing rule to require regulated aviation employers to submit semiannual and annual antidrug program reports in a manner which is standardized among all Department of Transportation operating administrations. This rulemaking action is considered significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AAM-91-314R.

Agency Contact: Steve Hecht, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-6711**

RIN: 2120–AE40

2314. REVIEW OF PART 47, AIRCRAFT REGISTRATION, AND PART 49, RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None

Abstract: This notice would propose to update Parts 47 and 49 of the Federal Aviation Regulations to reflect changes in the law, legal interpretations, other recent rulemaking actions, and the FAA's current aircraft registry practices. The intent of these proposed changes is to articulate, modernize, and simplify the existing regulations rather than alter established procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AVN-89-201R.

Agency Contact: Agnes Jones, Aviation Standards National Field Office, Department of Transportation, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur, Oklahoma City, Oklahoma 73125, **405 680-7357**

RIN: 2120–AC17

2315. FUEL SYSTEM VENT FIRE PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to amend the airworthiness standards for transport category airplanes to require fuel vent system protection during post-crash ground fires. This proposed rule would apply to air carriers, air taxi operators, and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: Docket 24251. Formerly entitled Implementation of SAFER Propulsion System Recommendations. Project No. ANM-82-050R.

Agency Contact: Mike McRae, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue,

SW., Renton, Washington 98055-4056, **206 227-2116**

RIN: 2120–AA49

2316. COMPOSITE PROPELLERS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1421; 49 USC 1423; 49 USC 106(g)

CFR Citation: 14 CFR 35

Legal Deadline: None

Abstract: This notice would revise Part 35 of the Federal Aviation Regulations to add requirements for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/92

Additional Information: Formerly titled Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction. Project No. ANE-83-002R.

Agency Contact: Marty Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7079**

RIN: 2120–AB05

2317. STANDARDS FOR APPROVAL OF A WET RUNWAY REDUCED V1 METHODOLOGY AND IMPROVED TAKEOFF AND LANDING BRAKING PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to amend Parts 25, 121, and 135 of the Federal Aviation Regulations to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways. In view of the comments received in response to this notice, a supplemental notice of proposed rulemaking will be issued.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45578
NPRM Comment Period End	03/30/88	
SNPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/30/87 (52 FR 45578)

Additional Information: This project was formerly entitled "Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways." Project Number ANM-83-030R.

Agency Contact: Bill Boxwell, Flight Tests and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2111**

RIN: 2120–AB17

2318. AIRCRAFT ENGINES: FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This notice would propose to add a new Section 33.35(f) to the Federal Aviation Regulations which would incorporate a requirement for the fuel mixture and throttle controls to automatically move to a position allowing continued safe flight if either control becomes disconnected.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7224
ANPRM Comment Period End	04/29/86	
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: Project No. ANE-85-002R.

Former title: Engine Fuel and Induction Systems.

Agency Contact: Locke Easton, Engine and Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7088**

RIN: 2120–AB76

2319. CERTIFICATION OF AIR TRAFFIC CONTROL TOWERS

Significance: Nonsignificant

Legal Authority: 49 USC 1346; 49 USC 1347; 49 USC 1348; 49 USC 1354; 49 USC 1426; 49 USC 1429; 49 USC 106(g)

CFR Citation: 14 CFR 69

Legal Deadline: None

Abstract: This notice would propose to establish a new Part 69 of the Federal Aviation Regulations which would govern the certification and operation of air traffic control towers that are not operated by the United States or under contract with the United States. The proposed regulation would require that such air traffic control towers provide, to the flying public, a level of service that is equivalent to the level of service provided by the air traffic control towers operated by the United States. The proposed regulation also would promote safe and efficient aircraft operations at the airports served by these air traffic control towers.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/92

Additional Information: This project was formerly entitled "Non-Federal Air Traffic Control Towers."

Project Number ATP-87-014R.

Agency Contact: Joseph C. White, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC59

2320. LOCATION OF MARKS ON FIXED-WING AIRCRAFT AND AIRSHIPS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421; 49 USC 1423; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 45

Legal Deadline: None

Abstract: This action would propose to amend the regulations for the location of nationality and registration marks on fixed-wing aircraft and airships. This action would modify the requirements for the location of marks on fixed-wing aircraft and airships with configurations that are not addressed by the existing regulations. These amendments are needed because existing rules cannot be applied to unconventional aircraft and airship configurations and they would allow for alternative locations for nationality and registration markings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AIR-86-132P.

Agency Contact: Terry Allen, Aircraft Manufacturing Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-7992

RIN: 2120–AC99

2321. MAINTENANCE RECORDKEEPING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1421 to 1430; 49 USC 1502

CFR Citation: 14 CFR 91; 14 CFR 121

Legal Deadline: None

Abstract: This rulemaking action would clearly define the recordkeeping requirements related to airworthiness directives and life-limited parts. This rulemaking would also specifically identify and describe the types of records which would be acceptable to the FAA and the required retention period for these records.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Project Number AFS-89-181R.

Agency Contact: George H. Johnson, Project Development Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3789

RIN: 2120–AD25

2322. DESIGNATED ENGINEERING ORGANIZATION AUTHORIZATION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1651; 49 USC 1857; 49 USC 106(g)

CFR Citation: 14 CFR 21; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by combining and amending the Delegation Option Authorization Procedures, the Designated Alteration Station Authorization Procedures, and the Development of Major Repair Data into a revised Subpart J of Part 21 entitled "Designated Engineering Organization Authorization Procedures (DEO).

This action would: (1) broaden existing delegation of aircraft certification and approval functions to organizations in the United States; (2) extend these functions to domestic organizations which possess the necessary technical and managerial qualifications specified in revised Subpart J of Part 21; (3) improve the standardization and reduce the long-term cost of FAA certification and approval functions; and (4) result in DEO conducted programs that are equivalent in safety and compliance to standard FAA conducted programs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AIR-85-249R.

Agency Contact: Manuel Macedo, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9566

RIN: 2120–AD31

2323. REQUIREMENTS FOR AIRCRAFT PROTECTION IN HIGH ENERGY RADIATED ELECTROMAGNETIC FIELDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by adding a new requirement for the protection of electrical and electronic systems in high energy radiated electromagnetic fields.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Project Number AIR-89-180R.

Agency Contact: Abbas Rizvi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, DC 20591, **202 267-9564**

RIN: 2120–AD32

2324. DEPRESSURIZATION EVALUATION OF STRUCTURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would develop a retroactive requirement for transport category airplanes that would require that normally unpressurized areas and compartments be able to withstand the effects of the required depressurization failure conditions that have been applied to the pressurized compartments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project No. ANM-88-008R.

Agency Contact: James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 431-2131**

RIN: 2120–AD35

2325. BIRD STRIKE DAMAGE ASSESSMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by upgrading the standards for protecting transport category airplanes from bird impact damage by requiring that airplanes be designed such that: (1) only minor damage would result from impact with a 4-pound bird and (2) the airplane would be capable of continued safe flight and landing after impact with an 8-pound bird. These standards are needed because of possible vulnerability of new technology flight controls, flight instruments, and flight structures to bird strike damage. These proposed changes are based on research and service experience and are intended to improve survivability of the airplane by providing better protection of critical structures and systems.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: Project No. ANM-87-037R.

Agency Contact: Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2120**

RIN: 2120–AD39

2326. 1-G STALLING SPEED AS A BASIS FOR COMPLIANCE WITH PART 25 OF THE FEDERAL AVIATION REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 36

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations to redefine the airplane reference stalling speed as the 1-g stalling speed in lieu of the minimum stalling speed. This notice would: (1) provide for a consistent, repeatable reference stalling speed; (2) ensure consistent and dependable maneuvering margins; (3) clarify the requirement for the use of 1-g stalling speeds in determining structural design speeds; (4) increase the head-on gust structural design requirement; and (5) provide for adjusted multiplying factors to maintain essentially equivalent requirements in areas where the use of minimum stalling speed has proven adequate. These changes are needed since the stalling characteristics of modern jet transports as determined by current methods can result in inconsistent reference stalling speeds. These changes may result in a higher level of safety where current methods have resulted in artificially low reference stalling speeds.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project No. ANM-86-041R.

Agency Contact: James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2131**

RIN: 2120–AD40

2327. PARACHUTE EQUIPMENT AND PACKING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1421; 49 USC 106(g)

CFR Citation: 14 CFR 105

Legal Deadline: None

Abstract: This action would propose to amend Part 105 of the Federal Aviation Regulations to permit general use of approved dual harness and parachute packs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AFS-86-102R.

Agency Contact: Melvin Cooper, Office of Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3788

RIN: 2120–AD57

2328. OPERATIONS OVER THE HIGH SEAS AND WITHIN THE NORTH ATLANTIC MINIMUM NAVIGATION PERFORMANCE SPECIFICATION AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking was issued to advise the public and industry that the FAA is considering developing a regulation that would establish requirements for the operation of U.S.-registered general aviation aircraft consistent with the International Civil Aviation Organization's navigation requirements for flights over the high seas. These requirements would promote the safe operation of U.S.-registered general aviation airplanes within minimum navigation performance specification airspace. These requirements also would provide safety standards for the operation of U.S.-registered general aviation aircraft outside the airspace of the United States, beyond the service range of the International Civil Aviation Organization's standard NAVAID's, and beyond the coverage of air traffic service radar. These requirements would apply only to operations over the high seas.

Timetable:

Action	Date	FR Cite
ANPRM	09/05/90	55 FR 36592
ANPRM Comment Period End	01/03/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project was formerly entitled "North Atlantic Minimums/Minimum Navigational Performance Standards." Project Number AFS-89-175R.

Agency Contact: William Cook, General Aviation and Commercial Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3840

RIN: 2120–AD59

2329. REPORTING REQUIREMENTS: TRANSFEREE HOLDERS AND LICENSEES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(a); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This notice would require holders and licensees of a type certificate to report a failure, malfunction, or defect in a product, part, or article manufactured under that type certificate by its transferor.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Project Number AIR-90-185R.

Agency Contact: Lyle Davis, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9588

RIN: 2120–AD64

2330. EXEMPTION PROCESS

Significance: Nonsignificant

Legal Authority: 49 USC 1341(a); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 11

Legal Deadline: None

Abstract: This proposed notice would revise the Federal Aviation Regulations to provide for the granting of relief from the literal compliance with certain rules provided the applicant justifies this relief and that the FAA finds that the provisions not complied with are compensated for by factors that have an equivalent level of safety or that there will be no adverse effect on safety.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ARM-90-045R.

Agency Contact: Linda Williams, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9685

RIN: 2120–AD66

2331. APPROVAL OF TERMINAL CONTROL AREA AND SPECIAL VISUAL FLIGHT RULE OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This notice would propose to establish the priority by which air traffic control would approve an operation in a terminal control area or an operation under special visual flight rule minimums.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: This project was formerly entitled "Approval of Terminal Control Area Operations." Project Number ATP-90-343R.

Agency Contact: William Mosley, Air Traffic Rules Branch, Department of

Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9251

RIN: 2120–AD71

2332. MISCELLANEOUS AMENDMENTS TO PART 77, OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1304; 49 USC 1348; 49 USC 1354; 49 USC 1431; 49 USC 1501; 49 USC 106(g)

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This notice would propose to revise Part 77 of the Federal Aviation Regulation. The following areas will be considered: (1) notice requirements for landfills and dumps near airports; (2) effects of proposed construction on private-use airports used by public health and welfare agency aircraft; and (3) requirements for instrument flight rules involving heliport/vertiport surfaces.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ATP-90-255R.

Agency Contact: Richard Kagehiro, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9667

RIN: 2120–AD72

2333. TEMPORARY RESTRICTION OF INSTRUMENT APPROACHES AND CERTAIN VISUAL FLIGHT RULES OPERATIONS IN HIGH PRESSURE WEATHER CONDITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations to authorize the issuance of temporary flight restrictions to certain operations when accurate altitude information is not available.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AFS-90-183R.

Agency Contact: Donell Pollard, Regulations Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AD75

2334. IMPROVED FIRE SAFETY STANDARDS FOR CLASS A AND CLASS D COMPARTMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to upgrade the fire safety standards for cargo or baggage compartments in certain passenger-carrying transport category airplanes by establishing a maximum size for Class A compartments and by eliminating Class D compartments altogether. Compartments that could no longer be classed as Class A or Class D would have to meet the standards for Class C or Class E compartments as applicable. Certain transport category airplanes used in air carrier, air taxi, or commercial service also would have to meet these upgraded standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project was formerly entitled "Class D Compartments Improved Fire Safety Standards." Project Number ANM-88-020R.

Agency Contact: Gary Killion, Manager, Regulations Branch, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, 206 227-2112

RIN: 2120–AD77

2335. PRODUCTION CERTIFICATE MODERNIZATION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This notice would propose to standardize the production quality control systems requirements in Part 21 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/92

Additional Information: Project Number AIR-89-048R.

Agency Contact: Andy Lown, Production Certification Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9540

RIN: 2120–AD78

DOT—FAA

Proposed Rule Stage

2336. POWERED-LIFT ENGINE TYPE CERTIFICATION REQUIREMENTS AND DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This notice would propose to amend the airworthiness standards to accommodate the type certification of powered-lift aircraft engine designs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ANE-89-001R.

Agency Contact: Donald Perrault, Engine and Propeller Standards Staff, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, New England Region Headquarters, 12 New England Executive Park, Burlington, Massachusetts 01803, 617 273-7081

RIN: 2120–AD79

2337. NEW CONTINGENCY RATINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This notice would amend the airworthiness standards to define and incorporate type certification requirements for one-engine-inoperative ratings for fixed-wing gas turbine engines.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ANE-89-002R.

Agency Contact: Donald Perrault, Engine and Propeller Standards Staff, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, New England Region Headquarters, 12 New England Executive Park, Burlington, Massachusetts 01803, 617 273-7081

RIN: 2120–AD80

2338. APPLICATIONS FOR EXPORT AIRWORTHINESS APPROVALS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations by allowing Parts Manufacturer Approval, Approved Production Inspection System, and Technical Standard Order authorization holders to apply orally for the issuance of Export Airworthiness Approval for their Class II products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: This project was formerly entitled "Export Airworthiness Approvals; Oral Applications." Project Number AIR-89-206R.

Agency Contact: Terry Allen, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8361

RIN: 2120–AD81

2339. MODEL ROCKET OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 101

Legal Deadline: None

Abstract: This notice would propose to extend the inapplicability of Part 101 to heavier model rockets.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: This project was formerly entitled "Part 101 Review Program." Project Number ATP-84-020R.

Agency Contact: Joseph White, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AD84

2340. COST OF SERVICES AND TRANSFER OF FEES TO PART 187 FROM PARTS 47, 49, 61, 63, 65, AND 143

Significance: Nonsignificant

Legal Authority: 49 USC 1341; 49 USC 1343; 49 USC 1344; 49 USC 1346; 49 USC 1348; 49 USC 1354; 49 USC 1355; 49 USC 106(g)

CFR Citation: 14 CFR 47; 14 CFR 49; 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 143; 14 CFR 187

Legal Deadline: None

Abstract: This notice would propose to assess reasonable charges for certain services provided by the FAA. The charges would be set at a level approximating the cost to the Government to provide these services and would be adjusted periodically as the cost of these services change or as prescribed in the Anti-Drug Abuse Act of 1988. The cost of providing services for aircraft registration and recording and replacement of airmen certificates is not being fully recouped in accordance with the changes reflected in the Consumer Price Index of All Urban Consumers which was published by the Bureau of Labor Statistics of the Department of Labor or as set by the Anti-Drug Abuse Act of 1988. This notice also would propose to consolidate all service fees by placing

them in Part 187 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: Project Number AVN-90-347R.

Agency Contact: Earl F. Mahoney, Registry Modernization Staff, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, Oklahoma 73125-4939, **405 680-7357**

RIN: 2120–AD91

2341. AUTOPILOT MINIMUM ALTITUDES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to amend Part 121 of the Federal Aviation Regulations to revise the 500-foot limitation on the use of autopilot.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/00/92

Additional Information: Project Number AFS-90-432R.

Agency Contact: Gary Davis, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3747**

RIN: 2120–AE15

2342. ● TERMINAL AIRSPACE REVIEW

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations by revising all control zones and associated transition areas and parallel Class D airspace areas designated for an airport, Class E airspace areas designated for an airport, and Class E airspace areas that extend upward from other than the surface.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Project Number ATP-90-439R.

Agency Contact: William M. Mosley, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9251**

RIN: 2120–AE18

2343. ● OFFSHORE AIRSPACE REVIEW

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 71; 14 CFR 91; 14 CFR 103

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations by revising certain offshore airspace areas; lowering the Continental Control Area; deleting Domestic Area Low Routes; designating control areas associated with jet routes outside of the continental control area as Class A airspace areas for navigation; raising the ceiling of jet and area high routes; deleting the regulation that permits aircraft operating under visual flight rules at the base of controlled airspace to meet the visibility and cloud clearance requirements of uncontrolled airspace; and deleting domestic high/low reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/92

Additional Information: Project Number ATP-91-014R.

Agency Contact: William M. Mosley, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9251**

RIN: 2120–AE32

2344. ● VISUAL DESCENT POINTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to revise Parts 121 and 135 of the Federal Aviation Regulations to incorporate a requirement for visual descent points.

Timetable:

Action	Date	FR Cite
NPRM	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/92

Additional Information: Project Number AFS-91-206R.

Agency Contact: Donell Pollard, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-8096**

RIN: 2120–AE34

DOT—FAA

Proposed Rule Stage

2345. ● AIRPORT SIGNS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

CFR Citation: 14 CFR 139

Legal Deadline: None

Abstract: This notice would propose to amend Part 139 of the Federal Aviation Regulations by extending the compliance date by which certified airports must meet certain sign requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Project Number AAS-89-132R.

Agency Contact: **William Deloach,** Airport Safety and Compliance Branch, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-8723**

RIN: 2120–AE37

2346. ● AIRPORT RUNWAY INCURSION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

CFR Citation: 14 CFR 139

Legal Deadline: None

Abstract: This notice would propose to amend Part 139 of the Federal Aviation Regulations by incorporating additional requirements regarding distance remaining markers and other signs at airports.

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/92

Additional Information: Project Number AAS-91-205R.

Agency Contact: **William Deloach,** Airport Safety and Compliance Branch, Office of Aviation Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-8723**

RIN: 2120–AE38

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Final Rule Stage

2347. + PRIMARY CATEGORY AIRCRAFT

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857(f); 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None

Abstract: This notice proposed to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, this notice proposed simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft.

Because a meeting between the FAA and the Experimental Aircraft Association was held to hear additional remarks not previously submitted during the comment period, the FAA will issue a notice reopening the comment period for this rulemaking.

The FAA also plans to issue a supplemental notice of proposed rulemaking to correct statements made in the notice concerning the applicability of noise standards to the new category of primary aircraft proposed in the notice.

This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9738
NPRM Comment Period End	09/07/89	
Comment Period Reopened; Comment Period End 09/30/91	08/01/91	56 FR 36976
SNPRM; Comment Period End 09/30/91	08/01/91	56 FR 36972
NPRM/SNPRM Comment Period Extended to 11/29/91	09/30/91	56 FR 49660

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/01/91 (56 FR 36972)

Additional Information: Formerly entitled Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records.

RIN 2120-AD58, Noise Requirements for Primary Category Aircraft, has been consolidated into this rulemaking.

Project Numbers AIR-90-111R and AIR-83-133R.

Agency Contact: **Lyle Davis,** Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9583**

RIN: 2120–AB53

2348. + CIVIL SUPERSONIC AIRCRAFT NOISE TYPE CERTIFICATION STANDARDS AND OPERATING RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49

USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431(b); 49 USC 1651(b)(2); 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: This notice proposed revisions to the aircraft type certification standards and operating rules to require that future supersonic aircraft meet noise limits consistent with those required for future subsonic aircraft. These revisions would aid the development of next-generation supersonic aircraft by establishing a noise impact goal that is consistent with noise limits for conventional (subsonic) aircraft. The FAA believes that these revisions are necessary to guide developers of supersonic aircraft and to assure consistent and equitable noise type certification standards and operating rules for both subsonic and supersonic aircraft. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39663
ANPRM Comment Period End	02/27/87	
Comment Period Reopened Until 07/01/87	03/12/87	52 FR 7618
NPRM	05/30/90	55 FR 22020
NPRM Comment Period End	11/26/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/30/90 (55 FR 22020)

Additional Information: Docket 25109. Formerly entitled SST Stage 3 Compliance. Project No. AEE-86-012R.

Agency Contact: Richard N. Tedrick, Policy and Regulatory Division, Office of Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3556

RIN: 2120–AC22

2349. + IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS

Significance: Regulatory Program

Legal Authority: 49 USC 106(g); 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, June 28, 1988.
PL 100-223, Section 303, Airport and Airway Safety and Capacity Enhancement Act of 1987.

Abstract: This notice proposed new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to U.S.-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This proposal is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The proposed requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24890)

Additional Information: Project No. AIR-85-265R.

Agency Contact: John Petrakis, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9574

RIN: 2120–AC72

2350. + RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, April 28, 1988.
PL 100-223 Sec 303

Abstract: This notice proposed to require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats onboard all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17650)

Additional Information: Docket 25611. Project No. AIR-88-136R.

Agency Contact: Arthur Hayes, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9937

RIN: 2120–AC84

2351. + DRUG ENFORCEMENT ASSISTANCE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401; 49 USC 1402; 49 USC 1403; 49 USC 1404; 49 USC 1405; 49 USC 1406; 49 USC

1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 13; 14 CFR 47

Legal Deadline: Final, Statutory, September 18, 1989.
FAA Drug Enforcement Assistance Act of 1988.

Abstract: This notice proposed to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties associated with registration and certification violations. This notice also announced new procedures for processing major repair and alteration forms which pertain to fuel system modifications. Actions announced in this notice respond to the FAA Drug Enforcement Assistance Act. The proposed requirements and adopted procedures are intended to assist law enforcement agencies in their efforts to stop drug trafficking in general aviation aircraft. This rulemaking is significant because of congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270
NPRM Comment Period End	05/11/90	
Comment Period Extended To 07/11/90	05/16/90	55 FR 20394
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/12/90 (55 FR 9270)

Additional Information: Project No. AVN-89-035R.

Agency Contact: **Kenneth Lauterstein**, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9534**

RIN: 2120–AD16

2352. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This proposed rule is designed to alleviate increased delays throughout the air traffic system and is considered significant because of its involvement with important Department of Transportation policies.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082
NPRM Comment Period End	09/04/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/20/84 (49 FR 33082)

Additional Information: Docket No. 24206.

Agency Contact: **David L. Bennett**, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3491**

RIN: 2120–AB42

2353. + MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to amend several sections of the Federal Aviation Regulations. Several proposals would provide the FAA with the means to enforce certain safety regulations. Others would make current operator practices regulatory requirements. Several proposals would establish regulations on child restraint systems, safety belts aboard airships, and flight crewmember use of shoulder harnesses aboard aircraft. Two of the proposals would clarify the regulations concerning fire extinguishers and protective breathing equipment, and one obsolete section of the regulations and several obsolete references to particular dates would be removed. This action would reduce the number of passenger violations and enhance safety aboard aircraft. This rulemaking is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	55 FR 7414
NPRM Comment Period End	05/30/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/01/90 (55 FR 7414)

Additional Information: Project No. AFS-84-191R.

Agency Contact: **Larry Youngblut**, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3755**

RIN: 2120–AB45

2354. + AIRSPACE RECLASSIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1347; 49 USC 1348; 49 USC 1354(a); 49 USC 1357; 49 USC 1372; 49 USC 1421 to 1430; 49 USC 1432; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655; 49 USC 106(g); ...

CFR Citation: 14 CFR 1; 14 CFR 11; 14 CFR 65; 14 CFR 71; 14 CFR 75; 14 CFR 91; 14 CFR 93; 14 CFR 101; 14 CFR 103; 14 CFR 105; 14 CFR 121; 14 CFR 127; 14 CFR 137; 14 CFR 171

Legal Deadline: None

Abstract: This notice proposed to adopt certain recommendations of the National Airspace Review concerning changes to regulations and procedures dealing with airspace classification. These changes are intended to: (1) simplify airspace designations; (2) achieve international commonality of airspace designations; (3) increase standardization of equipment requirements for operations in the various classifications of airspace; and (4) associate appropriate pilot certification requirements, visual flight rules visibility and distance from clouds rules, and air traffic services offered in each proposed class of airspace. This

proposal represents the combination of three separate advance proposals issued in 1985 concerning airspace assignment and related air traffic operating rules. The FAA believes the simplified airspace classification proposed in this action will reduce existing airspace complexity and thereby enhance safety. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046
NPRM	10/18/89	54 FR 42916
NPRM Comment Period End	04/18/90	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/18/89 (54 FR 42916)

Additional Information: Docket No. 24456.

Regulatory Project ATP-84-007R.

RIN 2120-AC57, RIN 2120-AB02, National Airspace Review; Terminal Airspace Task Group Recommendations, and RIN 2120-AB93, Controlled Airspace Designations in International Airspace, have been incorporated into this action.

Agency Contact: William Mosley, Air Traffic Control Specialist, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9251

RIN: 2120–AB95

2355. + PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 119; 14 CFR 121; 14 CFR 125; 14 CFR 127; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to amend the Federal Aviation Regulations to update, clarify, and consolidate into one part, new Part 119, the certification and operations specifications requirements for persons who conduct passenger-carrying or cargo-carrying air operations for compensation or hire. Significant changes included defining what must be included in operations specifications; defining "scheduled" and "domestic" operations; increasing the lead-time period for application for a certificate; defining a "wet lease" operation; including in the regulations criteria to determine who has operational control of an operation; and standardizing the requirements and qualifications for management personnel. This action is needed to establish permanent minimum safety standards following the "sunset" of the Civil Aeronautics Board on December 31, 1984, and the enactment of the Airline Deregulation Act of 1978. This action would also replace SFAR 38, as amended, which has provided interim certification and operations specifications regulation. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39852
NPRM Comment Period End	01/10/89	
Comment Period Reopened To 05/17/90	04/17/90	55 FR 14404
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/12/88 (53 FR 39852)

Additional Information: Project No. AFS-84-190R.

Agency Contact: Michael J. Coffey, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3750

RIN: 2120–AC08

2356. + FLIGHT ATTENDANT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: The current regulations need to be revised to account for the changed operational practices stemming from airline economic deregulation. This proposal would clarify or change the number of flight attendants required when passengers are on board an airplane, including at stops. This proposal includes two new requirements: (1) a revision of the reduced number of flight attendants which, under certain conditions, a carrier is permitted to have on board a passenger-carrying airplane during stops; and (2) a requirement for a demonstration of competency by the other authorized persons who may be permitted to be substituted for required flight attendants when passengers are on board the airplane during stops. This proposal would change the current rule by clarifying and specifying the training required to be completed by these other authorized persons. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/14/89	54 FR 15134
NPRM Comment Period End	07/13/89	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/14/89 (54 FR 15134)

Additional Information: Project No. AFS-86-077R.

Agency Contact: David L. Catey, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AC32

DOT—FAA

Final Rule Stage

2357. + TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations. These proposals are intended to provide more consistent standards with respect to passenger seating allowed for each exit type, and the type and number of exits required for passenger seating configurations. This notice proposed to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington, on September 3-6, 1985. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	02/22/90	55 FR 6344
NPRM Comment Period End	08/21/90	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/22/90 (55 FR 6344)

Additional Information: Project No. ANM-87-006R.

Agency Contact: Franklin Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2121**

RIN: 2120–AC43

2358. + IMPROVED ACCESS TO TYPE III EXITS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed amendments to the Federal Aviation Regulations which would require improved access to Type III emergency exits (typically smaller over-wing exits) in transport category airplanes with 20 or more passenger seats. These proposals were the result of tests which were conducted at the FAA's Civil Aeromedical Institute, and are intended to improve the ability of occupants to evacuate an airplane under emergency conditions. These amendments would apply to air carriers, air taxi operators, and commercial operators of transport category airplanes as well as the manufacturers of such airplanes. This rulemaking is considered significant because it involves an important cabin-safety issue, and because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	04/09/91	56 FR 14446
NPRM Comment Period End	10/07/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/09/91 (56 FR 14446)

Additional Information: Formerly entitled Improved Access to Type III and Type IV Emergency Exits. Project No. ANM-86-007R.

Agency Contact: Frank Tiangsing, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2121**

RIN: 2120–AC46

2359. + REVISION OF AVIATION MAINTENANCE TECHNICIAN SCHOOLS REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 147

Legal Deadline: None

Abstract: This notice proposed to update the regulations for certificating aviation maintenance technician schools (AMTS) to accommodate the increasing demand for maintenance technicians with higher levels of skill and knowledge. This proposal, if adopted, would: (1) modify portions of the current rule that have been open to subjective judgments by the FAA and the AMTS industry and (2) modify the rule to upgrade the portions that specify the skill and knowledge requirements for an aviation maintenance technician. In addition, the proposal, if adopted, would revise the core curriculum to ensure that a person graduating from an aviation maintenance technician school will be prepared to function in the current technological environment. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/11/90	55 FR 37416
NPRM Comment Period End	12/11/90	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/11/90 (55 FR 37416)

Additional Information: Project No. AFS-87-190R.

Agency Contact: Leslie K. Vipond, Aircraft Maintenance Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3269**

RIN: 2120–AD09

2360. + EMERGENCY LOCATOR TRANSMITTERS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1471; 49 USC 1485; 49 USC 1502; 49 USC 1522; 49 USC 106(g)

DOT—FAA

Final Rule Stage

CFR Citation: 14 CFR 25; 14 CFR 29; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to require installation of an improved emergency locator transmitter (ELT) that meets the requirements of a revised Technical Standards Order (TSO) on U.S.-registered airplanes and to terminate approval to use ELTs authorized under the original TSO issued for this equipment. The new equipment would be required for future installations. This proposal was prompted by unsatisfactory performance experienced with ELTs that are manufactured under the original TSO and relates to safety recommendations by the National Transportation Safety Board and the search-and-rescue community. Although most of the unsatisfactory field experience has been with automatic ELTs, the FAA is also proposing improved standards for survival ELTs. This proposal would save lives by increasing the number of survivors rescued after aircraft accidents. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	55 FR 12316
NPRM Comment Period End	07/31/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/02/90 (55 FR 12316)

Additional Information: Project No. AIR-85-348R.

Agency Contact: Phil Akers, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9571**

RIN: 2120–AD19

2361. + GROUND PROXIMITY WARNING SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to revise the operating rules for air taxi and commercial operators by requiring that all turbine-powered (rather than just turbojet) airplanes with ten or more seats be equipped with an approved ground proximity warning system. The proposed changes are needed because studies have shown that several controlled-flight-into-terrain accidents involving turbo-propeller powered airplanes might have been avoided had the airplanes been equipped with a ground proximity warning system. This proposed rule is intended to reduce the risk of airplanes being flown into terrain with no apparent awareness by the crews that they are approaching the ground. This rulemaking is considered significant because of important safety implications.

Timetable:

Action	Date	FR Cite
NPRM	04/24/90	55 FR 17358
NPRM Comment Period End	07/23/90	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/24/90 (55 FR 17358)

Additional Information: Project No. AIR-86-283R.

Agency Contact: Philip Akers, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9571**

RIN: 2120–AD29

2362. + AIRWORTHINESS STANDARDS; EMERGENCY EXIT PROVISIONS FOR NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice proposed to amend emergency egress requirements of the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. These proposed rules are necessary to improve the compatibility of the requirements for emergency exit provisions of commuter category airplanes with the corresponding requirements for similar sized transport category airplanes. These proposals provide alternative emergency exit requirements, applicable to commuter category airplanes, when additional bin safety features are included in the airplane design, and include specific requirements for flight crew emergency exits, emergency exit ditching provisions, and the size requirement of the passenger entry door for commuter category airplanes. This rulemaking is considered significant because it involves a cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	08/30/90	55 FR 35544
NPRM; Correction	10/04/90	55 FR 40755
NPRM Comment Period End	02/26/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/30/90 (55 FR 35544)

Additional Information: Project No. ACE-88-001R. This project was formerly entitled Exit Requirements for Part 23 Airplanes.

Agency Contact: Norman R. Vetter, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, MO 64106, **816 426-5688**

RIN: 2120–AD33

2363. ● + EXIT ROW SEATING

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This final rule would amend the exit row seating rule to relieve burdens on both passengers and operators caused by the restriction of more seats than is necessary in the interest of safety, to ensure that passengers who cannot respond to emergency commands are not seated in exit rows, and to remove unnecessarily burdensome language requirements for passenger information cards. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AFS-90-382R.

Agency Contact: Katherine M. Hakala, Commuter and Air Taxi Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3762

RIN: 2120–AE22

2364. ● + AIR TRAFFIC CONTROL RADAR BEACON SYSTEM AND MODE S TRANSPONDER REQUIREMENTS IN THE NATIONAL AIRSPACE SYSTEM

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: The FAA is considering issuing a final rule to delay the requirement that any transponder newly installed in an aircraft must be a Mode S transponder. This delay is necessary because technical and design problems have delayed the installation and testing of 137 Mode S ground sensor sites that were expected to be in place by January 1992. The anticipated delivery date for the remainder of the Mode S ground sensor sites is now August 1995. This action is considered significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Additional Information: Project Number ATP-91-203R.

Agency Contact: Aaron I. Boxer, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 25091, 202 267-8783

RIN: 2120–AE27

2365. ● + NOTIFICATION TO AIR TRAFFIC CONTROL (ATC) OF DEVIATIONS FROM ATC CLEARANCES AND INSTRUCTIONS IN RESPONSE TO TRAFFIC ALERT AND COLLISION AVOIDANCE SYSTEM RESOLUTION ADVISORIES

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This final rule would clarify the responsibility of a pilot in command to advise an air traffic controller of any deviation from an air traffic control clearance or instruction when responding to a traffic alert and collision avoidance system resolution advisory. This action is considered significant because of its safety implications

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Project Number ATP-89-354P.

Agency Contact: Richard K. Kagehiro, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AE31

2366. OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1421 to 1430; 49 USC 1501; 49 USC 106(g)

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This notice proposed amendments to the standards, aeronautical studies, scope, and notice provisions concerning objects affecting navigable airspace. The notice consisted primarily of changes required by recent legislation or recommended by a government/industry task group of the National Airspace Review Advisory Committee. This notice also introduced language to cover electromagnetic interference phenomenon that could create a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	08/03/90	55 FR 31722
NPRM; Correction	08/13/90	55 FR 32999
NPRM; Correction	08/16/90	55 FR 33577
NPRM; Correction	08/28/90	55 FR 35152
NPRM; Correction	09/10/90	55 FR 37287
NPRM Comment Period End	12/31/90	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/03/90 (55 FR 31722)

Additional Information: Project ATP-85-015R.

Agency Contact: Richard Kagehiro, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence

DOT—FAA **Final Rule Stage**

Avenue, SW., Washington, DC 20591, **202 267-8783**

RIN: 2120–AA09

2367. MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/83 (48 FR 45214)

Additional Information: Docket No. 23781. Project No. ARM-81-128R.

Agency Contact: **Jean Casciano**, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9683**

RIN: 2120–AA50

2368. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action proposed changes to the airworthiness standards to improve the crash resistance of fuel systems on normal, utility, acrobatic, and commuter category airplanes. The FAA has determined that improved crash resistance of these fuel systems is necessary to prevent deaths and injuries due to fire in survivable crashes. The proposed design changes would limit fuel spillage near ignition sources and would provide additional time for the survivors to evacuate the airplane.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	
NPRM	02/28/90	55 FR 7280
NPRM Comment Period End	06/28/90	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/28/90 (55 FR 7280)

Additional Information: Formerly titled Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems. Project No. ACE-82-005R.

Agency Contact: **Norman Vetter**, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 426-5688**

RIN: 2120–AA57

2369. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINE ELECTRICAL AND ELECTRONIC ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This action would establish requirements for the certification of electrical and electronic engine control systems. These control systems range from simple power or thrust trimming devices with full hydromechanical backup to full authority digital electronic controls with no mechanical backup. Although these types of control systems have been certificated under existing regulations, those regulations do not address specific requirements related to electrical and electronic engine controls such as engine supplied power and data, lightning protection, high energy radio frequency protection, and software verification/validation.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/85 (50 FR 6186)

Additional Information: Project No. ANE-83-001R.

Agency Contact: **Cosimo J. Bosco**, Engine and Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7068**

RIN: 2120–AB06

2370. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC TRANSPORT AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to amend the Federal Aviation Regulations to specify airplane and equipment airworthiness standards for subsonic transport airplanes to be operated up to an altitude of 51,000 feet. This proposal was prompted by an increase in the number of applications received to raise the maximum certificated operating altitude for transport category airplanes. This action is intended to ensure an acceptable level of safety for airplanes operated at high altitudes.

Timetable:

Action	Date	FR Cite
NPRM	11/22/89	54 FR 48538
NPRM Comment Period End	05/21/90	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 11/22/89 (54 FR 48538)

Additional Information: Project No. ANM-83-022R.

Agency Contact: Bob McCracken, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2118**

RIN: 2120–AB18

2371. AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This notice proposed to revise the performance requirements for transport category rotorcraft. The proposed changes are needed to define more clearly the factors for determining takeoff distances for transport category rotorcraft and to add several other relevant standards. If adopted, these changes would provide for an improved level of safety achievable because of recent technological advances in turboshaft engine design and associated rotorcraft design.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	
NPRM	01/08/90	55 FR 698
NPRM Comment Period End	07/09/90	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/08/90 (55 FR 698)

Additional Information: Project No. ASW-83-006R.

Agency Contact: Jim S. Honaker, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, **817 624-5109**

RIN: 2120–AB36

2372. LOW FUEL QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to amend the airworthiness standards for transport category airplanes to require a means to alert the flight crew of potentially unsafe low fuel quantities. There have been several fuel depletion incidents involving loss of power or thrust on all engines that could have resulted in forced landings and injury or loss of life. Most of these incidents resulted from improper fuel management techniques. This proposed amendment would require new transport category airplane designs to incorporate a low fuel quantity alert system that would allow for correction of certain fuel management errors or provide the flightcrew the opportunity to make a safe landing prior to engine fuel starvation.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/12/87 (52 FR 17890)

Additional Information: Docket No. 25213. Project No. ANM-83-039R.

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2135**

RIN: 2120–AB46

2373. AMEND SECTION 43.17 TO ALLOW FOR MAINTENANCE OF U.S. AERONAUTICAL PRODUCTS IN CANADA IN COMPLIANCE WITH THE U.S.-CANADIAN BILATERAL AIRWORTHINESS AGREEMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None

Abstract: This notice proposed to amend the regulations to provide for the acceptance of maintenance, preventive maintenance, and alterations accomplished on U.S. civil aeronautical products and components in Canada. This proposal was prompted by the airworthiness maintenance provisions contained in the U.S.-Canadian Bilateral Airworthiness Agreement and the Schedule of Implementation Procedures between the United States and Canada. The proposed amendment would provide for acceptance by the FAA of maintenance, preventive maintenance, and alterations performed on aircraft, engines, propellers, appliances, materials, parts, and other components which are transported from the United States to Canada and which are for installation on U.S.-registered aircraft.

DOT—FAA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24304
NPRM Comment Period End	08/07/89	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/06/89 (54 FR 24304)

Additional Information: Project No. AFS-83-258R.

Agency Contact: William Henry, Aircraft Maintenance Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3804

RIN: 2120–AB89

2374. AIRWORTHINESS STANDARDS; NEW ROTORCRAFT 30-SECOND/2-MINUTE ONE-ENGINE-INOPERATIVE POWER RATINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This notice responded to a petition for rulemaking from Aerospace Industries Association of America, Inc., and proposed to amend the Federal Aviation Regulations to incorporate new one-engine-inoperative (OEI) power ratings for multiengine, turbine-powered rotorcraft. If adopted, this proposal would enhance rotorcraft safety after an engine failure or precautionary shutdown by providing OEI power, when required, with the assurance that the drive system would maintain its structural integrity and allow continued safe flight while operating at the new OEI power ratings with the operable engine(s).

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39086
Notice of Public Hearing	10/13/89	54 FR 41986
NPRM Comment Period End	03/27/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/22/89 (54 FR 39086)

Additional Information: Formerly entitled New Rotorcraft Emergency Power Ratings.

Project No. ASW-85-469P.

Agency Contact: Ray Twa, Rotorcraft Standards Staff, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5158

RIN: 2120–AB90

2375. AIRWORTHINESS STANDARDS; TURBOSHAFT ENGINE ROTOR BURST PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This notice proposed to amend the Federal Aviation Regulations to minimize the failure hazards of high speed powerplant rotor systems used in turboshaft engines in newly designed transport category rotorcraft. Engine rotor failures have occurred resulting in the release of high energy rotor fragments or other engine component fragments. These fragments have impacted and damaged critical rotorcraft structures, systems, controls, and adjacent engines, as well as caused serious or fatal injuries to passengers and crewmembers. This proposal, if adopted, is intended to eliminate these hazards.

Timetable:

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42716
Comment Period Extended to 10/16/90	03/08/90	55 FR 8474
NPRM Comment Period End	04/16/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/17/89 (54 FR 42716)

Additional Information: Former title Turbine Burst Protection for Transport Category Helicopters. Project No. ASW-84-002.

Agency Contact: Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5123

RIN: 2120–AB91

2376. MISCELLANEOUS CHANGES TO EMERGENCY EVACUATION DEMONSTRATION PROCEDURES, EXIT HANDLE ILLUMINATION, AND PA HANDSETS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice proposed to modify the procedures for conducting an emergency evacuation demonstration by requiring that the flight crew take no active role in the demonstration and by changing the age/sex distribution requirement for demonstration participants. This notice also proposed to standardize the illumination requirements for the handles of the various types of passenger emergency exits. In addition, it is proposed to add a requirement for a "push to talk" switch to the public address system. These proposals are intended to enhance the provisions of transport category airplanes for egress of occupants during emergency conditions.

Timetable:

Action	Date	FR Cite
NPRM	09/08/89	54 FR 37414
NPRM Comment Period End	01/08/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/08/89 (54 FR 37414)

Additional Information: Project No. ANM-87-010R.

Agency Contact: Frank Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2121**

RIN: 2120–AC45

2377. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This notice proposed to add comprehensive crash resistant fuel system design and test criteria to the airworthiness standards for normal and transport category rotorcraft. The proposed standards would minimize fuel (and other flammable fluid) spillage near ignition sources, minimize potential ignition sources and, therefore, improve the evacuation time needed for crew and passengers to escape a postcrash fire. These proposals, if adopted, would minimize the postcrash fire hazard, save lives, and substantially reduce the severe physiological and psychological injuries sustained from postcrash fires in otherwise survivable accidents.

Timetable:

Action	Date	FR Cite
NPRM	10/05/90	55 FR 41000
NPRM; Correction	12/11/90	55 FR 50931
NPRM Comment Period End	04/03/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/05/90 (55 FR 41000)

Additional Information: This project was formerly entitled "Rotorcraft Crash Resistant Fuel Systems." Project Number ASW-85-006R.

Agency Contact: Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, **817 624-5123**

RIN: 2120–AC68

2378. ELECTRICAL AND ELECTRONIC SYSTEMS LIGHTNING PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to amend the Federal Aviation Regulations to add a new standard for transport category airplanes which would provide lightning protection requirements for installed electrical and electronic systems. This proposal was the result of increasing concern for the vulnerability of these systems to the indirect effects of lightning. This notice was issued in order to promulgate specific lightning protection requirements for electrical systems which perform essential or critical functions.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	54 FR 23164
NPRM Comment Period End	09/27/89	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/30/89 (54 FR 23164)

Additional Information: Project No. ANM-86-014R.

Agency Contact: Gene Vandermolen, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2157**

RIN: 2120–AC81

2379. LANDING GEAR AURAL WARNING

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 125

Legal Deadline: None

Abstract: This notice proposed to amend the airworthiness standards for transport category airplane landing gear aural warning systems and the operating rules for using transport category airplanes to update the present requirements. This proposal was prompted by reports of nuisance or inappropriate aural warnings which have occurred in modern transport airplanes which adhere strictly to the present regulations. It is intended to align the regulations with existing design practices thereby removing the regulatory burden associated with making an equivalent level of safety finding or exemption for those systems that do not meet the existing requirements. This proposal will not affect existing certificated airplanes.

Timetable:

Action	Date	FR Cite
NPRM	08/17/89	54 FR 34116
NPRM Comment Period End	02/13/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/17/89 (54 FR 34116)

Additional Information: Project No. ANM-86-008R.

Agency Contact: Gene Vandermolen, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2135**

RIN: 2120–AC82

2380. KETCHIKAN INTERNATIONAL AIRPORT; SPECIAL AIRPORT TRAFFIC RULE

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This notice proposed to amend the special air traffic rule at Ketchikan International Airport by establishing rule applicability in all portions of the Ketchikan Control Zone. The rule currently excludes certain portions of the airspace below 600 feet mean sea level. This notice also proposed to clarify the original intent of the rule by specifying that pilots must maintain a constant listening watch on the traffic advisory frequency while operating in the control zone.

Timetable:

Action	Date	FR Cite
NPRM	04/25/90	55 FR 17584
NPRM Comment Period End	05/29/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/90 (55 FR 17584)

Additional Information: Regulatory Project Number ATP-88-008R.

Agency Contact: Joseph White, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC90

2381. PROPOSED ALTERATION OF THE HOUSTON HOBBY TERMINAL CONTROL AREA AND REVOCATION OF THE HOUSTON HOBBY AIRPORT RADAR SERVICE AREA, TEXAS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(a); 49 USC 1303(a); 49 USC 1344; 49 USC 1348(a); 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 71; 14 CFR 91

Legal Deadline: None

Abstract: This notice proposed to alter the Houston, Texas, terminal control area (TCA) by expanding the lateral limits. This proposal would establish TCA airspace at the William P. Hobby Airport and would revoke the current Airport Radar Service Area to accommodate the proposed configuration for the Houston TCA.

Timetable:

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27654
Correction; NPRM	07/03/91	56 FR 30618
NPRM Comment Period End	08/12/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/14/91 (56 FR 27654)

Additional Information: Project Number ATP-90-202T.

Agency Contact: Patricia Crawford, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9255

RIN: 2120–AD04

2382. SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice proposed changes to the airframe and flight airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that are based on a number of recommendations discussed at the Small Airplane Airworthiness Review Conference held on October 22-26, 1984. This action arose from the recognition that updated safety standards are needed for an acceptable level of safety in the design requirements for small airplanes used in both private and commercial operations. This notice included design requirements applicable to advancements in technology being incorporated in current designs and proposed to reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety.

Timetable:

Action	Date	FR Cite
NPRM	06/28/90	55 FR 26534
Correction To NPRM	08/24/90	55 FR 34797
Comment Period Extended To 12/14/90	10/24/90	55 FR 42942
NPRM Comment Period End	10/25/90	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/28/90 (55 FR 26534)

Additional Information: Project No. ACE-84-012R.

Agency Contact: Victor F. Sokoloski, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, Missouri 64106, 816 426-5688

RIN: 2120–AD20

2383. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES; PROPOSAL FOR NEW ONE-ENGINE-INOPERATIVE RATINGS, DEFINITIONS, AND TYPE CERTIFICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1347; 49 USC 1348; 49 USC 1354(a); 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1421 to 1430; 49 USC 1432; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655(c); 49 USC 106(g)

CFR Citation: 14 CFR 1; 14 CFR 33

Legal Deadline: None

Abstract: The Aerospace Industries Association of America, Inc., petitioned the FAA to provide new one-engine-inoperative ratings for rotorcraft engines and their application to rotorcraft. This notice responded to that petition and proposed to define and establish type certification standards for new one-engine-inoperative ratings for rotorcraft engines.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39080
Notice of Public Hearing	10/13/89	54 FR 41986
NPRM Comment Period End	03/27/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/22/89 (54 FR 39080)

Additional Information: Project No. ANE-85-001R.

Agency Contact: Donald F. Perrault, Engine and Propeller Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, **617 273-7081**

RIN: 2120–AD21

2384. IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1472; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to clarify the recently adopted standards concerning the flammability of components used in the cabins of certain transport category airplanes. These clarifications would be applicable to air carriers, air taxi operators and commercial operators, as well as manufacturers of such airplanes.

Timetable:

Action	Date	FR Cite
NPRM	04/12/90	55 FR 13886
NPRM Comment Period End	10/09/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/12/90 (55 FR 13886)

Additional Information: Project No. ANM-88-024R.

Agency Contact: Gary Killion, Manager, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2112**

RIN: 2120–AD28

2385. SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 3

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice proposed changes to the powerplant and equipment airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that were based on certain proposals and recommendations discussed at the Small Airplane Airworthiness Review Conference held in St. Louis, Missouri, on October 22-26, 1984. These proposals arose from the recognition, by both government and industry, that updated safety standards are needed to maintain an acceptable level of safety in the design requirements for small airplanes that are used in both private and commercial operations. These proposals, if adopted, will include design requirements applicable to advancements in technology being incorporated in current designs and reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety.

Timetable:

Action	Date	FR Cite
NPRM	10/03/90	55 FR 40598
NPRM Comment Period End	04/01/91	
NPRM Comment Period Extended to 07/02/91	05/24/91	56 FR 23813
NPRM Comment Period Extended to 08/21/91	07/22/91	56 FR 33688
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/90 (55 FR 40598)

Additional Information: Project No. ACE-84-011R.

Agency Contact: Ervin E. Dvorak, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 426-5688**

RIN: 2120–AD30

2386. AIRPLANE ENGINE COWLING RETENTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to amend the airworthiness standards for transport category airplanes to require improved cowling retention devices. A review of a number of inflight incidents where engine cowlings were lost revealed that the largest single cause of such losses was improper latching of the cowlings. If adopted, this proposal would provide additional design standards to detect improperly latched cowlings and ensure the integrity of the latching system.

Timetable:

Action	Date	FR Cite
NPRM	09/19/89	54 FR 38610
NPRM Comment Period End	03/19/90	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/19/89 (54 FR 38610)

Additional Information: Project No. ANM-87-004R.

DOT—FAA

Final Rule Stage

Agency Contact: Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2133**

RIN: 2120–AD34

2387. VIBRATION, BUFFET AND AEROELASTIC STABILITY REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to revise the airworthiness standards for transport category airplanes concerning flutter, divergence, vibration, and buffet. It would clarify the requirement to consider flutter and divergence when treating certain damage and failure conditions required by other sections of the Federal Aviation Regulations. It would revise the required safety margins by slightly reducing the safety margin concerning airplane speed for normal configurations and providing a minimum safety margin concerning airplane speed for damage and failure configurations. These changes are intended to provide consistency with other sections of the Federal Aviation Regulations, to relieve a design burden which is now unnecessary as a result of advances in technology, and to improve certain safety margins as a result of the evolution in the design of transport airplanes.

Timetable:

Action	Date	FR Cite
NPRM	09/12/89	54 FR 37768
NPRM Comment Period End	03/12/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/12/89 (54 FR 37768)

Additional Information: Project No. ANM-86-024R.

Agency Contact: James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2131**

RIN: 2120–AD36

2388. USE OF INERT GAS FOR TIRE INFLATION IN LIEU OF AIR

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to require that an inert gas, such as nitrogen, be used in lieu of air, for inflation of tires on certain transport category airplanes. This action was prompted by at least three cases in which the oxygen in air-filled tires combined with volatile gases, given off by a severely overheated tire, and exploded upon reaching autoignition temperature. The use of an inert gas for tire inflation will eliminate the possibility of a tire explosion.

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7876
NPRM Correction	03/21/90	55 FR 10467
NPRM Comment Period End	09/03/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/05/90 (55 FR 7876)

Additional Information: Project No. ANM-87-027R.

Agency Contact: Gary D. Lium, Regulations Branch, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2118**

RIN: 2120–AD37

2389. DESIGN STANDARDS FOR AIRPLANE JACKING AND TIE-DOWN PROVISIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed new design standards for airplane jacking and tie-down provisions for transport category airplanes. This proposal is needed to provide manufacturers of transport category airplanes with design standards for jacking conditions and is intended to provide protection of the airplane primary structure during wind gust conditions, during jacking operations, and while tied down.

Timetable:

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4790
NPRM Comment Period End	08/08/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/09/90 (55 FR 4790)

Additional Information: Project No. ANM-84-006R. This project was formerly entitled Airplane Jacking Loads.

Agency Contact: Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, **206 227-2120**

RIN: 2120–AD38

2390. AIRWORTHINESS STANDARDS; SMALL AIRPLANES WITH STALL SPEED GREATER THAN 61 KNOTS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice proposed to amend the 61-knot stall speed limitation requirement applicable to normal, utility, and acrobatic category single-engine and certain multiengine small airplanes of less than 6,000 pounds maximum weight. The proposal would require additional occupant protection requirements for those airplanes with a stall speed exceeding 61 knots. This proposal retains the current level of airplane occupant protection and permits the design and type certification of higher performance, single-engine airplanes capable of attaining an increase in cruise speeds with better specific fuel consumption. This improvement in performance and operating economies cannot be achieved without substantial increased cost and complexity if these designs are constrained by the present 61-knot stall speed limitation.

Timetable:

Action	Date	FR Cite
NPRM	05/13/91	56 FR 22070
NPRM Comment Period End	09/10/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/13/91 (56 FR 22070)

Additional Information: This project was formerly entitled "61-Knot Stall Speed; Stall Speeds for Single-Engine Airplanes." Project Number ACE-83-006R.

Agency Contact: Victor F. Sokoloski, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, 816 426-6941

RIN: 2120–AD48

2391. TEMPORARY FLIGHT RESTRICTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action proposed to revise the Federal Aviation Regulations to require the operator of an aircraft used in conducting authorized news-gathering operations in an area covered by temporary flight restrictions to be under the direction of the official in charge of the on-scene emergency response activities. Adoption of this proposal would reduce the potential for traffic conflicts and disruption of relief operations and would increase the level of safety afforded aircraft used in conducting rescue or disaster relief operations.

Timetable:

Action	Date	FR Cite
NPRM	07/24/91	56 FR 34000
NPRM Comment Period End	09/23/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/24/91 (56 FR 34000)

Additional Information: Project Number ATP-87-009R.

Agency Contact: William M. Mosley, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9251

RIN: 2120–AD55

2392. CENTRALIZATION OF FORMAL HEARING DOCKETS (FAA)

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a) to 1482(c); 49 USC 1484 to 1489; 49 USC 1655(c); 49 USC 1808 to 1810; 49 USC 2218 to 2219; 49 USC 106(g)

CFR Citation: 14 CFR 13

Legal Deadline: None

Abstract: This final action would provide that documents and evidence in formal hearing cases adjudicated within the Federal Aviation Administration would be filed and maintained in the Office of the Secretary's Office of Documentary Services. The change would be made in order to streamline operations and to consolidate the documents used in formal hearing cases.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Denise Daniels Ross, Special Assistant to the Chief Counsel, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3773

RIN: 2120–AD63

2393. PROPOSED ALTERATION OF THE DALLAS-FORT WORTH TERMINAL CONTROL AREA AND REVOCATION OF THE AIRPORT RADAR SERVICE AREA AT DALLAS LOVE FIELD AIRPORT, TEXAS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This notice proposed to alter the Dallas-Fort Worth, Texas, Terminal Control Area (TCA) and revoke the Airport Radar Service Area at Dallas Love Field Airport. This notice proposed to raise the upper limits of the TCA to 10,000 feet mean sea level to enable air traffic control (ATC) to provide terminal ATC service to arriving and departing turbojet aircraft in a TCA environment throughout transition to and from the en route structure. In addition, this notice proposed to extend the lateral limits of the TCA from 20 to 30 nautical miles from the airport to provide an area wherein ATC can provide TCA control and services throughout critical maneuvering phases of flight operations in the terminal area. This notice also proposed to expand the inner area to 10 miles including an extension encompassing Dallas Love Field. This proposal would enhance air traffic procedures and simplify visual flight rules transient operations outside TCA airspace.

Timetable:

Action	Date	FR Cite
NPRM	04/03/91	56 FR 13712
NPRM Comment Period End	06/03/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/91 (56 FR 13712)

Additional Information: Project Number ATP-90-203T.

Agency Contact: Alton D. Scott, Airspace and Obstruction Evaluation Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9252

RIN: 2120–AE03

2394. ● INAPPLICABILITY OF BASIC VFR WEATHER MINIMUMS FOR HELICOPTER OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action would correct an unintentional over-restriction on helicopter operations conducted outside of controlled airspace below 1,200 feet above the surface. Currently, Section 91.155 of the Federal Aviation Regulations is being misinterpreted by some members of the public and industry to mean that the pilot of a helicopter conducting such operations is required to maintain greater distances from clouds when the visibility is at or above the minimum required than when the visibility is less than the minimum required. This was not the intent of the rule. The operational characteristics of a helicopter enable the pilot of such an aircraft to conduct operations at visibilities and distances from clouds that are less than those prescribed for airplanes. The intent of Section 91.155 was to allow helicopters to operate under visual flight rules regardless of flight visibility provided the other criteria of that section are met. This action will clarify the intent of the rule.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number ATP-91-238R.

Agency Contact: Aaron I. Boxer, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9241

RIN: 2120–AE19

2395. ● COCKPIT VOICE RECORDER/FLIGHT RECORDER

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This final rule would amend the Federal Aviation Regulations to correct portions of the flight recorder specifications.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Project Number AIR-90-186R.

Agency Contact: Frank Rock, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Indepedence Avenue, SW., Washington, DC 20591, 202 267-9567

RIN: 2120–AE39

2396. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1510; 49 USC 106(g)

CFR Citation: 14 CFR 95

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 10/00/91 - 10/00/92.

Timetable:

Action	Date	FR Cite
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8212

RIN: 2120–AA63

2397. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

Legal Authority: 49 USC 1421; 49 USC 1423; 49 USC 106(g)

CFR Citation: 14 CFR 39

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--400. 10/00/91 - 10/00/92.

Timetable:

Action	Date	FR Cite
Final Action	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jack McGrath, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9580

RIN: 2120–AA64

2398. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

DOT—FAA

Final Rule Stage

Legal Authority: 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1510; 49 USC 106(g)

CFR Citation: 14 CFR 97

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2,800. 10/00/91 - 10/00/92.

Timetable:

Action	Date	FR Cite
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8212

RIN: 2120–AA65

2399. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--240.

Timetable:

Action	Date	FR Cite
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Huff, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3075

RIN: 2120–AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

2400. + USE OF X-RAY SYSTEMS

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108; 14 CFR 129

Legal Deadline: None

Abstract: This action amended the airplane operator security regulations by removing the exception to meeting the current x-ray imaging standard for x-ray screening systems in use prior to July 22, 1985. Each United States air carrier conducting screening under a mandatory security program is required to use x-ray systems for carry-on and checked articles that meet the x-ray imaging standard required under its approved security program. Likewise, each foreign air carrier that lands or takes off in the United States is required to use x-ray screening systems for carry-on and checked articles in the United States that meet the x-ray imaging standard under its accepted security program. This action is needed due to the increased sophistication of terrorist acts. The intended effect is to increase the safety of passengers and crewmembers aboard aircraft by providing an upgraded aid at airport screening points to prevent the carriage of explosives, incendiaries, or deadly or dangerous weapons. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/22/90	55 FR 25806
NPRM Comment Period End	08/20/90	
Final Action	09/24/91	56 FR 48370
Final Action Effective	10/24/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/24/91 (56 FR 48370)

Additional Information: Project No. ACS-89-197R. This project was formerly entitled Phaseout of X-Ray Equipment for Carry-on Baggage.

Agency Contact: Lynne Osmus, Civil Aviation Security Division, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8058

RIN: 2120–AD13

2401. + PASSENGER FACILITY CHARGES

Significance: Regulatory Program

Legal Authority: PL 101-508

CFR Citation: 14 CFR 158

Legal Deadline: Final, Statutory, May 15, 1991.

Aviation Safety and Capacity Expansion Act of 1990

Abstract: This final rule adopts new regulations to establish a passenger facility charge program. The rule implements Sections 9110 and 9111 of the Aviation Safety and Capacity Expansion Act of 1990, which requires the Department of Transportation to issue regulations under which a public agency may be authorized to impose an airport passenger facility charge (PFC) of $1, $2, or $3 per enplaned passenger at a commercial service airport it controls. The proceeds from such PFC's are to be used to finance eligible airport-related projects that preserve or enhance safety, capacity, or security of the national air transportation system, reduce noise from an airport that is part of the system, or furnish opportunities for enhanced competition between or among air carriers. This rulemaking was considered significant because of congressional and public interest.

Timetable:

Action	Date	FR Cite
Request For Data	11/14/90	55 FR 47483
NPRM	02/05/91	56 FR 4678
Notice of Public Meeting in Washington, DC 02/15/91	02/05/91	56 FR 4700
NPRM Comment Period End	03/07/91	

Action	Date	FR Cite
NPRM Comment Period Extended to 03/18/91	03/12/91	56 FR 10462
Final Action	05/29/91	56 FR 24254
Final Action Effective	06/28/91	
Technical Amendment; Final Rule	07/08/91	56 FR 30867
Final Action Correction	08/02/91	56 FR 37127

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/29/91 (56 FR 24254)

Additional Information: Project Number APP-91-047R. Notice of assignment of OMB control number 2120-0548 was published 11/27/90 at 55 FR 49293.

Agency Contact: Lowell Johnson, Office of Airport Planning and Programming, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3831

RIN: 2120–AD87

2402. + FLIGHT AND CABIN CREW NOTIFICATION GUIDELINES

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g); PL 101-604

CFR Citation: 14 CFR 108

Legal Deadline: Final, Statutory, May 15, 1991.
Aviation Security Improvement Act of 1990

Abstract: This final rule amended the Federal Aviation Regulations and implemented a statutory requirement for the notification of flight and cabin crewmembers of threats to the security of their flight. This final rule was needed to clarify an air carrier's responsibility to disseminate threat information to inflight security coordinators and established new requirements to disseminate this information to flight and cabin crewmembers. Air carriers are also required to provide any evaluation of the threat information and countermeasures to be applied. This rulemaking was considered significant because of substantial congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4322
NPRM Comment Period End	03/06/91	
Final Action	06/17/91	56 FR 27866
Final Action Effective	07/17/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/17/91 (56 FR 27866)

Additional Information: Project Number ACS-91-061R.

Agency Contact: Frederick P. Falcone, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-7296

RIN: 2120–AD92

2403. + FOREIGN AIR CARRIERS' SECURITY PROGRAMS

Significance: Regulatory Program

Legal Authority: 49 USC 1346; 49 USC 1354(a); 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1502; 49 USC 1511; 49 USC 106(g); PL 101-604

CFR Citation: 14 CFR 129

Legal Deadline: Final, Statutory, May 15, 1991.
Aviation Security Improvement Act of 1990

Abstract: This final rule amended the Federal Aviation Regulations to require foreign air carriers that land or take off in the United States to provide passengers a level of protection similar to the level of protection provided by United States air carriers at the same airports. To ensure that foreign air carriers' security programs contain procedures which provide a similar level of protection, the Administrator of the Federal Aviation Administration could amend those programs according to the procedures in this final rule. This action was needed to ensure that appropriate security measures are implemented by foreign air carriers operating into and out of the United States. The intended effect of this final rule was to increase the safety and security of passengers aboard foreign air carriers on flights to and from the United States by reducing the risk of fatalities and property damage attributable to criminal acts against civil aviation. This rulemaking was considered significant because of substantial congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4328
NPRM Comment Period End	03/06/91	
Final Action	07/01/91	56 FR 30122
Final Action Effective	07/31/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/01/91 (56 FR 30122)

Additional Information: Project Number ACS-91-059R.

Agency Contact: Max D. Payne, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-7839

RIN: 2120–AD94

2404. + EMPLOYMENT STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1358; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g); PL 101-604

CFR Citation: 14 CFR 107; 14 CFR 108

Legal Deadline: Final, Statutory, August 15, 1991.
Aviation Security Improvement Act of 1990

Abstract: This action implemented the Aviation Security Improvement Act of 1990 which directs the FAA to prescribe standards for hiring, continued employment, and contracting of air carrier and airport security personnel. The standards include: (1) minimum training requirements for new employees; (2) retraining requirements; (3) minimum staffing levels; (4) minimum language skills; and (5) minimum education levels. This rulemaking was considered significant because of substantial public and

congressional interest in the enhancement of aviation security.

Timetable:

Action	Date	FR Cite
NPRM	04/02/91	56 FR 13552
NPRM Comment Period End	05/02/91	
Final Action	08/20/91	56 FR 41412
Final Action Effective	09/19/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/20/91 (56 FR 41412)

Additional Information: This project was formerly entitled "Employment Standards for Air Carrier and Airport Security Employees." Project Number ACS-91-060R.

Agency Contact: Robert Cammaroto, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-7723**

RIN: 2120–AD95

2405. + PHASEOUT OF STAGE 2 AIRPLANES OPERATING IN THE 48 CONTIGUOUS UNITED STATES AND THE DISTRICT OF COLUMBIA

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); PL 101-508

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, July 1, 1991.
Airport Noise and Capacity Act of 1990

Abstract: This action revised the airplane operating rules to require a phaseout of Stage 2 airplanes operated in the 48 contiguous United States and the District of Columbia before December 31, 1999. This rulemaking was considered significant because of substantial congressional, public, and industry interest.

Timetable:

Action	Date	FR Cite
Notice Of Docket Opening	01/09/91	56 FR 812
NPRM	02/28/91	56 FR 8628
NPRM Correction	03/04/91	56 FR 8938
NPRM Comment Period End	04/15/91	
Final Action	09/25/91	56 FR 48628

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; Regulatory Evaluation 09/25/91 (56 FR 48628)

Additional Information: Project Number AEE-91-048R.

Public meetings were held in Washington, Chicago, and Seattle as announced 02/11/91 (56 FR 5576).

Agency Contact: William Albee, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3553**

RIN: 2120–AD96

2406. + NOTICE AND APPROVAL OF AIRPORT NOISE AND ACCESS RESTRICTIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1305; 49 USC 1348; 49 USC 1349(a); 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431; 49 USC 1486; 49 USC 1655(c); 49 USC 2101 to 2104; 49 USC 2153 to 2156; 49 USC 2210; PL 101-508

CFR Citation: 14 CFR 161

Legal Deadline: Final, Statutory, July 1, 1991.
Airport Noise and Capacity Expansion Act of 1990

Abstract: This final rule established a new Part 161 of the Federal Aviation Regulations to implement a program for reviewing airport noise and access restrictions on Stage 2 and Stage 3 aircraft. This action was in response to specific provisions in the Airport Noise and Capacity Expansion Act of 1990 and is a major element of the National Aviation Noise Policy. This rulemaking was considered significant because of substantial public, industry, and congressional interest.

Timetable:

Action	Date	FR Cite
Notice Of Docket Opening	01/08/91	56 FR 667
NPRM	02/28/91	56 FR 8644
NPRM Comment Period End	04/15/91	
Final Action	09/25/91	56 FR 48661

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/25/91 (56 FR 48661)

Additional Information: Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft, RIN 2120-AB88, was consolidated into this rulemaking. Public meetings were held in Washington, Chicago, and Seattle as announced 02/11/91 (56 FR 5576).

This project was formerly entitled "Review of Stage 2 and Stage 3 Aircraft Noise and Access Restrictions." Project Number APO-91-049R.

Agency Contact: John M. Rodgers, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3274**

RIN: 2120–AD98

2407. + AIRPLANE CABIN FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This final rule provides improved cabin fire protection for transport category airplanes by requiring: (1) each lavatory in an airplane with a passenger seating capacity of 20 or more to be equipped with a smoke detector system that provides warning to the cockpit or to the passenger cabin crew; (2) each lavatory trash receptacle in an airplane with a seating capacity of 20 or more to be equipped with a fire extinguisher that discharges automatically upon the occurrence of a fire within the receptacle; (3) the number of hand fire extinguishers in the cabins of airplanes with passenger seating capacities greater than 200 to be increased; (4) a specified number of the hand fire extinguishers in the cabin to contain

Halon 1211 or equivalent as the extinguishing agent; and (5) one hand fire extinguisher in each galley that is located above or below the passenger compartment. In addition, one hand fire extinguisher would be required for certain all-cargo airplanes. These safety protections against possible inflight fires are currently required for operation of airplanes used in air carrier or commercial service. (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1292
NPRM Comment Period End	07/10/89	
Final Action	04/16/91	56 FR 15450
Final Action Effective	05/16/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/16/91 (56 FR 15450)

Additional Information: ABSTRACT CONT: This final rule adopted these requirements as design standards for transport category airplanes. This rulemaking was considered significant because of substantial public interest.

Project Number ANM-83-027R.

Agency Contact: Gary L. Killion, Manager, Regulations Branch, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, 206 227-2112

RIN: 2120–AB22

2408. + UNITED STATES CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action would have proposed to simplify the flight rules associated with flights conducted under visual flight rules by requiring all visual flight rules operations above a common altitude (1,200 feet above ground level) to be conducted with the same distance from clouds and visibility minimums. This rulemaking was considered significant because of substantial public interest.

This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wayne Pierce, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC88

2409. + FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice would have proposed to establish duty period scheduling limitations and rest requirements for flight attendants engaged in air transportation and air commerce. This rulemaking was considered significant because of substantial congressional and public interest.

The Administrator of the FAA testified before Congress in February of 1991 that after further review and study, the FAA had determined that its objectives could be met through the issuance of an advisory circular rather than through the rulemaking process. Therefore, this rulemaking is being removed from the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/15/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project was formerly entitled "Flight Attendant Rest Requirements." Project Number AFS-90-114R.

Agency Contact: Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3755

RIN: 2120–AD50

2410. + SUBMISSION TO DRUG TESTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would have proposed to require aircraft crewmembers to submit to tests that show the presence of drugs or drug metabolites when requested by law enforcement officers investigating a violation of State or local law. The proposed amendments are necessary to aid in the enforcement of existing Federal regulations that prohibit individuals from acting, or attempting to act, as crewmembers while using any drug that affects their faculties in any way contrary to safety. This rulemaking was considered significant because of substantial public interest.

This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/15/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AFS-90-082R.

Agency Contact: Terry Armentrout, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3841**

RIN: 2120–AD56

2411. + ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES (SECTION 135.1(C))

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This final action modified the FAA's antidrug rule to exclude most entities conducting operations that do not require a Part 121 or Part 135 certificate from the coverage of the antidrug rule. Entities conducting sightseeing flights in an airplane or rotor craft for compensation or hire will continue to be covered by the rule. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/15/91	56 FR 6542
NPRM Comment Period End	04/01/91	
Final Action	09/05/91	56 FR 43974
Final Action Effective	10/05/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/05/91 (56 FR 43974)

Additional Information: Project Number AAM-90-307R.

The NPRM of 02/15/91 inadvertently used RIN 2120-AC33, which was a completed action in the April 1991 Regulatory Agenda.

Agency Contact: William McAndrew, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 366-6710**

RIN: 2120–AD65

2412. + TEMPORARY FLIGHT RESTRICTIONS IN NATIONAL DISASTER AREAS IN THE STATE OF HAWAII

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1433; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; PL 101-508; ...

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, May 15, 1991.
Aviation Safety and Capacity Expansion Act of 1990

Abstract: Through this final rule the Administrator of the Federal Aviation Administration is authorized to prohibit, or otherwise restrict, aircraft overflights of inhabited areas within a declared national disaster area in the State of Hawaii. This final rule implemented legislation that required the FAA to consider safety and humanitarian reasons in the issuance of temporary flight restrictions within declared national disaster areas in the State of Hawaii. This rulemaking was considered significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	02/11/91	56 FR 5580
Correction; NPRM	02/19/91	56 FR 6594
NPRM Comment Period End	03/13/91	
Final Action	05/20/91	56 FR 23176
Final Action Effective	06/19/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/20/91 (56 FR 23176)

Additional Information: Project Number ATP-91-050R.

Agency Contact: Melodie De Marr, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-8783**

RIN: 2120–AD97

2413. + RELIEF FOR PARTICIPANTS IN OPERATION DESERT SHIELD/STORM

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 65

Legal Deadline: None

Abstract: This final rule provided relief to civilian and military personnel who have been or are serving in an assignment in support of Operation Desert Shield/Storm during the time period from August 2, 1990, to December 31, 1992. This final rule permits Flight Standards District Offices to accept expired flight instructor certificates, inspection authorizations, and/or airman written test reports for meeting certain eligibility requirements under the current rules. This action was necessary because the FAA has determined that these personnel may be unable to meet the regulatory time limits of their flight instructor certificate, inspection authorization, and/or airman written test report as a result of their assignment. This action was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/08/91	56 FR 14292
NPRM Comment Period End	04/29/91	
Final Action	06/12/91	56 FR 27160
Final Action Effective	06/12/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/91 (56 FR 27160)

Additional Information: Project Number AFS-91-092R.

Agency Contact: John D. Lynch, Regulations Branch, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8150

RIN: 2120–AE00

2414. + ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES; EXTENSION OF COMPLIANCE DATE (INTERNATIONAL)

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This final rule announced a delay in the compliance date for drug testing, insofar as those regulations would require testing of persons located outside the territory of the United States. Under this final rule, employees located outside the territory of the United States must become subject to testing no later than January 2, 1993. This extension of the compliance date was adopted in order to allow negotiations with foreign governments to continue in an orderly and effective fashion. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	04/24/91	56 FR 18978
Final Action Effective	04/24/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/24/91 (56 FR 18978)

Additional Information: Project Number AAM-91-101R.

Agency Contact: William McAndrew, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 366-6711

RIN: 2120–AE01

2415. + COMMUNICATION RECORDS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would have proposed to amend Part 121 of the Federal Aviation Regulations to require that air carriers record only safety related conversations and not all conversations as required by the current regulation. This action was considered significant because of substantial public interest.

This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/15/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AFS-90-192R.

Agency Contact: Gary Davis, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3747

RIN: 2120–AE13

2416. ● + OPERATION OF JET AIRCRAFT IN COMMUTER SLOTS AT O'HARE INTERNATIONAL AIRPORT

Significance: Agency Priority

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action amended the Federal Aviation Regulations pertaining to the allocation and definition of commuter operator slots (i.e., allocated instrument flight rules takeoff and landing reservations) at O'Hare International Airport. Through this action, the FAA will permit a limited number of commuter slots at O'Hare International Airport to be used by aircraft having a maximum seating capacity of up to 110 passenger seats. The number of commuter slots available for operation of such aircraft is limited to 25 percent of each operator's commuter slots at O'Hare International Airport. The number of such operations in any half hour is also limited. This change remains in effect for a 2-year period to allow the FAA time to evaluate the effect of the change on the operation of the airport and air traffic facilities. This rulemaking was considered significant because of substantial congressional and industry interest.

Timetable:

Action	Date	FR Cite
NPRM	05/08/91	56 FR 21404
NPRM Comment Period End	06/07/91	
Final Action	08/19/91	56 FR 41200
Final Action Correction	09/05/91	56 FR 43965
Final Action Effective	09/18/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/19/91 (56 FR 41200)

Additional Information: Project Number AGC-91-005R.

Agency Contact: Patricia R. Lane, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3491

RIN: 2120–AE21

2417. ● + RESTRICTION ON CERTAIN FLIGHTS FROM THE UNITED STATES TO IRAQ OR KUWAIT

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This final rule amended Special Federal Aviation Regulation No. 61 (55 FR 47298; November 9, 1990), which restricted the operation of certain cargo flights from the United States to the Republic of Iraq or the State of Kuwait. This final rule removed the restrictions on operations to Kuwait. This final rule was considered significant because of substantial public interest and national considerations.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/09/91	
Final Action	04/12/91	56 FR 15030

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/12/91 (56 FR 15030)

Additional Information: Project Number AGC-91-007R.

Agency Contact: David Bennett, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3491

RIN: 2120–AE28

2418. ● + ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES (EXTENSION OF COMPLIANCE DATE FOR 135.1(C) OPERATORS)

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This final rule announced an extension of the compliance date under the aviation industry drug testing rule for the submission of antidrug programs by operators who are not required to hold an air carrier operating certificate or an air taxi/commercial operating certificate. Under this final rule, these operators were given an additional 180 days to submit an antidrug program to the FAA for approval. This additional time was needed to provide the FAA an opportunity to take final action on a notice of proposed rulemaking published in the Federal Register (RIN 2120-AD65) on February 15, 1991 (56 FR 6542) that would change the scope of the antidrug rule to remove these operators from coverage under the rule. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	04/03/91	56 FR 13746
Final Action Effective	04/03/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/91 (56 FR 13746)

Additional Information: When this final rule was published in the Federal Register, it inadvertently used RIN 2120-AC33, which was a completed action in the April 1991 edition of the Agenda.

Project Number ARM-91-004R.

Agency Contact: William McAndrew, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-6710

RIN: 2120–AE29

2419. ● REVIEW OF PART 137 - AGRICULTURAL AIRCRAFT OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1348(c); 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 137

Legal Deadline: None

Abstract: Part 137 of the Federal Aviation Regulations prescribes the rules governing agricultural aircraft operations in the United States and the issuance of commercial and private agricultural aircraft operator certificates for those operations.

In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 137 and has determined that there are no sections in Part 137 which have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis of Part 137 is not required.

Timetable:

Action	Date	FR Cite
End Review	07/08/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Archie Muckle, Jr., Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3281

RIN: 2120–AE23

2420. ● REVIEW OF PART 39 - AIRWORTHINESS DIRECTIVES

Significance: Nonsignificant

Legal Authority: 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 39

Legal Deadline: None

Abstract: Part 39 of the Federal Aviation Regulations prescribes airworthiness directives that apply to aircraft, aircraft engines, propellers, or appliances when an unsafe condition exists in a product and that condition is likely to exist or develop in other products of the same type design.

In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 39 and has determined that there are no sections in Part 39 which have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis of Part 39 is not required.

Timetable:

Action	Date	FR Cite
End Review	07/08/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allen A. Smith, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3299

RIN: 2120–AE24

2421. ● REVIEW OF PART 25 - AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: Part 25 of the Federal Aviation Regulations prescribes airworthiness standards for the issuance of type certificates, and changes to those certificates, for transport category airplanes.

In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 25 and has determined that there are no sections in Part 25 which have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis of Part 25 is not required.

Timetable:

Action	Date	FR Cite
End Review	07/08/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marvin L. Olson, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3296**

RIN: 2120–AE25

2422. ● REVIEW OF PART 23 - AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: Part 23 of the Federal Aviation Regulations prescribes airworthiness standards for the issuance of type certificates, and changes to those certificates, for airplanes in the normal, utility, acrobatic, and commuter categories.

In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 23 and has determined that there are no sections in Part 23 which have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis of Part 23 is not required.

Timetable:

Action	Date	FR Cite
End Review	07/08/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marvin L. Olson, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3296**

RIN: 2120–AE26

2423. AIRWORTHINESS STANDARDS; SHOULDER HARNESSES IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 27; 14 CFR 29; 14 CFR 91

Legal Deadline: None

Abstract: This final action amended the regulations to require installation of shoulder harnesses at all seats of rotorcraft manufactured after 09/16/92, in response to a safety recommendation of the National Transportation Safety Board. It is intended to enhance the protection of occupants in rotorcraft. Similar rules have been adopted for certain small airplanes.

Timetable:

Action	Date	FR Cite
NPRM	12/08/89	54 FR 50688
NPRM Comment Period End	06/06/90	
Final Action	08/16/91	56 FR 41048
Final Action Effective	09/16/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/16/91 (56 FR 41048)

Additional Information: Formerly entitled Shoulder Harnesses for Each Seat in Parts 27 and 29 Rotorcraft. Project No. ASW-86-018R.

Agency Contact: James Major, Rotorcraft Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, **817 624-5117**

RIN: 2120–AC67

2424. ACKNOWLEDGEMENT OF AIR TRAFFIC CONTROL CLEARANCES AND INSTRUCTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would have proposed to require a pilot receiving an air traffic control clearance or instruction to state the aircraft's identification when acknowledging that clearance or instruction.

This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/15/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project was formerly entitled "Air Traffic Control Clearance Acknowledgement."

Project Number ATP-88-017R.

Agency Contact: Joseph C. White, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC91

2425. DISTANCE REMAINING MARKERS AND FRICTION MEASUREMENT PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

CFR Citation: 14 CFR 139

Legal Deadline: None

Abstract: This notice would have proposed to amend the Federal Aviation Regulations to include a requirement for distance remaining markers on certain runways and a requirement for a friction measurement program at airports with certain activity levels.

This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/15/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AAS-89-132R.

Agency Contact: Edward Rancourt, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8723

RIN: 2120–AD51

2426. ALTERATION OF THE ST. LOUIS TERMINAL CONTROL AREA; MISSOURI

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This final rule alters the St. Louis, Missouri, Terminal Control Area (TCA). This final rule maintains the altitude of the upper limits of the TCA at 8,000 feet mean sea level and redefines several existing subareas to improve air traffic procedures and simplify visual flight rules operations outside the TCA.

Timetable:

Action	Date	FR Cite
NPRM	09/13/90	55 FR 37834
NPRM; Correction	10/15/90	55 FR 41785
NPRM Comment Period End	11/13/90	
SNPRM Comment Period End 01/07/91	12/07/90	55 FR 50656
Final Action	05/01/91	56 FR 20096
Final Action Effective	05/30/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/01/91 (56 FR 20096)

Additional Information: Project Number ATP-90-196T.

Agency Contact: Lewis W. Still, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9250

RIN: 2120–AD61

2427. ● NOTICE OF CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

Significance: Nonsignificant

Legal Authority: 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None

Abstract: This action revised a previous amendment to Part 157 of the Federal Aviation Regulations: (1) by deleting a requirement for operators to provide the FAA with notice prior to establishing an airport located within a specified distance from another airport, or prior to establishing a heliport located in a residential, business, or industrial area; (2) by excluding from the notice requirements of Part 157 those proponents who intend to use, on an intermittent basis for less than one year, a site that is not an established airport; and (3) by clarifying that telephone notice for situations involving an emergency public service or an unreasonable hardship arising from a delay due to the 90-day advance notice requirement should be directed to the appropriate Airports District/Field Office or Regional Office. This action will eliminate any potential reading of an agency regulation which may suggest that notice is required in situations where such a notice is not needed or intended.

Timetable:

Action	Date	FR Cite
Final Action	07/24/91	56 FR 33994
Final Action Effective	11/21/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/24/91 (56 FR 33994)

Additional Information: Project Number ATP-91-204R.

Agency Contact: Richard K. Kagehiro, Airspace and Obstruction Evaluation Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3075

RIN: 2120–AE20

2428. ● SPECIAL FEDERAL AVIATION REGULATION NO. 38; CERTIFICATION AND OPERATING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1346; 49 USC 1354(a); 49 USC 1356; 49 USC 1421 to 1430; 49 USC 1502; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 127; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: This final rule established a new termination date for Special Federal Aviation Regulation (SFAR) No. 38-2 (50 FR 23941; June 7, 1985), which contains the certification and operating requirements for persons conducting commercial passenger or cargo operations. The new termination date

for SFAR No. 38-2 is June 1, 1992. This extension will ensure that the FAA has adequate time to consolidate the rules regarding certification and operating requirements and to incorporate SFAR 38-2 into the Federal Aviation Regulations. However, if a final rule, which consolidates these rules, is issued before June 1, 1992, the FAA intends to publish a notice rescinding SFAR 38-2 concurrently with the publication of the final rule in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/28/91	
Final Action	06/04/91	56 FR 25450

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/04/91 (56 FR 25450)

Additional Information: This final rule provided for a comment period which closed on August 5, 1991. Any comments received in response to this final rule will be addressed in a separate rulemaking action.

Project Number AFS-91-222R.

Agency Contact: Donell Pollard, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3750

RIN: 2120–AE30

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Prerule Stage

2429. + QUALIFICATION OF DRIVERS; EPILEPSY, HEARING, AND VISION

Significance: Agency Priority

Legal Authority: 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: This rulemaking action is considering revisions to current driver qualification requirements by allowing certain persons who have epilepsy, hearing, or vision problems to operate commercial motor vehicles in interstate commerce provided certain medical conditions are met. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC62

2430. ● + RADAR DETECTORS IN COMMERCIAL MOTOR VEHICLES

Significance: Agency Priority

Legal Authority: 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104

CFR Citation: 49 CFR 390.5; 49 CFR 392.71; 49 CFR 1.48

Legal Deadline: None

Abstract: The FHWA is considering a proposal to ban radar detectors from all commercial vehicles as defined in the Federal Motor Carrier Safety Regulations in 49 CFR Part 390. The proposal responds to a petition filed jointly on July 18, 1990, by the Insurance Institute for Highway Safety and seven other organizations. FHWA is considering whether such a ban would further highway safety by enhancing CMV driver compliance with speed laws. This action is considered significant because of anticipated substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Scapellato, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4009

RIN: 2125–AC79

2431. TRUCK SIZE AND WEIGHT; DROMEDARY BOXES CARRYING EXPLOSIVES

Significance: Nonsignificant

Legal Authority: 23 USC 127; 23 USC 315; 49 USC app 2311 to 2313; 49 USC app 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This rulemaking responds to a petition filed by the North American Transportation Consultants (NATC) on behalf of explosive carriers seeking an amendment to the FHWA dromedary box regulations contained in 23 CFR 658. The NATC is requesting that truck tractors equipped with dromedary boxes designed for the transportation of class A or B explosives, when empty or carrying such explosives, be subject to Federal rather than State length limits when in combination with semitrailers operating on the National Network. Explosive carriers often transport certain portions of their cargo in a dromedary box in compliance with Federal hazardous materials regulations. Under the existing regulation, truck tractors equipped with dromedary boxes, decks, or plates may operate on the National Network with semitrailer lengths authorized under the Surface Transportation Assistance Act of 1982 (STAA) only if the dromedary equipment was installed on the trailer by December 1, 1982.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: An emergency rule was published 02/01/91 (56 FR 4164) under RIN 2125-AC72, to expire 08/01/91. Comments received in response to this emergency rule will be considered in taking the next action under RIN 2125-AC61. The emergency rule expired 08/01/91.

DOT—FHWA

Prerule Stage

Agency Contact: Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4029

RIN: 2125–AC61

2432. ● PARTS AND ACCESSORIES FOR SAFE OPERATION: INTERMODAL CARGO CONTAINERS

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2505; 49 USC 1.48

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: The purpose of this ANPRM is to gather information and views regarding the need, if any, to amend the requirements of the Federal Motor Carrier Safety Regulations for securing intermodal cargo containers to the truck chassis.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Hagan, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC74

2433. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technica' requirements to keep those requirements operationally current. Total actions expected--2. 06/00/92.

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	06/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation

Agency Contact: J. Weaver, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2184

RIN: 2125–AA37

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Proposed Rule Stage

2434. + COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER

Significance: Regulatory Program

Legal Authority: PL 100-690, Sec 9105

CFR Citation: 49 CFR 383

Legal Deadline: Final, Statutory, December 31, 1990.

Abstract: This action was initiated to improve identification systems for truck and bus drivers as identified by the Congress in the Truck and Bus Regulatory Reform Act of 1988. Alternatives that were considered included retinal eye scans and advanced fingerprint technologies. After (1) further review (2) a careful analysis of public comments submitted to the ANPRM and (3) a review of demonstration project results, the FHWA has determined that current technology has not progressed to the point where an identification system could be established nationwide in a cost-effective manner and still provide the benefits for which a system was intended. Therefore, the FHWA has published an informational notice to summarize the results of the pilot study and the comments to the ANPRM to demonstrate how the technologies studied fall short of the demands in a commercial licensing environment. When information is available that the technologies would be beneficial to the CDL program and after completing additional studies on the accuracy of the current systems, the FHWA will propose standards for the biometric identifier. This project is considered significant because of substantial (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	54 FR 20875
Information Notice Published	03/08/91	56 FR 9925

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation

Additional Information: ABSTRACT CONT: public interest.

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4001

RIN: 2125–AC24

2435. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; COMMERCIAL MOTOR VEHICLE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 2391 to 2404; 49 USC app 2505; 49 USC 3102

CFR Citation: 49 CFR 350; 49 CFR 390

Legal Deadline: None

Abstract: The FHWA is addressing the issue of the gross vehicle weight rating (GVWR) criterion used to define a "commercial motor vehicle" subject to the Federal Motor Carrier Safety Regulations (FMCSR's). The FHWA is specifically seeking public comment on the enforcement and regulatory capability regarding the rating. This rulemaking is considered significant because of its potential impact on the motor carrier industry.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/89	54 FR 7224
ANPRM	04/03/89	54 FR 13391
Comment Period Extended to 06/19/89		
ANPRM	04/18/89	54 FR 7224
Comment Period End		
ANPRM	06/15/89	54 FR 25484
Comment Period Extended to 11/03/89		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2981**

RIN: 2125–AC27

2436. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING

Significance: Agency Priority

Legal Authority: 49 USC 3102; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking would revise 49 CFR 390.21 concerning the marking of motor vehicles. The marking requirement was promulgated in part to identify the motor-carrier population subject to the regulations and to assist in maintaining a current, up-to-date census file of all those motor carriers. This action would consider the possible use of a postcard-type form for annual census purposes in lieu of Forms MCS-137 and MCS-150, and is considered significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	07/17/89	54 FR 29912
ANPRM	09/15/89	
Comment Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The action with reference to marking treatment of rental vehicles was removed from this rulemaking and completed 02/28/90 (55 FR 6991) under RIN 2125-AC51. The issue of marking requirements for all commercial motor vehicles operated in interstate commerce has been designated the new RIN 2125-AC82.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2981**

RIN: 2125–AC28

2437. ● + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL TRANSPORTATION OF HAZARDOUS MATERIALS

Significance: Agency Priority

Legal Authority: 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104

CFR Citation: 49 CFR 390.3; 49 CFR 397

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: This rulemaking will implement the statutory requirements of sections 8 and 15 of the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990. Section 8 addresses the establishment of motor carrier safety permit regulations for motor carriers transporting Class A or B explosives, liquefied natural gases, hazardous materials designated as extremely toxic by inhalation, or highway route controlled quantity radioactive materials. Section 15 of the HMTUSA requires inspection of vehicles transporting those radioactive materials before each trip. The proposed rule will incorporate those provisions into the safety permit regulations. This action is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/00/91

Additional Information: AGENCY CONTACT: The telephone number for Neill Thomas is (202) 366-2983.

Agency Contact: Lee Jackson or Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4415**

RIN: 2125–AC78

2438. + HIGHWAY ROUTING STANDARDS FOR CERTAIN TYPES AND QUANTITIES OF HAZARDOUS MATERIALS

Significance: Agency Priority

Legal Authority: 49 USC 1804; 49 USC 1805; PL 101-615

CFR Citation: 49 CFR 173.177; 49 CFR 397

Legal Deadline: Final, Statutory, May 16, 1992.

Abstract: Currently, except for certain radioactive materials, DOT has not promulgated uniform, national standards for the highway routing of hazardous materials. The proposal would establish such standards and provide guidance to States and localities to minimize the promulgation of State and local routing requirements that are inconsistent with the Hazardous Materials Transportation Act. This rulemaking is significant because of the safety implications and possible federalism implications. The Hazardous Materials Uniform Safety Act of 1990 amended the HMTA to require the Secretary to issue Federal standards for highway routing.

Timetable:

Action	Date	FR Cite
ANPRM	04/07/88	53 FR 11618
ANPRM	10/05/88	53 FR 39114
Comment Period Extended to 12/13/88		
ANPRM	10/11/88	
Comment Period End		
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Docket No. HM-203. Public hearings were held on

June 14, 1988, in Sacramento, California, and on September 15, 1988, in Washington, DC. Public hearings will be scheduled for January 1992.

This rulemaking has been transferred to the Federal Highway Administration from the Research and Special Programs Administration. It was reported in the April 1991 Agenda under RIN 2137-AB42.

Agency Contact: Jerry Emerson, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2218

RIN: 2125–AC80

2439. ● + QUALIFICATIONS OF DRIVERS; CONTROLLED SUBSTANCES TESTING, RECORDKEEPING, AND REPORTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC app 2505; 49 USC 504; 49 USC 3102; 49 CFR 1.48

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: The FHWA is proposing to amend the recordkeeping and reporting requirements of its controlled substances testing regulation. This notice is intended to implement a DOT-wide plan to measure the effectiveness of drug testing programs of the various DOT operating administrations. The NPRM would require motor carriers to keep certain information and to report that information to the FHWA upon request. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Thomas P. Kozlowski, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC81

2440. CONSTRUCTION CONTRACT EQUAL OPPORTUNITY COMPLIANCE PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Legal Deadline: None

Abstract: This proposed rulemaking would revise the FHWA regulation on construction contract equal opportunity compliance procedures in order to clarify changes in policy and overall program implementation. Additionally, the proposal has been written with the consideration that the FHWA no longer has equal employment opportunity (EEO) contract compliance responsibilities under Executive Order (E.O.) 11246, but clearly has the responsibility to ensure that federally assisted highway contractors are providing equal opportunity under 23 U.S.C. 140. The proposed regulation should provide greater uniformity in the equal opportunity contract compliance program and should provide greater flexibility in overall program administration.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
SNPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/22/82 (47 FR 52470)

Additional Information: A supplemental NPRM will be issued in order to propose updated revisions. The supplemental NPRM will address all procedures and provisions contained in 23 CFR 230. Therefore, the related entry (RIN 2125-AB27) has been consolidated into this proceeding.

Agency Contact: Linda Brown, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1593

RIN: 2125–AB15

2441. ACQUISITION OF REAL PROPERTY FOR RIGHTS-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 100-17, Sec 126; PL 100-17, Sec 146; 42 USC 4601 et seq

CFR Citation: 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740; 23 CFR 620; 23 CFR 635; 23 CFR 645

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-way regulations to improve the organization of the subject matter and update the content. This action will also implement sections 126 and 146 (airspace and donations) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact)

Additional Information: Two related rulemaking actions are: (1) a proposed rule entitled "Right-of-Way" which appeared in a prior Agenda under RIN 2125-AB58 and (2) a proposed rule entitled "Property Management; Disposals and Airspace" which appeared in a prior Agenda under RIN 2125-AB60. Those entries have been consolidated into this rulemaking.

Agency Contact: Roger Kezar, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2021

RIN: 2125–AC17

2442. PARTS AND ACCESSORIES FOR SAFE OPERATION; EMERGENCY WARNING DEVICES

Significance: Nonsignificant

Legal Authority: PL 100-690, Sec 9106; 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 393; 49 CFR 392

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: The FHWA is requesting comments on several issues relating to the appropriate use of emergency warning devices for commercial motor vehicles in response to Section 9106 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (PL 100-690, 102 Stat. 4181). Issues include the use of fuses as an alternative or supplement to bidirectional emergency reflective triangles, as well as all aspects of emergency warning devices, including the type allowed and exemptions and/or condition for use. On 11/9/89, a notice of termination of rulemaking was published at 54 FR 47092 regarding the use of fuses as an alternative or supplement to bidirectional reflective triangles. Based on available information and public comments, it was determined that no enhancement of motor carrier or highway safety would be served by revising current regulations. The remaining issues will be subsequently addressed.

Timetable:

Action	Date	FR Cite
ANPRM	02/03/89	54 FR 5516
ANPRM Comment Period End	03/20/89	
Action Terminated Re: Sec. 9106 of P.L.100-690	11/09/89	54 FR 47092

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/03/89 (54 FR 5516)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC26

2443. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 97-424, Sec 411; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA requested public comment on how, under Section 411(h) and 416(b) of the Surface Transportation Act of 1982 (STAA) (PL 97-424, 96 Stat. 2097), the Secretary may determine which safety or efficiency-enhancing devices are to be excluded when measuring the length and width of vehicles for compliance with federally mandated dimensions. The present system of employing rulemaking proceedings is too time-consuming and cumbersome to meet the needs of industry and is needlessly burdensome for FHWA. Therefore, a new approach will be proposed.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/89	54 FR 52951
ANPRM Comment Period Extended to 06/01/90	03/21/90	55 FR 10468
ANPRM Comment Period End	03/26/90	
ANPRM Docket Reopened; Comment Period Extended to 08/21/90	06/22/90	55 FR 25673
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4029

RIN: 2125–AC30

2444. QUALIFICATION OF DRIVERS: WRITTEN EXAMINATIONS

Significance: Nonsignificant

Legal Authority: 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 4104

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: Due to amendments to the Federal Motor Carrier Safety Regulations (FMCSRs) which have occurred in the past few years, certain information and terminology currently found in the written examinations for drivers is no longer correct. Consequently, the FHWA is amending the written examination, which is given to driver applicants by motor carriers subject to the jurisdiction of the FHWA, to correct the examination's information and terminology. While the revisions are nonsubstantive in nature, they will improve the usefulness of the written examination.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC42

2445. STATE COMPLIANCE WITH CDL PROGRAM REQUIREMENTS

Significance: Nonsignificant

Legal Authority: PL 99-570; 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: Section 12009 of the Commercial Motor Vehicle Safety Act of 1986 establishes 21 requirements under the Commercial Driver's License (CDL) program which States must meet before October 1, 1993 to avoid losing a portion of their Federal-aid highway funds. This regulation will delineate the criteria and standards which the FHWA will use in determining whether a State is substantially in compliance with the 21 requirements. In addition, the rule will include a procedure governing initial and subsequent reviews of State compliance with these requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimum Impact) 10/00/91

Agency Contact: Neil E. Moyer, Transportation Specialist, Department of Transportation, Federal Highway

DOT—FHWA

Proposed Rule Stage

Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4009

RIN: 2125–AC53

2446. CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT

Significance: Nonsignificant

Legal Authority: 23 USC 127; 23 USC 141; 23 USC 315

CFR Citation: 23 CFR 657

Legal Deadline: None

Abstract: This rulemaking action proposes to amend existing regulations contained in 23 CFR 657 by changing the requirements for State enforcement plans and certifications as well as the FHWA evaluation of State operations under the enforcement plans. The revised requirements will rely on available truck weight data and enforcement records. The revisions will result in evaluations and certifications being based more closely on the approved plans.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/92

Agency Contact: Dennis Miller, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4026

RIN: 2125–AC60

2447. QUALIFICATION OF DRIVERS; MEDICAL EXAMINATION FORM

Significance: Nonsignificant

Legal Authority: 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: This rulemaking action will consider revisions to the requirements contained in 49 CFR 391.43. The FHWA is reviewing the medical examination form in order to determine if revisions are needed so that a more comprehensive medical examination can be performed by the examining physician.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC63

2448. TRUCK SIZE & WEIGHT; MAXI-CUBE VEHICLES

Significance: Nonsignificant

Legal Authority: PL 101-516, Sec 411 (d); 49 USC App 2311(d)

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This action would adopt rules to identify maxi-cube vehicles and regulate their length.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Max Pieper, Information Management Analysis, Office of Motor Carriers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4029

RIN: 2125–AC65

2449. ● SAFETY FITNESS PROCEDURES; SAFETY FITNESS INFORMATION

Significance: Nonsignificant

Legal Authority: 49 USC app 1814; 49 USC app 2505; 49 USC 104; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 3102

CFR Citation: 49 CFR 385; 49 CFR 1.48

Legal Deadline: Final, Statutory, November 3, 1991.

Abstract: This action would propose to amend part 385 of the Federal Motor Carrier Safety Regulations to implement a provision of the Motor Carrier Safety Act of 1990 concerning making safety fitness rating information available to the public.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC77

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Final Rule Stage

2450. + PRIVATE CARRIAGE OF PASSENGERS

Significance: Regulatory Program

Legal Authority: 49 USC 104; 49 USC 3102; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 383; 49 CFR 390 to 393; 49 CFR 395; 49 CFR 396

Legal Deadline: None

Abstract: The FHWA is proposing revisions to the requirements for private motor carriers of passengers and the drivers of private motor vehicles of passengers. The proposed revisions would require private motor carriers of passengers and drivers of private motor vehicles of passengers to operate under the Federal Motor Carrier Safety Regulations (FMCSR). However, the paperwork burden of these requirements will be minimized and several parts of the FMCSR will not apply to either private motor carriers of

passengers or to drivers of such vehicles. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	02/17/89	54 FR 7362
NPRM Comment Period End	06/19/89	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7362)

Additional Information: This action was formerly entitled Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers.

Agency Contact: Dan Hartman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AB62

2451. + SAFETY FITNESS PROCEDURES; SAFETY RATINGS

Significance: Agency Priority

Legal Authority: 49 USC app 2512; 49 USC 104; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 3102; 49 USC app 1814; PL 101-500

CFR Citation: 49 CFR 385

Legal Deadline: Other, Statutory, January 1, 1991.
Statutory prohibition became effective 01/01/91

Abstract: This action will amend the Federal Motor Carrier Safety Regulations to implement provisions of the Motor Carrier Safety Act of 1990 (section 15 of PL 101-500). This enactment prohibits a motor carrier that receives an "unsatisfactory" safety rating from operating commercial motor vehicles to transport hazardous materials in quantities for which vehicle placarding is required or to transport more than 15 passengers, including the driver. The prohibition is effective 45 days after receipt of an unsatisfactory rating and remains in effect until a satisfactory rating is secured. This action is considered significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/16/91	56 FR 40801

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/16/91 (56 FR 40801)

Additional Information: The interim final rule was effective upon publication 08/16/91.

Agency Contact: Neill L. Thomas, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC71

2452. QUALIFICATION OF DRIVERS; DIABETES

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2505; 23 USC 315

CFR Citation: 49 CFR 391.41(b)(3)

Legal Deadline: None

Abstract: This rulemaking action responds to a petition filed by the American Diabetes Association (ADA) and others. The current diabetic rule prohibits insulin-using diabetics from driving in interstate or foreign commerce. The ADA has petitioned to change the regulation to provide for exemptions. The purpose of this action is to consider the proposed exemption program. An NPRM requested comments on the development of medical evaluation procedures and risk assessment procedures for insulin-dependent diabetics.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/87	52 FR 45204
ANPRM Comment Period End	12/28/87	53 FR 45204
ANPRM Comment Period Extended to 02/01/88	01/04/88	53 FR 42
NPRM	10/05/90	55 FR 41028
NPRM Comment Period Extended to 01/03/91	11/01/90	55 FR 46080
NPRM Comment Period End	12/04/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/05/90 (55 FR 41028)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AB91

2453. COMPATIBILITY OF STATE SAFETY REQUIREMENTS AFFECTING INTERSTATE COMMERCIAL MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC app 2507; 49 USC app 2508

CFR Citation: 49 CFR 355

Legal Deadline: None

Abstract: Sections 207-209 of the Motor Carrier Safety Act of 1984 establish a process whereby any State law or regulation pertaining to commercial motor vehicle safety in interstate commerce will be reviewed and analyzed by the Commercial Motor Vehicle Safety Regulatory Review Panel (Safety Panel). The Safety Panel is to determine if such law or regulation has the same effect as, is less stringent than, or is additional to or more stringent than the Federal Motor Carrier Safety Regulations. The proposed regulations would provide guidelines for a continuous regulatory review of State laws and regulations; would establish deadlines for a State to achieve compatibility with the Federal Motor Carrier Safety Regulations; and would establish procedures for the Federal Highway Administrator to determine whether or not a State law or regulation may be in effect and enforced with respect to interstate commercial motor vehicle safety.

DOT—FHWA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/22/91	56 FR 7319
NPRM Comment Period End	04/23/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/22/91 (56 FR 7319)

Additional Information: Former Title: Review and Preemption of State Motor-Carrier Safety Regulations.

Agency Contact: Bill Blount, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2884**

RIN: 2125–AC11

2454. PUBLIC AVAILABILITY OF INFORMATION; FREEDOM OF INFORMATION ACT REGULATIONS; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 5 USC 552; 31 USC 9701; 49 USC 322

CFR Citation: 49 CFR 7

Legal Deadline: None

Abstract: This action amends Appendix D of the final rule published on 8/11/88 at 53 FR 30265 regarding implementation of the Freedom of Information Act by FHWA. The technical amendments are necessary in order to correct a typographical error, to remove unnecessary explanatory language, to add a paragraph on determinations to disclose records and grant or deny requests for fee waivers or reductions, and to conform paragraph designations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Reg. Evaluation (Minimal Impact) 10/00/91

Agency Contact: John H. Schnackenberg, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0534**

RIN: 2125–AC20

2455. DESIGN STANDARDS FOR HIGHWAYS; AASHTO PUBLICATION; GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The American Association of State Highway Transportation Officials (AASHTO) is revising and updating the publication entitled "Policy on Geometric Design of Highways and Streets, AASHTO 1984." It is anticipated that this action will, after receipt of public comments on the proposed action, designate, in whole or in part, the revised AASHTO publication as being acceptable to the FHWA for application in the geometric design of highways and remove the out-of-date version from the acceptable list.

Timetable:

Action	Date	FR Cite
NPRM	12/03/90	55 FR 49903
NPRM Comment Period End	04/02/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 12/03/90 (55 FR 49903)

Additional Information: The initial appearance of this entry in the agenda (4/89) made reference to another AASHTO publication entitled "A Policy on Design--Interstate System." This publication is being addressed in a separate rulemaking action under RIN 2125-AC34 entitled "Design Standards for Highways; Interstate System" and is located under the final action section.

Agency Contact: Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1327**

RIN: 2125–AC22

2456. DESIGN STANDARDS FOR HIGHWAYS; INTERSTATE SYSTEM

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) requested comments on a proposed amendment to the design standards which apply to interstate highway construction and reconstruction projects eligible to receive funding under the Federal-aid highway program. A revised publication approved by the American Association of State Highway and Transportation Officials (AASHTO) entitled "A Policy on Design Standards--Interstate System, AASHTO 1988" would be substituted for the previous version of these standards last revised June 20, 1967. If the Federal Highway Administration (FHWA) adopts the 1988 document, the new AASHTO publication would constitute the FHWA's policy on geometric design for all federally assisted construction and reconstruction projects on the interstate highway system.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30095
NPRM Comment Period End	09/18/89	
NPRM Comment Period Extended to 11/18/89	09/18/89	54 FR 38387
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 07/18/89 (54 FR 30095)

Agency Contact: Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1327**

RIN: 2125–AC34

2457. QUALIFICATION OF DRIVERS; TOW-TRUCK OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 395

Legal Deadline: None

Abstract: The FHWA is proposing to amend Part 395, Hours of Service of Drivers, of the Federal Motor Carrier Safety Regulations (FMCSR's) to include an exemption for tow-truck operators responding to an emergency situation at the request of a law enforcement or emergency response official. This action is being taken in response to a petition submitted by the Towing and Recovery Association of America, Inc., (TRAA) which requested relief from the hours of service requirements of Part 395 for tow-truck operators responding to the emergency situation. This amendment would provide needed flexibility to tow-truck operators responding to highway emergencies. This rule would also arrange the definitions in Section 395.2 alphabetically; add the definition "on call"; and consolidate the exceptions and exemptions in Section 395.6 of the FMCSR's.

Timetable:

Action	Date	FR Cite
Notice Requesting Comments on Petition	08/11/88	53 FR 30369
NPRM	07/06/90	55 FR 27844
NPRM Comment Period End	08/20/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 07/06/90 (55 FR 27844)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC43

2458. QUALIFICATION OF DRIVERS; MEDICAL EXAMINATION

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC 3104; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 390; 49 CFR 391

Legal Deadline: None

Abstract: This rulemaking action will amend Section 391.43 of the Federal Motor Carrier Safety Regulations (FMCSR's) to permit certain licensed health care professionals to perform physical examinations of commercial motor vehicle drivers. The FHWA is addressing this issue in response to the numerous requests received from motor carriers, medical facilities, physicians, physician assistants (PA's), and nurse practitioners (NP's) to allow PA's and NP's to perform physical examinations under the supervision of licensed doctors of medicine or osteopathy. This action would permit drivers to have their physical examinations performed at more convenient times and locations and perhaps at a lower cost. This action would require health care professionals, who perform the physical examination, to become more knowledgeable of the FMCSR's requirements. The certification and determination that a driver is physically qualified in accordance with the requirements of 49 CFR 391 would remain with the licensed doctor of medicine or osteopathy.

Timetable:

Action	Date	FR Cite
NPRM	04/12/90	55 FR 13812
NPRM Comment Period End	06/11/90	55 FR 13812
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/12/90 (55 FR 13812)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC44

2459. INSPECTION, REPAIR AND MAINTENANCE; PERIODIC INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC app 2509; 49 USC 3102

CFR Citation: 49 CFR 396

Legal Deadline: None

Abstract: This document amends 49 CFR Part 396, Inspection, Repair and Maintenance, of the Federal Motor Carrier Safety Regulations (FMCSR's). The Federal Highway Administration (FHWA) delayed the compliance date to July 1, 1990, when motor carriers are required to implement the periodic inspection requirements contained in the final rule, Inspection, Repair and Maintenance, published on December 7, 1988, (53 FR 49402). On December 12, 1988, the FHWA clarified that provisions of the final rule were to be complied with by December 7, 1989 (53 FR 49968) except as provided for in Part 396. This document also included recent interpretations, made minor technical amendments to clarify the rule and eliminated certain items from the inspection report. These interpretations were made in response to many requests the FHWA has received to clarify the intent of the final rule. The elimination of some of the items that were to be included in the inspection report was made to simplify the recordkeeping requirements. The final rule (delay in compliance date) became effective (cont)

Timetable:

Action	Date	FR Cite
Notice; Request for Comments	03/16/89	54 FR 11020
Final Rule; Delay in Compliance Date	12/08/89	54 FR 50722
Notice: State Inspection Programs	12/08/89	54 FR 50726
Petition: Comments Invited Through 07/02/90	05/02/90	55 FR 18355

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/07/88 (53 FR 49402)

Additional Information: ABSTRACT CONT: on December 7, 1989. The compliance date for the inspection requirements was 07/01/90. Due to the complexity of the procedures contained in the final rule, FHWA will conduct an ongoing review of the procedures to determine if further revisions are warranted.

Agency Contact: Mr. Robert Hagan, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC47

DOT—FHWA

Final Rule Stage

2460. NOTIFICATION AND REPORTING OF ACCIDENTS; PROPERTY DAMAGE

Significance: Nonsignificant

Legal Authority: 49 USC app 2505; 49 USC 3102

CFR Citation: 49 CFR 394

Legal Deadline: None

Abstract: The FHWA has proposed to amend the definition of "reportable accident" for motor carriers operating in interstate commerce by changing the criterion for reporting accidents resulting in only property damage under Part 394 of the Federal Motor Safety Regulations (FMCSRs). The current dollar value assessment would be replaced with a towaway criterion. "Towaway" is defined as "one or more vehicles incurring disabling damage as a result of the accident and transported away from the scene by a tow-truck or another vehicle." Integral to this definition is the term disabling damage. This amendment would not affect the requirement to report accidents involving injury or death. This action is being taken in an effort to standardize and simplify State and motor-carrier industry accident-reporting procedures by removing the uncertainty of estimating a dollar value amount. The FHWA has also solicited comments on two other potential changes: (1) revising the Federal definition of a reporting accident to be consistent with the American National Standard Institute (ANSI) D-16 definition (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/15/90	55 FR 41705
NPRM Comment Period End	12/14/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 10/15/90 (55 FR 41705)

Additional Information: ABSTRACT CONT: of a motor vehicle traffic accident and (2) removing the instructions for the Motor Carrier Forms 50-T and 50-B from Part 394.20 of the FMCSRs.

Agency Contact: William H. Blount, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC48

2461. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FRONT WHEEL BRAKES ON MEXICAN COMMERCIAL MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC app 2505; 49 USC 3102

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: By an Interim Final Rule published on 11/24/89, the FHWA amended 49 CFR Part 393, Parts and Accessories Necessary for Safe Operation, of the Federal Motor Carrier Safety Regulations (FMCSR's). The amendment allows Mexican motor carriers operating commercial motor vehicles in border commercial zones time to comply with the requirement that every commercial motor vehicle be equipped with brakes acting on all wheels. This action will facilitate the flow of trade and traffic between the two countries without interruption. The FHWA also removed the exception (Paragraph (b)) from 393.1 which deferred application of Part 393 to certain Mexican commercial motor vehicles until November 18, 1989. In this Interim Final Rule the FHWA requested comments on all issues addressed, and expects to proceed to final action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/24/89	54 FR 48616
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/24/89 (54 FR 48616)

Additional Information: This rulemaking action originally appeared under RIN 2125-AC21. In order to clarify the many actions being taken in this area, the subject of this rulemaking action was assigned a separate RIN.

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2983

RIN: 2125–AC49

2462. COMMERCIAL DRIVER INSTRUCTION PERMITS

Significance: Nonsignificant

Legal Authority: PL 99-570; 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: To reconcile the training needs of the motor carrier industry with the requirements of the commercial driver's license (CDL) program and the Commercial Motor Vehicle Safety Act of 1989, the FHWA is proposing additional minimum Federal standards for State-issued learner's permits that allow drivers to be trained in the operation of commercial motor vehicles (CMVs). Among the alternatives under consideration: Applicants for Commercial Driver Instruction Permits (CDIPs) might need to possess drivers' licenses and undergo record checks analogous to those now required for CDLs; CDIP transactions might be entered in the Commercial Driver's License Information System (CDLIS); and CDIP holders might be explicitly subject to the same disqualifications as CDL holders. Since driver training is nationwide in scope, the FHWA is proposing options that would allow a State to issue a CDIP to a driver trainee, or a 90-day CDL to a trained driver, without regard to his/her State of domicile.

Timetable:

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	
NPRM Comment Period Extended to 11/30/90	10/23/90	55 FR 42741

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Neil E. Moyer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4009

RIN: 2125–AC54

2463. TRUCK SIZE AND WEIGHT; BEVERAGE SEMITRAILERS

Significance: Nonsignificant

Legal Authority: 23 USC 127; 23 USC 315; 49 USC app 2311 to 2313; 49 USC app 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This rulemaking proposes to designate as specialized equipment van-type, drop-frame beverage semitrailers whose length, when equipped with an upper coupler plate that extends in front of the semitrailer, exceeds 28 feet, as illustrated in the appendix to the preamble. The resulting configuration would be subject to certain limitations in that the kingpin may not be mounted more than 28 feet from the rear of the semitrailer, exclusive of rear-mounted devices not measured in determining semitrailer length, and the upper coupler may not extend beyond the semitrailer's swing radius (measured from the center line of the kingpin to the front corner of the semitrailer). The rule would prevent States from imposing an overall length limit on such vehicles operating in semitrailer or double-trailer combinations and would guarantee tractor-semitrailer combinations of such vehicles the same access to points of loading and unloading as "pup" semitrailers in 23 CFR 658.19(a).

Timetable:

Action	Date	FR Cite
NPRM	06/25/90	55 FR 25850
NPRM Comment Period End	07/25/90	55 FR 25850
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 06/25/90 (55 FR 25850)

Agency Contact: Kathy Busby, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2976**

RIN: 2125–AC57

2464. CENTRALIZATION OF FORMAL HEARING DOCKETS (FHWA)

Significance: Nonsignificant

Legal Authority: 49 USC 104(c)(2); 49 USC 501; 49 USC 1801; 49 USC 2501; 49 USC 2701; 49 USC 3101; 49 USC 10927

CFR Citation: 49 CFR 386

Legal Deadline: None

Abstract: This final rule provides that documents and evidence in formal hearing cases adjudicated within the Federal Highway Administration (FHWA) will be filed and maintained in the OST Documentary Services Division. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2125–AC59

2465. REIMBURSEMENT FOR RAILROAD WORK AND RAILROAD-HIGHWAY INSURANCE PROTECTION

Significance: Nonsignificant

Legal Authority: 23 USC 101(e); 23 USC 114(a); 23 USC 115(b); 23 USC 120; 23 USC 121; 23 USC 122; 23 USC 315; 23 USC 405; 23 USC 109(e); 23 USC 130

CFR Citation: 23 CFR 140; 23 CFR 646

Legal Deadline: None

Abstract: This rulemaking proposes to add an optional method of determining eligibility of reimbursable self-insurance costs and raise the reimbursable limits for railroad protective insurance. This proposal is being made to ease the administrative burden of determining appropriate self-insurance rates. The proposal will allow an alternative of a pre-established fixed rate to cover both worker compensation insurance and public liability and property damage insurance.

Timetable:

Action	Date	FR Cite
NPRM	12/03/90	55 FR 49902
NPRM Comment Period End	02/01/91	55 FR 49902
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation (Min. Impact) 12/03/90 (55 FR 49902)

Agency Contact: Jerry L. Poston, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0450**

RIN: 2125–AC64

2466. HOURS OF SERVICE OF DRIVERS; EXCEPTION FOR EMERGENCY RELIEF SITUATIONS

Significance: Nonsignificant

Legal Authority: 49 USC app 2505; 49 USC 3102

CFR Citation: 49 CFR 395

Legal Deadline: None

Abstract: This action would exempt from the maximum hours of service requirements those individuals or business entities engaged in bona fide emergency relief operations as defined in this proposal. The exemption would be available primarily to interstate public utilities, and fuel-delivery motor carriers and drivers of commercial motor vehicles responding to an emergency situation at the request of State or local government officials.

Timetable:

Action	Date	FR Cite
NPRM	05/29/91	56 FR 24166
NPRM Comment Period End	07/15/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/29/91 (56 FR 24166)

Agency Contact: William Blount, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2981**

RIN: 2125–AC66

2467. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; EMERGENCY RELIEF

Significance: Nonsignificant

Legal Authority: 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104

CFR Citation: 49 CFR 390; 49 CFR 395

Legal Deadline: None

Abstract: This action would amend the Federal Motor Carrier Safety Regulations (FMCSR) to exempt from parts 390 through 399 motor carriers and drivers operating in interstate commerce that are providing direct assistance as part of a disaster relief effort. This rule will also remove the requirement for motor carriers to request authorization from FHWA prior to providing disaster relief.

Timetable:

Action	Date	FR Cite
NPRM	05/29/91	56 FR 24162
NPRM Comment Period End	07/15/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/29/91 (56 FR 24162)

Agency Contact: William Blount, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC67

2468. ● HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

Significance: Nonsignificant

Legal Authority: 23 USC 109(a); 23 USC 109(h); 23 USC 44; 23 USC 151; 23 USC 315; 23 USC 319; EO 11988

CFR Citation: 23 CFR 1.32; 23 CFR 650; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: FHWA is requesting comment on proposed revisions to its procedures for evaluating existing highway bridges for eligibility for the Highway Bridge Replacement and Rehabilitation Program. The proposed procedures would replace the use of a "sufficiency rating formula" with "level of service" criteria.

Timetable:

Action	Date	FR Cite
NPRM	06/04/91	56 FR 25392
NPRM Comment Period Extended to 09/05/91	07/31/91	56 FR 36121
NPRM Comment Period End	08/05/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/04/91 (56 FR 25392)

Agency Contact: Daniel O'Conner, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1567

RIN: 2125–AC73

2469. ● UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION REGULATION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Significance: Nonsignificant

Legal Authority: 42 USC 4601 et seq

CFR Citation: 49 CFR 24; 49 CFR 1.48(cc)

Legal Deadline: None

Abstract: This proposal would amend 49 CFR 24.103(d) concerning the qualifications of appraisers of property for federal and federally assisted projects. It would require the use of appraisers certified in accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 if an agency uses a contract (fee) appraiser to perform a detailed appraisal. If adopted, the proposal would apply to the real property acquisition activities of DOT and 17 other federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	06/19/91	56 FR 28302
NPRM Comment Period End	08/19/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 06/19/91 (56 FR 28302)

Agency Contact: Gerald B. Saunders, Chief, Operations Division, Office of Right-of-Way, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0142

RIN: 2125–AC75

2470. ● COMMERCIAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM; VERIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2301 to 2304; 49 USC app 2505; PL 101-500

CFR Citation: 49 CFR 350; 49 CFR 396; 49 CFR 1.48

Legal Deadline: Final, Statutory, August 3, 1991.

Abstract: FHWA is proposing to amend its regulation regarding the Motor Carrier Safety Assistance Program (MCSAP) and the inspection of commercial motor vehicles to ensure proper and timely correction of safety violations found during federally funded State inspections of commercial vehicles.

Timetable:

Action	Date	FR Cite
NPRM	08/16/91	56 FR 40848
NPRM Comment Period End	09/16/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/16/91 (56 FR 40848)

Agency Contact: Robert Hagen, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC76

2471. ● FEDERAL MOTOR CARRIER SAFETY REGULATIONS; MOTOR VEHICLE MARKING

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking would revise 49 CFR 390.21 concerning the marking of motor vehicles. It would revise the marking requirements to encompass all commercial motor vehicles operated in interstate commerce. The portion of this

rulemaking involving the treatment of rental vehicles was completed February 28, 1990 (55 FR 6991), under RIN 2125-AC51.

Timetable:

Action	Date	FR Cite
ANPRM	07/17/89	54 FR 29912
ANPRM Comment Period End	09/15/89	
NPRM	06/19/91	56 FR 28130
NPRM Comment Period End	08/19/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/19/91 (56 FR 28130)

Additional Information: The rulemaking issue herein has been assigned a new RIN as it is not considered a significant action. The portion of this rulemaking concerning postcard-type registration of motor carriers, a significant action, retains RIN 2125-AC28.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, NW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC82

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions

2472. + CONTROLLED SUBSTANCES TESTING

Significance: Agency Priority

Legal Authority: 23 USC 315; 49 USC 3102; 49 USC 504; 49 USC app 2505

CFR Citation: 49 CFR 381

Legal Deadline: None

Abstract: On November 21, 1988, the FHWA issued a final rule (53 FR 47134) requiring motor carriers to have an anti-drug program. This program includes testing drivers who operate commercial motor vehicles (CMV's) in interstate commerce for drug use. The final rule set forth the classes of controlled substances, the types of tests to be conducted, and through reference to 49 CFR 40, Procedures for Transportation Workplace Drug Testing Programs, procedures for testing and reporting of the test results. On November 6, 1989, the FHWA published a notice (54 FR 46616) that stated the FHWA policy regarding implementation of certain provisions of the anti-drug program in view of a preliminary injunction issued on January 6, 1989, enjoining the FHWA from implementing random and certain mandatory post-accident testing of commercial motor vehicle (CMV) drivers. The notice also clarified the types of testing that must be implemented by December 21, 1989. Implementation of the random and certain mandatory post-accident testing provisions are now required, as the court's injunction has been dissolved.

Timetable:

Action	Date	FR Cite
Final Rule	11/21/88	53 FR 47134
Corrections to Final Rule	09/27/89	54 FR 39546
Final Rule; Deferred Implementation	11/06/89	54 FR 46616
Final Rule; Deferred Compliance for Foreign Carriers	12/27/89	54 FR 53294
Interim Final Rule	02/01/90	55 FR 3546
Final Action	08/16/91	56 FR 40806
Final Action Effective	11/14/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 08/16/91 (56 FR 40806)

Additional Information: The rulemaking actions published on the subject of Controlled Substances Testing and listed under Supplemental Timetable were published under RIN # 2125-AA79. The initial Final Rule published on 11/21/88 was considered major under EO 12291. It has been determined that the regulatory actions issued 11/06/89 and 02/01/90 regarding the drug testing program were only clarifying the initial rule. Therefore, they were considered nonmajor and nonsignificant. A final rule published on 12/27/89 at 54 FR 53294 deferred the compliance date to 1/2/92 for carriers domiciled in a foreign country; a further delay of compliance date is being considered. Final action herein is considered significant because of substantial public interest.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2982

RIN: 2125–AC50

2473. CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112 to 114; 23 USC 117; 23 USC 128; 23 USC 315; 31 USC 6506; 42 USC 3334; 42 USC 4601 et seq

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The Contract Procedures regulation (23 CFR 635) basically prescribes the policy and procedures relating to Federal-aid highway projects, from the time of project authorization to the final acceptance by FHWA. The regulations were revised to accommodate several policy changes, and to clarify and simplify the regulatory requirements pertaining to the contracting for Federal aid highway construction.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36645
NPRM Comment Period End	10/17/78	
SNPRM; Comment Period End 08/03/90	06/04/90	55 FR 22812
Final Action	08/02/91	56 FR 37000
Final Action Effective	09/03/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Reg. Evaluation (Minimal Impact) 08/02/91 (56 FR 37000)

DOT—FHWA

Completed Actions

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1396

RIN: 2125–AA18

2474. ADMINISTRATION OF ENGINEERING AND DESIGN RELATED SERVICE CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402; 23 USC 112(b); 23 USC 302

CFR Citation: 23 CFR 172

Legal Deadline: None

Abstract: This action addressed the administration of contracts to implement the provisions of Section 111(B) of the Surface Transportation Assistance Act of 1987 (STURAA). The 1987 STURAA requires the procurement of engineering and design services to be qualifications-based or to follow a formal procurement procedure that is required by State statute or is subsequently established by State law.

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7739
NPRM Comment Period End	05/04/90	
Final Action	04/30/91	56 FR 19797

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/30/91 (56 FR 19797)

Additional Information: This rulemaking was formerly entitled "Administration of Contracts."

Agency Contact: Si Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4628

RIN: 2125–AB30

2475. MITIGATION OF IMPACTS TO PRIVATELY OWNED WETLANDS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq; 23 USC 109(h); 23 USC 138; 23 USC 315; EO 11990

CFR Citation: 23 CFR 777.11(B)

Legal Deadline: None

Abstract: This action amends the FHWA regulation on wetlands to make Federal funding available to a greater extent for mitigation of impacts to privately owned wetlands, by revising the basis of FHWA financial participation. Although the FHWA is proceeding directly to a final rule, it will provide the opportunity for comments after the effective date.

Timetable:

Action	Date	FR Cite
Final Action	04/08/91	56 FR 14195

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/08/91 (56 FR 14195)

Additional Information: Comments on this final rule were to be submitted by July 8, 1991.

Agency Contact: Charles Des Jardins, Office of Environmental Policy, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9173

RIN: 2125–AC69

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Prerule Stage

2476. + REVIEW: PASSENGER CAR FRONT SEAT OCCUPANT PROTECTION (FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208)

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This standard requires the provision of automatic occupant protection in the front outboard seats of passenger cars after September 1, 1989. Air bags and automatic safety seat belts are being installed to meet the standard. The agency will analyze the actual road experience of vehicles equipped with automatic occupant protection to measure the reduction of fatalities and injuries, observe operational performance, and assess public acceptance and costs. The regulation was selected for review because of its costs, potential benefits, and public interest; this review is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/17/90	55 FR 1586
End Review	12/31/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AD82

2477. + ROLLOVER

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.216

Legal Deadline: None

Abstract: Consumers Union petitioned for rulemaking to develop a new standard to protect against unreasonable risk of rollover. The petition was granted on September 1, 1988. This action is considered significant because of substantial public interest and safety factors involved.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AC64

2478. + DOOR-MOUNTED PASSIVE BELT SYSTEMS AND MOTORIZED PASSIVE BELT RESTRAINT SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: The agency has received petitions from Morris & Ward Engineers to investigate safety issues associated with the use of door- mounted passive belt systems and motorized passive belt restraint systems. These systems are presently being utilized to meet the performance requirements of Standard No. 208. These and other systems will be evaluated as part of the agency evaluation plan on Standard 208 which was published in the Federal Register, 01/17/90 (55 FR 1586). These petitions for rulemaking have been granted. This rulemaking is considered significant due to substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD42

2479. + DETACHABLE AUTOMATIC SAFETY BELTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Beginning September 1, 1989, Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, required that all new cars must have automatic occupant crash protection, e.g., air bags or automatic safety belts. Currently, automatic belts are being installed by some manufacturers in many different styles, such as detachable or non-detachable, mechanically or electrically operated, vehicle-mounted or door-mounted, 2-point or 3-point, etc. The Insurance Institute for Highway Safety (IIHS) has petitioned for rulemaking to prohibit the use of detachable automatic safety belts. Petition has been granted by letter. This rulemaking is considered significant because of its safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD91

2480. + SIDE DOOR STRENGTH

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.214; 49 CFR 572; 49 CFR 586; 49 CFR 587

Legal Deadline: None

Abstract: The agency has received petitions to reconsider the Final Rule published October 30, 1990 (55 FR 45722) on Federal Motor Vehicle Safety Standard No. 214 to revise certain technical provisions in the new Standard. Petitions are under consideration. Any resultant rulemaking action would be considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joe Kanianthra, Chief, Side and Rollover Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4915**

RIN: 2127–AE05

2481. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Standard 108 requires passenger cars sold after October 1, 1985, to be equipped with center high-mounted stop lamps (CHMSLs). NHTSA undertook a staff evaluation of the safety effectiveness, benefits, and cost of CHMSLs. A preliminary report was published in March 1987 and a final report in August 1989. Comments were requested, which will be considered before the review ends.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary Evaluation Report Published	03/20/87	52 FR 9609
Interim Evaluation Report Published	08/04/89	54 FR 32153
Interim Evaluation Report Comments Reviewed and Docketed	02/21/90	
End Review	06/00/93	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The evaluation report indicated that cars equipped with center high-mounted stop lamps were 17 percent less likely to be struck in the rear while braking than cars without the lamps.

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NPP-10,

400 Seventh Street, SW., Washington, DC 20590, **202 366-1574**

RIN: 2127–AB76

2482. REVIEW: GLASS-PLASTIC WINDSHIELDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: This review involves analysis of the costs, benefits, and operational performance of glass-plastic windshields regulated by Federal Motor Vehicle Safety Standard No. 205. This program was selected because of public interest and potential benefits.

Timetable:

Action	Date	FR Cite
Begin Review	08/01/89	
End Review	05/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Frank Ephraim,** Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1574**

RIN: 2127–AD29

2483. STANDARD 301; FUEL-SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that, while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks.

Timetable:

Action	Date	FR Cite
End Review	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Frank Ephraim,** Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1574**

RIN: 2127–AB43

2484. BRAKE LINING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Petitions from R. Grabowsky and American Trucking Association (ATA) requesting initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and were granted.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: **Art Neill,** Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AC66

2485. STANDARD 105; HYDRAULIC BRAKE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: This standard regulates the performance of antilock brake systems for passenger cars and other vehicles with hydraulic brakes. The purpose of antilock brakes is to enhance the driver's control of the vehicle during emergency braking. Antilock brakes are currently available on some passenger cars. The standard, at this time, does not require them for all cars. The regulation was selected for review because of public interest in the costs and benefits of antilock brakes.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/90	
End Review	12/31/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Frank Ephraim,** Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1574**

RIN: 2127–AC94

2486. TIRE LABELING, FMVSS 109, 110, 117, 119, 120; PARTS 569, 574, 575

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 569; 49 CFR 571.109; 49 CFR 571.110; 49 CFR 571.117; 49 CFR 571.120; 49 CFR 574; 49 CFR 575

Legal Deadline: None

Abstract: This review concerns the usefulness of various tire labels and information to consumers, tire sellers, repairers, and retreaders.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/89	
End Review	06/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Frank Ephraim,** Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street, SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AD28

2487. TRUCK VOLTAGE FOR EXTERIOR LIGHTING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: An investigation is being conducted to see if the voltage to exterior truck body lights is adequate to produce the required illumination from the side marker, identification tail and brake lights as required in Standard 108, Lamps, Reflective Devices, and Associated Equipment. The present requirement tests at the voltage at which light flux is measured rather than at the voltage which actually occurs on vehicles; which is often less. A decision on rulemaking will be made after a research report is received.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AD40

2488. HARMONIZATION OF SEAT-BELT ASSEMBLY ANCHORAGES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: Petitions for reconsideration have been received in response to a recent Final Rule (04/30/90, 55 FR 17970) to amend Standard No. 210, Seat Belt Assembly Anchorages. Issues include location of the upper anchorages, redundant anchorages for trucks, minimum lap belt angle, requirements for attachment testing, technical corrections, and clarification of terms. The petitions are under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AD43

2489. RULEMAKING TO DELETE "DUE CARE" PROVISIONS FROM THE OCCUPANT CRASH PROTECTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: In 1986, NHTSA added a provision to Standard No. 208, Occupant Crash Protection, allowing vehicles that fail one or more of the injury criteria in the standard to still be considered as complying with the standard if the manufacturer could show it had exercised "due care" in the design and construction of the vehicle. The Motor Vehicle Safety Act requires all safety standards to be expressed in "objective terms." Further, the courts have held that compliance with safety standards must be determined by objective measurements and without recourse to any subjective determinations. The inherently subjective nature of a "due care" determination precludes the use of that concept as an aspect of compliance with the safety standards. Therefore, the "due care" provisions would be proposed to be deleted from the crash protection standard.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Stephen Kratzke, Deputy Assistant Chief Counsel for Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2992

RIN: 2127–AD54

2490. BRAKE HOSES AND FLUIDS

Significance: Nonsignificant

Legal Authority: 15 USC 1401; 15 USC 1403; 15 USC 1407; 15 USC 1892

CFR Citation: 49 CFR 571.106; 49 CFR 571.116

Legal Deadline: None

Abstract: The agency has granted a petition from the United States Army Tank Automotive Command (ATAC), to amend Federal Motor Vehicle Safety Standard No. 106, Brake Hoses, and Federal Motor Vehicle Safety Standard No. 116, Brake Fluids. ATAC requested that Standard No. 106 be amended to require brake hose compatibility with a fluid that includes DOT 5 characteristics and that Standard No. 116 be amended to require compatibility of DOT 3, DOT 4, and DOT 5 brake fluids with elastomeric seals and cups internal to hydraulic brake system master and wheel cylinders. The agency believes that the changes suggested by ATAC warrant further consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AD70

2491. ● KEY REMOVAL DURING ELECTRICAL FAILURE

Significance: Nonsignificant

DOT—NHTSA

Prerule Stage

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.114

Legal Deadline: None

Abstract: The agency has received a petition for reconsideration of the Final Rule published March 26, 1991 (56 FR 12464 RIN 2127-AE00). Petitioner is requesting the allowance of the key removal when electrical failure occurs provided steering is prevented upon key removal. (A separate key release was previously allowed if covered.) Petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AE13

2492. ● POWER-OPERATED WINDOWS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.118

Legal Deadline: None

Abstract: The agency has received petitions for reconsideration of the Final Rule published April 16, 1991 (56 FR 15290 RIN 2127-AC52). Petitioners request clarification of the opening range, meaning of leading edge of the window, force measurement, and the delay of the effective date of September 1, 1992. Petitions are under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AE14

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Proposed Rule Stage

2493. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407; PL 101-500

CFR Citation: 49 CFR 571.108

Legal Deadline: NPRM, Statutory, February 3, 1991. Final, Statutory, November 3, 1992.
Pursuant to the Sanitary Food Transportation Act of 1990.

Abstract: Proposed actions would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights). This rulemaking is considered significant because of substantial public and congressional interest. Related issues pertaining to the recently enacted Sanitary Food Transportation Act have been incorporated into this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405
ANPRM Comment Period End	08/25/80	45 FR 35405
Request for Comments; Comment Period End 11/09/87	09/18/87	52 FR 35345
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/91

Additional Information: Docket No. 80-9.

Research underway. The Agency announced the forthcoming publication of the NPRM on 02/13/91 (56 FR 5792).

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AA12

2494. + HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Agency Priority

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None

Abstract: Proposed action would establish a new brake standard for all trucks, buses, and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as antilock systems, automatic brake adjustors, load-sensing proportioning values, air driers, and retarders for heavy trucks, buses, and trailers. This rule is considered significant because of the level of public and congressional interest. It is

necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM; Comment Period End 04/16/79	02/15/79	44 FR 9783
Second ANPRM	02/28/80	45 FR 13155
Second ANPRM Comment Period End	05/28/80	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AA00

2495. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would require protective devices to reduce vehicle penetration under the rear ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices). In view of comments received, an SNPRM will be issued. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136
NPRM Comment Period End	04/08/81	46 FR 2136
SNPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Agency Contact: Leon DeLarm, Chief, Pedestrian/Heavy Truck/Child Crash Protection Div., Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4909

RIN: 2127–AA43

2496. + STANDARD 302; FLAMMABILITY OF INTERIOR MATERIALS - SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.302

Legal Deadline: None

Abstract: Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of Standard 302 to reduce the risk of fire to school bus occupants. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44627
ANPRM Comment Period End	01/03/89	53 FR 44627
Request for Comments; Comment Period End 04/29/91	02/26/91	56 FR 7826
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Agency Contact: Charles Gauthier, Special Assistant, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4799

RIN: 2127–AA44

2497. + CARS AND LIGHT TRUCKS: PADDING A-PILLARS, SIDE RAIL, ETC

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.214

Legal Deadline: None

Abstract: Contemplated action proposed amending Standard No. 201 to include head/neck protection in vehicle upper interior impacts. This is considered significant because of the safety implications involved.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31712
ANPRM Comment Period End	10/18/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was formerly titled: Side-Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation.

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AB85

2498. + SIDE-IMPACT PROTECTION—LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 1.50; 49 CFR 571.214

Legal Deadline: None

Abstract: This action involves requirements for light trucks, vans, and multipurpose passenger vehicles, to reduce the risk of fatalities and injuries where side protection of the vehicle is a relevant factor. A final rule extended the quasi-static test requirements for these vehicles with a GVWR of 10,000 pounds or less. An SNPRM is being considered to cover three issues not

addressed in the NPRM of 12/22/89. The issues are 1) testing of double cargo doors used in full size vans or other vehicles, if any; 2) the position for loading cylinder when the entire lower edge of the door is not parallel to the sill; and 3) the position of the loading cylinder when the door does not have a window. These rulemaking actions are considered significant because of the public safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31716
Comment Period Extension Denied	09/27/88	53 FR 37615
Comment Period Extension Denied	10/17/88	53 FR 40462
ANPRM Comment Period End	10/18/88	53 FR 31716
NPRM	12/22/89	54 FR 52826
NPRM Comment Period End	02/20/90	54 FR 52826
Comment Period Extended to 03/22/90	02/23/90	55 FR 6407
Final Action; Quasi-Static Test Effective 09/01/93	06/14/91	56 FR 27427
SNPRM	10/00/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 12/22/89 (54 FR 52826)

Additional Information: A related action proposing requirements for passenger cars (RIN 2127-AB86) was consolidated into RIN 2127-AA48 which was completed in the April 1991 Agenda.

Agency Contact: Joe Kanianthra, Chief, Side and Rollover Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4915**

RIN: 2127–AC43

2499. + STANDARD 205; GLAZING MATERIALS, FILM TRANSMITTANCE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: A rulemaking petition was granted which requested an amendment be made to the standard which would allow the applications of a film with 35 percent transmittance to the windows of motor vehicles. This project is considered significant because of the substantial public interest expected to be generated.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/89	54 FR 30427
Petition for Rulemaking Granted	07/20/89	54 FR 30427
ANPRM Comment Period End	09/18/89	54 FR 30427
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AC85

2500. + ALCOHOL FUELS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: Standard No. 301, Fuel System Integrity, has as its purpose the reduction of deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes. Although vehicles using methanol or ethanol are covered under this standard, there are certain properties of these fuels which are different than those of gasoline or diesel fuel, and are not addressed under this standard. The purpose of this notice is to solicit comments to help NHTSA determine whether specific rulemaking is needed relative to the fuel system integrity of vehicles using methanol or ethanol as a motor fuel. NHTSA wishes to have any necessary safety standards in place to support the safe introduction and operation of alternative fuel vehicles, and not impede the development and advancement of such vehicles and associated technology. This action is significant due to substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/90	55 FR 41556
ANPRM Comment Period End	12/11/90	
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Woodford, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4804**

RIN: 2127–AD47

2501. + COMPRESSED NATURAL GAS (CNG) AND PROPANE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: Standard No. 301, Fuel System Integrity, has as its purpose the reduction of deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes. However, CNG and propane, when used as motor fuels, are not covered under the current requirements of this standard. NHTSA desires that any safety performance standard which may be established for the fuel system integrity of vehicles using CNG or propane as a motor fuel be in harmony with the activities and regulatory authority of others to the extent possible. This notice announces a public meeting to obtain comments on the potential establishment of safety performance standards for vehicles powered by CNG or propane, as well as serving as an Advance Notice of Proposed Rulemaking (ANPRM) for that purpose. The purpose of this ANPRM is

to explore approaches that might be used if the agency were to establish a safety performance standard for the fuel system integrity of vehicles using CNG or propane as a motor fuel. The cost and benefits are unknown at this time. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/90	55 FR 41561
Public Meeting Notice	10/12/90	55 FR 41561
ANPRM Comment Period End	12/11/90	
ANPRM Comment Period Extended to 01/31/91	12/17/90	55 FR 51737

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Subsequent action dependent on information gathered.

Agency Contact: Gary Woodford, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4804

RIN: 2127–AD48

2502. + WHEELCHAIR LIFTS

Significance: Agency Priority

Legal Authority: PL 101-336 Americans With Disabilities Act

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This action would establish new requirements for wheelchair lifts used on motor vehicles. This is significant due to substantial public interest in the transportation of the handicapped.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AD50

2503. + WHEELCHAIR SECUREMENT DEVICES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407; PL 101-336 Americans with Disabilities Act

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: This action would establish requirements for wheelchair tie-downs in schoolbuses in response to a petition for rulemaking from Lyle Stephens and Debra Simms. Petition was granted. The project is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Rulemaking Petition Granted	03/01/90	55 FR 7346
NPRM	09/24/91	56 FR 48140
NPRM Comment Period End	11/25/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A Notice announced availability of a research report on the state-of-the-art in wheelchair securement and occupant restraints on schoolbuses and requested comments (05/30/90, 55 FR 21891).

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AD51

2504. + SIDE IMPACT PROTECTION: ANTHROPOMORPHIC ALTERNATE TEST DUMMIES (BIOSID AND EUROSID)

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: The agency is contemplating action that would allow BIOSID and EUROSID to become alternate test devices in the evaluation of side protection in passenger cars. This action is considered significant due to substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: RIN 2127-AD74 - Side Impact Protection: Anthropomorphic Alternate Test Dummy (EUROSID) has been consolidated into this rulemaking.

Agency Contact: Stanley Backaitis, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC, 202 366-4912

RIN: 2127–AD73

2505. ● + DRUG OFFENDER'S LICENSE SUSPENSION CERTIFICATION

Significance: Agency Priority

Legal Authority: PL 101-516

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rulemaking would propose the manner in which States would certify they are not subject to withholding of certain Federal-aid highway funds if they do not enact legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act or any drug offense. This action is significant because of substantial public interest and possible Federalism implications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Public Compliance Cost: Initial Cost: $6,500; Yearly Recurring Cost: $3,250; Base Year for Dollar Estimates: 1994

Analysis: Regulatory Impact Analysis

Agency Contact: Bill Holden, Highway Safety Specialist, Traffic Safety Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2722**

RIN: 2127–AE10

2506. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR Parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1834**

RIN: 2127–AB79

2507. STANDARD 208; OCCUPANT CRASH PROTECTION, EMERGENCY LOCKING RETRACTORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 208 requires safety belt systems in the front outboard seating positions of passenger cars to adjust automatically by means of emergency locking retractors. Horkey and Associates petitioned the agency to prohibit the use of emergency locking retractors as it is alleged they do not provide adequate protection against occupant rebound in rear impacts. The petition, and a related one from Environmental Research and Safety Technologists of Flagstaff, Arizona, were granted (RIN 2127-AD08).

Timetable:

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	54 FR 40896

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AC57

2508. STANDARD 301; FUEL SYSTEM INTEGRITY, FUEL SPILLAGE

Significance: Nonsignificant

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 552; 49 CFR 571

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard (FMVSS) No. 301 specifies requirements for the integrity of motor vehicle fuel systems so that fires that result from fuel spillage during and after motor vehicle crashes may be reduced. This standard applies to passenger cars and school buses, and to multipurpose passenger vehicles, trucks, and buses that have a gross vehicle weight rating of 10,000 pounds or less. The California Highway Patrol (CHP) petitioned the agency to specify requirements in FMVSS No. 301 to reduce fuel spills from the fuel tank or fuel lines on heavy trucks and truck tractors over 10,000 pounds. The fuel spills, according to the CHP, are due to damage caused by road debris. On May 2, 1988, the agency published a grant of petition for rulemaking in the Federal Register for the CHP petition. However, the agency is granting the petition pending the results of its forthcoming investigation of fuel-tank fires in over-the-road trucks, on which research is presently underway.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AC62

2509. PEDESTRIAN HEAD-PROTECTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This proposal would reduce adult and child pedestrian head injuries through modification of the vehicle hood structure.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Leon DeLarm, Chief, Pedestrian/Heavy Truck/Child Crash Protection Div., Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4909**

RIN: 2127–AC90

2510. STANDARD 121; AIR BRAKE SYSTEMS STOPPING-DISTANCE PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Accidents involving heavy trucks have a disproportionate (higher) fatality rate than all other motor vehicles. This rulemaking proposes to reinstate stopping distance performance requirements in Standard 121 so as to help improve heavy vehicle braking performance and hence reduce the number of accidents involving these vehicles. Although a court decision found that Standard 121, as it then existed, was unenforceable, additional accident data and technical review have persuaded NHTSA that the court's requirements can now be met.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Art Neill**, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD07

2511. STANDARD 207; SEATING SYSTEMS - PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the general performance requirements of the Standard. The ANPRM requested comments.

Timetable:

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	54 FR 40896

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Petitions for rulemaking were granted 07/24/89. See a related rulemaking action involving these petitioners under RIN 2127-AC57.

Agency Contact: **Daniel Cohen**, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD08

2512. "LOCK" CHILD SAFETY SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: An amendment to Standard No. 208, "Occupancy Crash Protection" has been proposed to ensure that it is possible to "lock" child safety systems in the seats of passenger cars using lap/shoulder belts. In view of comments received, a SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	07/30/90	55 FR 30937
NPRM Comment Period End	09/13/90	
SNPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/30/90 (55 FR 30937)

Agency Contact: **Daniel Cohen**, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD39

2513. ENFORCEMENT OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1397; 15 USC 1398; 15 USC 1401; 15 USC 1402; 15 USC 1403; 15 USC 1407; 15 USC 1408; 15 USC 1410a; 15 USC 1411; 15 USC 1412; 15 USC 1413; 15 USC 1414; 15 USC 1415; 15 USC 1516; ...

CFR Citation: 49 CFR 552; 49 CFR 554; 49 CFR 573; 49 CFR 576; 49 CFR 577

Legal Deadline: None

Abstract: The agency would propose to amend several provisions of regulations that pertain to its enforcement of the National Traffic and Motor Vehicle Safety Act. The proposed amendment would relate to NHTSA's consideration of petitions for rulemaking or for investigation of alleged defects or noncompliance with safety standards (Part 552); NHTSA's procedures following an initial determination that a safety-related defect exists (Part 573); the form and content of notification letters that manufacturers must send to owners following a determination that a vehicle or item of motor vehicle equipment contains a defect or does not comply with a safety standard (Part 577); record retention requirements applicable to manufacturers (Part 576); and a clarification that NHTSA's recordkeeping and reporting regulations (Part 573 and 576) apply to electronically generated or communicated materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Legal Authority: 15 USC 1416 15 USC 1417 15 USC 1418 15 USC 1419 15 USC 1420

Agency Contact: **Eileen Leahy**, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-5263**

RIN: 2127–AD83

2514. DAYTIME RUNNING LAMPS AS AN OPTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Petition for rulemaking was granted to amend Federal Motor Vehicle Safety Standard No. 108 to permit daytime running lamps as an option (permissible) to override conflicting State regulations prohibiting their use.

Timetable:

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38100
NPRM Comment Period End	10/11/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/12/91 (56 FR 38100)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD84

2515. HEADLIGHTING SYSTEM; COMBINATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: This action involves a petition to amend Federal Motor Vehicle Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, to allow the mixing of headlamps from sealed beam system, integral beam system, and replaceable bulb system on a single vehicle as long as the photometric and other requirements pertinent to the system chosen are met. Petition was granted.

Timetable:

Action	Date	FR Cite
NPRM	09/19/91	56 FR 47436
NPRM Comment Period End	11/18/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD98

2516. ● VEHICLE BASED ROADWAY ILLUMINATION PERFORMANCE REQUIREMENTS - REPLACEABLE LIGHT SOURCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The purpose of this standard is to reduce traffic accidents, and deaths and injuries resulting from traffic accidents, by providing adequate illumination of the roadway, and by enhancing the conspicuity of motor vehicles on the public roads so that their presence is perceived and their signals understood, both in daylight and in darkness or other conditions of reduced visibility. This rulemaking will (1) amend the lower beam headlighting requirements to ensure that the ability of headlighting systems to illuminate overhead traffic signs be maintained, and (2) require manufacturers of replaceable light sources to file dimensional information with NHTSA in a public docket pursuant to a new regulation, proposed Part 564, "Replaceable Light Source Dimensional Information," in lieu of petitioning the agency for amendments to FMVSS No. 108 whenever manufacturers wish to introduce new lighting systems.

Timetable:

Action	Date	FR Cite
NPRM	05/09/89	54 FR 20084
NPRM Comment Period End	11/09/89	
Supplemental NPRM Photometric and Dimensional Information Requirements	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/09/89 (54 FR 20084)

Additional Information: In response to comments received concerning the NPRM (RIN 2127-AB87), the agency has initiated additional research concerning the vehicle-based roadway illumination performance requirements. However, further delay concerning the issue addressed in that RIN was not warranted.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-5281**

RIN: 2127–AE07

2517. ● TIRE SELECTION RIMS FOR MOTOR VEHICLES OTHER THAN PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.120

Legal Deadline: None

Abstract: NHTSA is proposing to delete some outdated language and clarify an issue that has arisen repeatedly in several recent enforcement actions as to whether the recommended tire inflation pressure labelled on light trucks and vans pursuant to section 5.3 must reflect the 10-percent reduction in load carrying capability for passenger-car tires that may be used in those vehicles (as in section 5.1.2), or whether the 10-percent reduction may be disregarded when recommending the appropriate inflation pressure for the vehicle's tires.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AE09

2518. ● WINDSHIELD WIPING AND WASHING SYSTEMS DEFINITIONS: SEATING REFERENCE POINT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.104; 49 CFR 571.36

Legal Deadline: None

Abstract: The final action redefining the "seating reference point" location makes it necessary to change the windshield wiping and washing standard also, since it requires substitution of this term for others in determining visibility requirements for the driver, which will now be done in positions other than the rear-most position.

Timetable:

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38099
NPRM Comment Period End	10/11/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/12/91 (56 FR 38099)

Additional Information: The companion rulemaking, Seating Reference Point/Motor Vehicle Driver's Eye Range, is RIN 2127-AA46.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AE11

2519. ● ADJUSTMENT PROCEDURE FOR BURNISH AND RECOVERY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: The agency has received a petition for rulemaking to revise the adjustment procedure for burnish and recovery requirements for truck and bus front brakes. Petition has been granted.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AE15

2520. ● SIDE DOOR STRENGTH DEFINITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: The agency proposes to clarify the definition for "lowest point of the door."

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joe Kanianthra, Chief, Side and Rollover Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4915**

RIN: 2127–AE17

2521. ● INSURANCE COST INFORMATION

Significance: Nonsignificant

Legal Authority: 15 USC 1941(e)

CFR Citation: 49 CFR 582

Legal Deadline: None

Abstract: The agency proposes to release information related to insurance costs for different makes and models of passenger motor vehicles based on insurance collision loss experience compiled by the Highway Loss Data Institute to enable prospective purchasers to compare differences in auto insurance costs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washingotn, DC 20590, **202 366-0846**

RIN: 2127–AE18

2522. ● EXCLUSIVE USE OF HYBRID III TEST DUMMY IN COMPLIANCE TESTING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 1.50; 49 CFR 571.208

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is proposing to require sole use of the Hybrid III test dummy for compliance testing of Federal Motor Vehicle Safety Standard No. 208. This action is proposing a five year leadtime for the manufacturers to substitute the Hybrid III for the Hybrid II test dummy. Petition was granted.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Stanley Backaitis, Principal Engineer Advisor, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW. Washington, DC 20590, **202 366-4912**

RIN: 2127–AE19

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Final Rule Stage

2523. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR 5

Legal Deadline: None

Abstract: This action would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025
Comment Period Extended to 10/22/81	04/02/81	46 FR 19947
NPRM Comment Period End	04/22/81	46 FR 7025

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Draft Regulatory Evaluation 01/22/81 (46 FR 7025)

Additional Information: Docket No. 79-17. NPRM, Notice 1.

Agency Contact: Stanley Scheiner, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1740**

RIN: 2127–AA03

2524. + LIGHTING SIMPLIFICATION—POTENTIAL AMENDMENTS ON LONG-TERM ISSUES; STANDARD 108

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: NHTSA proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor-vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the first of these, which is the feasibility of a standard directed toward onboard original-equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. This action is considered significant because of safety implications. Based on comments received, a second NPRM was issued.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	12/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	
SNPRM; Second	05/09/89	54 FR 20084
Correction to Second SNPRM	05/19/89	54 FR 21727

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 12/29/87 (52 FR 49038)

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2.

Federal Register Notice (51 FR 1542) extended comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

In response to comments to the SNPRM, additional research has been initiated as to vehicle-based roadway illumination performance requirements. RIN 2127-AD69 - Vehicle Based Roadway Illumination Performance Requirement has been consolidated into this rulemaking.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AB87

2525. + STANDARD 221; SCHOOL BUS BODY JOINT STRENGTH

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.221

Legal Deadline: None

Abstract: This action proposed to clarify and expand procedures for testing school bus body joint strength; to revise the exemption provided for maintenance access panels on school bus bodies; and to extend the scope of the Standard to include all school buses, including those of GVWR of 10,000 pounds or less. This rulemaking is significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/87	52 FR 23314
ANPRM Comment Period End	08/03/87	52 FR 23314
Comment Period Extended to 10/15/87	08/12/87	52 FR 29873
NPRM	03/15/91	56 FR 11142
NPRM Comment Period End	05/14/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/15/91 (56 FR 11142)

Agency Contact: Charles Gauthier, Special Assistant, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4799**

RIN: 2127–AC19

2526. + STANDARD 217; BUS WINDOW RETENTION AND RELEASE - UPGRADE FOR SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.217

Legal Deadline: None

Abstract: This action would revise the minimum requirements for emergency exits and improve access to emergency doors on school buses. It is considered significant because of substantial public interest.

DOT—NHTSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44623
ANPRM Comment Period End	01/03/89	53 FR 44623
NPRM	03/15/91	56 FR 11153
NPRM Comment Period End	04/29/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/15/91 (56 FR 11153)

Agency Contact: Charles Gauthier, Special Assistant, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4799**

RIN: 2127–AC88

2527. + STANDARD 111; REARVIEW MIRRORS - SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This notice proposes to require a bus driver to be able to see, either directly or through mirrors, certain specified areas in front of and along the side of school buses; to specify certain criteria for convex cross-view mirrors; and to establish test conditions designed to ensure that the image of an object is not unreasonably distorted. This rulemaking is significant because of substantial public interest and possible federalism implications.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/89	54 FR 53127
ANPRM Comment Period End	02/12/90	
NPRM	05/02/91	56 FR 20171
NPRM Comment Period End	06/17/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/02/91 (56 FR 20171)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD24

2528. + CHILD SAFETY SEAT REGISTRATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: The Center for Auto Safety petitioned for rulemaking to amend FMVSS No. 213, Child Seating Systems, to require manufacturers of child restraints to maintain the names and addresses of owners of child safety seats. The purpose of this registration is to enable manufacturers to directly contact owners of seats in case of recall. The petition was granted. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/19/91	56 FR 6603
NPRM Comment Period End	04/22/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/19/91 (56 FR 6603)

Agency Contact: Leon DeLarm, Chief, Pedestrian/Heavy Truck/Child Crash Protection Div., Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4909**

RIN: 2127–AD46

2529. PROPOSED NEW STANDARD 135; PASSENGER-CAR BRAKE SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.135

Legal Deadline: None

Abstract: This rulemaking to establish a new standard for passenger-car brake systems grew out of NHTSA's efforts to harmonize its standards with international ones. After review of comments to the NPRM and SNPRM, a second SNPRM proposed refined and revised test procedures and performance requirements which should achieve harmonization while being fully consistent with the National Traffic and Motor Vehicle Safety Act. The new standard 135 would replace standard 105 as it applies to passenger cars. This action was originally considered significant, but subsequent events have resulted in fewer issues to be resolved, and this project is no longer considered as such.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Correction to NPRM for RIN AC63	06/20/85	50 FR 25612
NPRM Comment Period Extended to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19744
SNPRM; Comment Period End 10/13/87	01/14/87	52 FR 1474
Second SNPRM Comment Period End 10/31/91	07/03/91	56 FR 30528
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 07/03/91 (56 FR 30528)

Additional Information: Docket No. 85-06. RIN AC63, Passenger-Car Brake Systems has been consolidated into this rulemaking.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AA13

2530. AIR-BRAKE SYSTEMS, PARKING AND EMERGENCY BRAKES - TRAILERS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: This project would revise the requirements in Standard No. 121 for parking and emergency-brake functions for trailers. In view of comments received, an SNPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
NPRM Comment Period End	08/24/81	46 FR 37952
SNPRM; Comment Period End 04/09/90	02/08/90	55 FR 4453
SNPRM Comment Period Extended to 08/07/90	04/11/90	55 FR 13575
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/08/90 (55 FR 4453)

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: **Art Neill**, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AA27

2531. ANTHROPOMORPHIC TEST DUMMIES: 6-YEAR-OLD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: This action would add the specifications covering the 6-year-old-child test dummy to Part 572 to allow its use in evaluation of child restraints designated for older children.

Timetable:

Action	Date	FR Cite
NPRM	04/06/89	54 FR 13901
NPRM Comment Period End	10/03/89	54 FR 13901
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/06/89 (54 FR 13901)

Agency Contact: **Leon DeLarm**, Chief, Pedestrian/Heavy Truck/Child Crash Protection Div., Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4909**

RIN: 2127–AC09

2532. STANDARD 121; AIR-BRAKE SYSTEMS, SUPPLEMENTAL CONNECTOR

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: This action proposes two alternative amendments concerning electrical power sources for trailer antilock brake systems. Trailer antilock systems would be required to be powered by a separate electrical circuit, with the stop lamp circuit being used as a source of backup power, or the agency would rescind the existing requirement that trailer antilock systems be powered from the stop lamp circuit.

Timetable:

Action	Date	FR Cite
Petition Granted by Letter	03/17/88	
Request for Comments	10/12/88	53 FR 39751
NPRM	05/03/91	56 FR 20401
NPRM Comment Period End	07/02/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/03/91 (56 FR 20401)

Agency Contact: **Art Neill**, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AC80

2533. STANDARD 213; CHILD RESTRAINT SYSTEMS - NEWBORN AND VERY SMALL CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: This action responds to a petition to amend the standard to provide specific requirements for restraints to be used by newborn and very small children.

Timetable:

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38108
NPRM Comment Period End	09/26/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/12/91 (56 FR 38108)

Agency Contact: **Leon DeLarm**, Chief, Pedestrian/Heavy Truck/Child Crash Protection Div., Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4909**

RIN: 2127–AC87

2534. IMPORTATION OF MOTOR VEHICLES AND EQUIPMENT SUBJECT TO FEDERAL SAFETY, BUMPER, AND THEFT PREVENTION STANDARDS

Significance: Nonsignificant

Legal Authority: PL 100-562

CFR Citation: 49 CFR 591

Legal Deadline: None

Abstract: This action proposed that persons who wish to import vehicles not meeting Federal standards pursuant to 49 CFR 591.5(j) submit information in support of a request for admission and obtain in advance of such importation a letter of permission from NHTSA. The

alternative would be to retain the existing requirement, which does not require advance approval. There are no additional "costs" since importers must already submit the information at the time of entry. The benefits are that noncomplying vehicles will not be entered under subterfuge, having been screened by NHTSA prior to their arrival in the United States. Thus, safety is enhanced by keeping them off the roads.

Timetable:

Action	Date	FR Cite
NPRM	01/29/91	56 FR 3236
NPRM Comment Period End	04/01/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Taylor Vinson, Senior Staff Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-5263**

RIN: 2127–AD00

2535. STANDARD 106; BRAKE HOSES - ASSEMBLY LABELING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 106 requires hoses, end fittings, and hose assemblies, except under limited circumstances, to be marked in a manner providing source identification for the hose, fitting, or assembly. Paragraphs S12 and S13 provide two exceptions. Paragraph S12 exempts "assemblies" from individual labeling of the "components." The "assembly" must still be labeled as specified in the appropriate paragraphs S5.2, S7.2, and S9.2. Paragraph S13 exempts hoses, fittings, and assemblies, if each or all are installed in a vehicle to which the standard applies (i.e., new vehicles, factory assemblies) from the individual requirements for labeling these components or assemblies. The NPRM proposed to clarify these requirements as they apply to the labeling of components or assemblies which use "reusable" fittings. A conflict may exist as to whether these materials with "reusable" components are considered to be "assemblies."

Timetable:

Action	Date	FR Cite
NPRM	02/25/91	56 FR 7640
NPRM Comment Period End	04/11/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/25/91 (56 FR 7640)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20690, **202 366-2720**

RIN: 2127–AD04

2536. STANDARD 207; SEATING SYSTEMS - TEST PROCEDURE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: The agency is considering whether to adopt a test procedure more appropriate to pedestal seats, and has proposed using a procedure that more closely represents the load distribution actually experienced by pedestal seats in real-world crashes.

Timetable:

Action	Date	FR Cite
NPRM	08/14/90	55 FR 33141
NPRM Comment Period End	09/28/90	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/14/90 (55 FR 33141)

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD09

2537. STANDARD 110, TIRE SELECTION AND RIMS; AND 120, TIRE SELECTION AND RIMS FOR OTHER THAN PASSENGER CARS - SIZE LABELLING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.110; 49 CFR 571.120

Legal Deadline: None

Abstract: Rubber Manufacturers Association petitioned for rulemaking to amend FMVSS Nos. 110 and 120 to require size labelling of all new highway vehicle wheels, whether for original equipment or for the replacement market. Petition was granted.

Timetable:

Action	Date	FR Cite
NPRM	08/13/90	55 FR 32929
NPRM Comment Period End	10/12/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/13/90 (55 FR 32929)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD23

2538. AIR-BRAKE SYSTEMS; PNEUMATIC TIMING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: The NPRM proposed to require for towing vehicles that actuation at the interface between towing vehicles and trailers be at least as fast as actuation at the towing vehicle brake chambers; however, review of comments determined the requirement would lead to loss of manufacturing flexibility by requiring more custom design at unjustified additional cost. Therefore, that portion

of this project was terminated in the SNPRM. In that same document, different requirements were proposed concerning control line pressure differential.

Timetable:

Action	Date	FR Cite
NPRM	05/03/89	54 FR 18912
NPRM Comment Period End	07/03/89	
NPRM Comment Period Extended; Comment Period End 10/03/89	07/21/89	54 FR 30571
SNPRM; Comment Period End 04/29/91	03/15/91	56 FR 11150
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/15/91 (56 FR 11150)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD27

2539. AUTOMATIC BRAKE ADJUSTERS FOR HEAVY DUTY VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: This action would require automatic brake adjusters and adjustment indicators on vehicles with air brake systems and automatic brake adjusters on vehicles with hydraulic brake systems.

Timetable:

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20396
NPRM Comment Period End	06/17/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/03/91 (56 FR 20396)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD34

2540. DEFINITION OF "SEAT BELT ANCHORAGE"

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: This action proposes to amend Standard No. 210, Seat Belt Assembly Anchorages, to clarify the definition of "Seat Belt Anchorage." This rulemaking is intended to clarify the scope of this standard as it applies to seat-mounted safety belts and other non-floor-mounted safety belts.

Timetable:

Action	Date	FR Cite
NPRM	10/31/90	55 FR 45827
NPRM Comment Period End	12/31/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/31/90 (55 FR 45827)

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD44

2541. CHILD RESTRAINT WARNING LABELS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: The Center for Auto Safety was granted a petition for rulemaking to amend FMVSS 213. Child Seating Systems, to delete Section S5.5.2(i), which allows the use of warning labels to notify consumers of adjustment positions which should not be used in an automobile. The Center contended this action would prevent child-seat manufacturers from resorting to using warning labels to permit adjustments to dangerous positions as long as the seat has a label warning consumers not to do so.

Timetable:

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38105
NPRM Comment Period End	09/26/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/12/91 (56 FR 38105)

Agency Contact: Leon DeLarm, Chief, Pedestrian/Heavy Truck/Child Crash Protection Div., Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4909**

RIN: 2127–AD45

2542. FINAL LISTING OF HIGH THEFT LINES FOR 1992 MODEL YEAR—TECHNICAL AMENDMENT TO FINAL RULE

Significance: Nonsignificant

Legal Authority: 15 USC 2021; 15 USC 2024; 15 USC 2026

CFR Citation: 49 CFR 541; 49 CFR 1.50

Legal Deadline: None

Abstract: The purpose of this notice is to (1) report the results of this agency's actions for determining which car lines are subject to the marking requirements of the motor vehicle theft prevention standard for the 1992 model year and (2) publish a list of those carlines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4808**

RIN: 2127–AD53

2543. STATE HIGHWAY SAFETY PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 401

CFR Citation: 23 CFR 1200; 23 CFR 1204; 23 CFR 1205

Legal Deadline: None

Abstract: This notice proposed the establishment of uniform procedures governing approval, implementation, and management of State highway safety programs. It would implement the Department of Transportation rule (49 CFR Part 18) concerning the administration of grants with State and local governments, as it applies to highway safety programs, update and codify existing procedures and delete obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/28/91	56 FR 29598
NPRM Comment Period End	08/12/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/28/91 (56 FR 29598)

Agency Contact: Brian McLaughlin, Regional Coordinator, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2121**

RIN: 2127–AD55

2544. EXEMPTION FROM AVERAGE FUEL ECONOMY STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 525

Legal Deadline: None

Abstract: The agency has received petitions from Maserati for exemption from the generally applicable average fuel economy standard for Model Years 1992-1995 and for a lower alternative standard to be established. The agency has proposed to deny the petitions since Maserati's production will exceed 10,000 passenger vehicles and thus make that company ineligible to qualify as a low-volume manufacturer.

Timetable:

Action	Date	FR Cite
Proposed Petition Denial; Comments Due by 09/30/91	07/31/91	56 FR 36193

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD64

2545. UNIFORM TIRE QUALITY GRADING STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: This action would require front-wheel-drive passenger cars and light trucks to submit to Uniform Tire Quality Grading Standards (UTQGS) testing.

Timetable:

Action	Date	FR Cite
NPRM	02/25/91	56 FR 7643
NPRM Correction	03/13/91	56 FR 10661
NPRM Comment Period End	04/11/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/25/91 (56 FR 7643)

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD68

2546. CREATE A NEW CATEGORY, AS-15B - TEMPERED GLASS-PLASTIC

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: The purpose of this notice is to permit a new item of glass-plastic. Item 15B, tempered glass-plastic glazing, is proposed to be used anywhere in a motor vehicle, excluding the windshield.

Timetable:

Action	Date	FR Cite
NPRM	10/11/89	54 FR 41632
NPRM Comment Period End	11/27/89	54 FR 41632
SNPRM; Comment Period End 06/24/91	04/23/91	56 FR 18559
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/23/91 (56 FR 18559)

Additional Information: The NPRM of 10/11/89 was for RIN 2127-AC38 and is inserted here as background since it discussed the basis for not including the tempered version in that other rulemaking, which appears in the completed section of this Agenda.

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD75

2547. ISSUANCE, AMENDMENT, AND REVOCATION OF RULES: PROCEDURAL REGULATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 1912; 15 USC 1941; 15 USC 1988; 15 USC 2001

CFR Citation: 49 CFR 553.39

Legal Deadline: None

DOT—NHTSA

Final Rule Stage

Abstract: The agency is proposing to amend one provision of the procedural regulations that apply to the issuance, amendment, and revocation of rules under the Motor Vehicle Information and Cost Savings Act and the Motor Vehicle Safety Act. The provision addresses the time within which affected persons may seek judicial review of a final rule if a petition for agency reconsideration of that rule has been filed.

Timetable:

Action	Date	FR Cite
NPRM	10/31/90	55 FR 45825
NPRM Correction	11/08/90	55 FR 47028
NPRM Comment Period End	12/17/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/31/90 (55 FR 45825)

Agency Contact: Kenneth Weinstein, Assistant Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5263

RIN: 2127–AD78

2548. UPRIGHT POSITIONING ON STEERING WHEEL

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.101

Legal Deadline: None

Abstract: The purpose of Federal Motor Vehicle Safety Standard No. 101, Controls and Displays, is to ensure the accessibility and visibility of motor vehicle controls and displays, and to facilitate their selection under daylight and nighttime conditions. At present, the identification of any display shall be visible to the driver and appear to the driver perceptually upright. This rulemaking will (1) delete the perceptually upright requirements for all controls, or (2) delete the perceptually upright requirements for cruise control, or (3) redefine the term "perceptually upright."

Timetable:

Action	Date	FR Cite
NPRM	01/23/91	56 FR 2487
NPRM Comment Period End	03/11/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/23/91 (56 FR 2487)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AD80

2549. ELECTROCHROMIC REARVIEW MIRRORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: NHTSA received a petition requesting changes to Federal Motor Vehicle Safety Standard No. 111 to amend the language that appears to not permit electrochromic mirrors which may better protect drivers from the effects of unwanted glare. Petition was granted on August 30, 1990.

Timetable:

Action	Date	FR Cite
NPRM	03/08/91	56 FR 9928
NPRM Comment Period End	04/22/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AD81

2550. MOTORCYCLE FUEL VALVES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.123

Legal Deadline: None

Abstract: In response to a petition of the Motorcycle Industry Council, this action proposed to amend motorcycle controls and displays to permit the fuel shutoff valve to be situated in more orientations than presently permissible.

Timetable:

Action	Date	FR Cite
NPRM	06/27/91	56 FR 29451
NPRM Comment Period End	08/12/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/91 (56 FR 29451)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AD85

2551. IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None

Abstract: This notice solicited comments on a proposal to upgrade the reference to the Society of Automotive Engineers (SAE) recommended practice J944, from the December 1965 version to the June 1980 version as it applies to the body block test device. This action would clarify the positioning of the torso-shaped body block for compliance testing.

Timetable:

Action	Date	FR Cite
NPRM	06/06/91	56 FR 26046
NPRM Comment Period End	07/22/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/06/91 (56 FR 26046)

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD87

2552. SEAT BELT ASSEMBLIES - CYCLING RATE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.209

Legal Deadline: None

Abstract: This notice proposes a cycling test rate of between five and ten cycles per minute for emergency locking retractors (ELR) and automatic locking retractors (ALR) and that the required ELR lockup testing be performed every fifth cycle.

Timetable:

Action	Date	FR Cite
NPRM	06/07/91	56 FR 26368
NPRM Comment Period End	07/22/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/07/91 (56 FR 26368)

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD88

2553. CERTIFICATION LABEL: RATED CARGO LOAD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 567; 49 CFR 571.120

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is proposing to amend the labeling requirements concerning tire selection and rims for vehicles other than passenger cars and to require those other vehicle types to contain information about the vehicle capacity weight and designated seating capacity.

Timetable:

Action	Date	FR Cite
NPRM	04/16/91	56 FR 15315
NPRM Comment Period End	05/31/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/16/91 (56 FR 15315)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD97

2554. ● HIGHWAY SAFETY PROGRAM: DETERMINATION OF EFFECTIVENESS

Significance: Nonsignificant

Legal Authority: 23 USC 402(j)

CFR Citation: 23 CFR 1205

Legal Deadline: None

Abstract: This rulemaking involves a proposal of the National Highway Traffic Safety Administration and the Federal Highway Administration to expand the list of "most effective" or national priority program areas to include pedestrian and bicycle safety.

Timetable:

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20387
NPRM Comment Period End	06/17/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/03/91 (56 FR 20387)

Agency Contact: Ronald E. Engle, Chief, Safety Countermeasures Division, Traffic Safety Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2717**

RIN: 2127–AE06

2555. ● COMBINATION OF CENTER HIGH-MOUNTED STOPLAMPS FOR LIGHT TRUCKS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: This notice proposes to allow the physical combination (but not the optical combination) of the center high-mounted stoplamp (CHMSL) with cargo bed lamps on vehicles other than passenger cars.

Timetable:

Action	Date	FR Cite
NPRM	04/19/91	56 FR 16052
NPRM Comment Period End	06/03/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/19/91 (56 FR 16052)

Additional Information: This notice was inadvertently published as a SNPRM under RIN 2127-AD35 at the same time the final rule for RIN 2127-AD35 was published (56 FR 16015).

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AE16

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions

2556. + PEDESTRIAN PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Action was withdrawn as to a rulemaking proceeding on a new standard for pedestrian leg protection. After further research and analysis it was determined that there is insufficient indication the proposal would lead to improved pedestrian protection.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015
NPRM Comment Period End	05/22/81	46 FR 7015
Withdrawn	04/10/91	56 FR 14495

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 78-19. NPRM, Notice 1.

Agency Contact: Leon DeLarm, Chief, Pedestrian/Heavy Truck/Child Crash Protection Div., Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4909**

RIN: 2127–AA45

2557. + VEHICLE CLASSIFICATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Rulemaking proceeding to establish a new vehicle classification system to be used with the Federal Motor Vehicle Safety Standards was terminated. The action was withdrawn upon review of comments and the determination that agency efforts and resources should more appropriately be directed to activities having prospect of a more direct safety payoff.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/87	52 FR 41475
ANPRM Comment Period End	12/28/87	52 FR 41475
ANPRM Comment Period Extended to 01/25/88	01/07/88	53 FR 426
NPRM	10/17/88	53 FR 40463
NPRM Comment Period End	01/17/89	53 FR 40463
Withdrawn	04/12/91	56 FR 14909

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/17/88 (53 FR 40463)

Agency Contact: Deborah Parker, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4931**

RIN: 2127–AA57

2558. + STANDARD 301; FUEL-SYSTEM INTEGRITY—UPGRADE FOR BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: This action withdraws rulemaking concerning extending the standard to non-school buses over 10,000 pounds gross vehicle weight rating (GVWR). After considering comments on the ANPRM and other information, portion of the rulemaking concerning extension of the standard to non-school buses over 10,000 pounds GVWR was terminated due to lack of need for extension to those vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/89	54 FR 13082
ANPRM Comment Period End	05/30/89	54 FR 13082
Withdrawn	05/03/91	56 FR 20408

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AC89

2559. + STANDARD 216; ROOF CRUSH RESISTANCE - LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 1.50; 49 CFR 571.216

Legal Deadline: None

Abstract: This action extends the roof crush resistance requirements to light trucks with a gross vehicle weight rating (GVWR) of 6,000 pounds of less. It was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/02/89	54 FR 46275
NPRM Comment Period End	01/02/90	54 FR 46275
Comment Period Extension Denied	01/05/90	55 FR 446
Final Action	04/17/91	56 FR 15510
Final Action Effective	09/01/93	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/17/91 (56 FR 15510)

Agency Contact: Deborah Parker, Special Projects, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4931**

RIN: 2127–AD13

2560. + STOP-SIGNAL ARMS ON NEW SCHOOL BUSES; NEW STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This rule established a new safety standard requiring new school buses to be equipped with a stop signal

arm and specifying its appearance and operation. This action was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/02/90	55 FR 3618
NPRM Comment Period End	03/19/90	
Final Action	05/03/91	56 FR 20363
Final Action Effective	09/01/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/03/91 (56 FR 20363)

Agency Contact: Charles Gauthier, Special Assistant, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4799**

RIN: 2127–AD16

2561. + PROCEDURES FOR PARTICIPATING IN AND RECEIVING DATA FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

Significance: Agency Priority

Legal Authority: 23 USC 401

CFR Citation: 23 CFR 1325

Legal Deadline: None

Abstract: This regulation implements an improved National Driver Register (NDR), the purpose of which is to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The objective is to prevent the issuance of driver's licenses to individuals whose licenses to operate a motor vehicle have been withdrawn or denied, especially those convicted of drunk driving. By participating in the NDR, State Driver licensing officials may better identify problem drivers and deny them access to the nation's highways, thus making them safer. Annual cost to the Government will be between $5 and $7 million. This action was considered significant because of the impact on transportation safety.

Timetable:

Action	Date	FR Cite
NPRM	04/04/90	55 FR 12509
NPRM Comment Period End	05/21/90	
NPRM: Comment Period Reopened to 10/01/90	07/02/90	55 FR 27251
Final Action	08/20/91	56 FR 41394
Final Action Effective	12/18/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/20/91 (56 FR 41394)

Agency Contact: Clayton E. Hatch, Chief, Driver Register Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4800**

RIN: 2127–AD26

2562. + CENTER HIGH-MOUNTED STOPLAMPS FOR LIGHT TRUCKS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: This final rule requires multipurpose passenger vehicles, trucks, and buses, whose overall width is less than 80 inches and whose Gross Vehicle Weight Rating (GVWR) is 10,000 pounds or less, be equipped with Center High Mounted Stop Lamps (CHMSL). The effective date is September 1, 1993; however, optional compliance may begin September 1, 1992. This type of lamp has been required on new passenger cars since September 1, 1985. This rulemaking was considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	05/31/90	55 FR 22039
NPRM Comment Period End	07/30/90	
Final Action	04/19/91	56 FR 16015
Final Action Effective	09/01/93	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/12/91 (56 FR 38105)

Additional Information: An NPRM on a related issue (04/19/91, 56 FR 16052) inadvertently used this RIN. The entry appears in this Agenda in the final stage under RIN 2127-AE16.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD35

2563. + LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS FOR MODEL YEARS 1993 AND 1994

Significance: Agency Priority

Legal Authority: 49 USC 1657; 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Final, Statutory, March 31, 1991.
Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the Model Year.

Abstract: In accordance with the mandatory requirements of Section 502(b) Motor Vehicle Information and Cost Savings Act, this rulemaking establishes the average fuel economy standards for light trucks manufactured in Model Years (MY) 1993 and 1994. This action is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	02/02/90	55 FR 3608
NPRM Comment Period End	03/05/90	
Final Action	04/04/91	56 FR 13773
Final Action Effective	05/04/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 04/04/91 (56 FR 13773)

Additional Information: The February 2, 1990, notice proposed the establishment of average fuel economy standards for light trucks manufactured

in Model Years 1992 through 1994. However, Model Year 1992 was issued separately under RIN 2127-AC51, and was a completed action 04/04/90, 55 FR 12487.

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0846

RIN: 2127–AD56

2564. + SIDE IMPACT PROTECTION: ANTHROPOMORPHIC ALTERNATE TEST DUMMY (EUROSID)

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: The agency is contemplating action that would allow the EUROSID to become an alternate regulatory test device in the evaluation of side impact protection in passenger cars. This is considered significant due to substantial public interest. This rulemaking has been consolidated into a related one on the BIOSID dummy.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2127-AD73	04/04/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stanley Backaitis, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4912

RIN: 2127–AD74

2565. PART 571.3 - DEFINITIONS - SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This action amended the definition of "seating reference point" and the measurement standard by which it is established.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	06/05/86	51 FR 20536
NPRM Comment Period End	08/04/86	51 FR 20536
SNPRM; Comment Period End 11/13/90	09/13/90	55 FR 37719
Final Action	08/12/91	56 FR 38084
Final Action Effective	09/01/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/12/91 (56 FR 38084)

Additional Information: Docket No. 82-05.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AA46

2566. ANTHROPOMORPHIC TEST DUMMIES: 9-MONTH-OLD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: This final action added the specification covering the 9-month-old-child test dummy to Part 572 to allow its use in evaluation of restraints designated for infants and small toddlers.

Timetable:

Action	Date	FR Cite
NPRM	12/21/89	54 FR 52425
NPRM Comment Period Correction	01/11/90	55 FR 1139
NPRM Comment Period End	06/19/90	54 FR 52425
Final Action	08/19/91	56 FR 41077
Final Action Effective	02/15/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/19/91 (56 FR 41077)

Agency Contact: Leon DeLarm, Chief, Pedestrian/Heavy Truck/Child Crash Protection Div., Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4909

RIN: 2127–AC10

2567. SUPPLEMENTAL FMVSS NO. 208 INJURY CRITERIA - FACIAL LACERATIONS, NECK INJURY, KNEE SHEAR, TIBIA AND ANKLE INJURIES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Rulemaking regarding amendments to the standard, adding injury criteria for facial lacerations, neck injuries, and knee-tibia injuries, was terminated. Research conducted to date has not yielded adequate information to proceed. Although biomechanic and test dummy development are continuing, it is unlikely the needed information can be obtained in the near future.

Timetable:

Action	Date	FR Cite
Action Terminated	04/23/91	56 FR 18561

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stanley Backaitis, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4912

RIN: 2127–AC12

2568. STANDARD 208; OCCUPANT CRASH PROTECTION - CHEST INJURY CRITERIA AND MANDATORY USE OF THE PART 572(E) DUMMY IN THE STANDARD COMPLIANCE TESTING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This rule adopts as a permanent rule the interim final rule that extended the period during which a Hybrid II test dummy will be the only dummy used in compliance tests of vehicles with "passive interior," i.e., vehicles that provide occupant protection without using any safety belts or air bags.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/90	55 FR 39280
Interim Final Rule Comment Period End	11/13/90	
Final Action	04/26/91	56 FR 19306

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/26/90 (55 FR 39280)

Additional Information: Former title: Mandatory Use of the Part 572(E) Dummy in FMVSS 208 Compliance Testing.

RIN 2127-AC34, involving chest injury criteria, has been consolidated herein.

Agency Contact: Stanley Backaitis, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4912

RIN: 2127–AC13

2569. STANDARD 205; GLAZING MATERIALS - CREATE A NEW CATEGORY, AS-15

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: In response to a petition for rulemaking, three new types of glass-plastic glazing are permitted: Item 15A (annealed glass-plastic glazing) is permitted to be used anywhere in the motor vehicle except the windshield. Item 16A (annealed glass-plastic glazing) and Item 16B (tempered glass-plastic glazing) may be used in areas not requisite for driving visibility.

Timetable:

Action	Date	FR Cite
NPRM	10/11/89	54 FR 41632
NPRM Comment Period End	11/27/89	
Final Action	04/23/91	56 FR 18526
Final Action Effective	05/23/91	
Final Rule Correction	09/27/91	56 FR 49148

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/23/91 (56 FR 18526)

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AC38

2570. ODOMETER DISCLOSURE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1981

CFR Citation: 49 CFR 580

Legal Deadline: None

Abstract: This action amended the odometer regulations to implement 1990 amendments relating to power of attorney (PL 101-641). This action defined "original secure power of attorney"; provided that a transferee who exercises a power of attorney may submit a copy of the title to the State (without having to submit an application for a new title) along with the original power of attorney; provided that the State shall retain the documents and established a process for the States to petition for approval of alternate procedures. It also addressed the use of reassignment documents and made certain clarifying amendments.

Timetable:

Action	Date	FR Cite
NPRM	08/27/90	55 FR 34941
NPRM Comment Period End	09/26/90	
First NPRM withdrawn; Second NPRM; Comment Period End 04/01/91	02/28/91	56 FR 8313
Final Action	09/20/91	56 FR 47681

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/20/91 (56 FR 47681)

Agency Contact: Mattie Cohan Condray, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1834

RIN: 2127–AC42

2571. STANDARD 118; POWER-OPERATED WINDOW SYSTEMS, SUNROOFS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1409

CFR Citation: 49 CFR 571.118

Legal Deadline: None

Abstract: This action extended the standard to encompass power-operated roof panels and established requirements for power window control systems located on the vehicle exterior and for remote control devices.

Timetable:

Action	Date	FR Cite
NPRM	04/06/90	55 FR 12871
NPRM Comment Period End	05/21/90	55 FR 12871
Final Action	04/16/91	56 FR 15290
Final Action Effective	09/01/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/16/91 (56 FR 15290)

Additional Information: This project has been separated from RIN 2127-AC25, entitled: Power-Operated Window Systems, which was a completed action 6/24/88 (53 FR 23766). The NPRM of 04/06/90 and the final action inadvertently showed RIN AC25 instead of RIN AC52.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AC52

2572. PARKING BRAKE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: In response to two petitions for reconsideration, this rule was amended to revise the timing requirements for parking brake systems, add new requirements concerning release performance and accumulation of actuation energy for parking brakes, and incorporate an earlier agency interpretation of the standard.

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	55 FR 4447
NPRM Comment Period End	04/09/90	55 FR 4447
Final Rule of 03/11/88; Delay of Effective Date to 09/07/91	08/15/90	55 FR 33318
Final Action	06/12/91	56 FR 26927
Final Action Effective	12/09/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/91 (56 FR 26927)

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AC73

2573. STANDARD 108; OPTICALLY COMBINED LAMPS: NEW DEFINITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to comments received on the supplementary notice, the agency is not adopting the Society of Automotive Engineers (SAE) definition "optical combination," but instead will reference the SAE definition where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/05/89	54 FR 50254
NPRM Comment Period End	01/19/90	54 FR 50254
NPRM Comment Period Extended to 02/19/90	01/31/90	55 FR 3242
SNPRM; Comment Period End 12/24/90	11/08/90	55 FR 46961
Final Action	06/07/91	56 FR 26343
Final Action Effective	07/08/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/07/91 (56 FR 26343)

Additional Information: On November 6, 1990 (55 FR 46669) the agency published a final rule deleting the prohibition against optical combinations of clearance lamps and identification lamps.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AC77

2574. STANDARD 201; OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: In response to a petition for rulemaking, this final rule alters the impact protection requirements concerning the instrument panel for vehicles with passenger-side air bags.

Timetable:

Action	Date	FR Cite
Request for Comments	08/10/89	54 FR 32830
NPRM	07/18/90	55 FR 29238
NPRM Comment Period End	09/04/90	
Final Action	06/06/91	56 FR 26036

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/06/91 (56 FR 26036)

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AC84

2575. STANDARD 105; HYDRAULIC BRAKE SYSTEMS—BRAKE FAILURE INDICATOR LAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 105 requires vehicles to have a brake failure indicator lamp which illuminates upon a failure within the brake system. This failure may be the result of a gross loss of pressure (Par. S5.3.1(a)) or a drop in the level of brake fluid in any master cylinder reservoir compartment to less than a specified safe level (S5.3.1(b)). The standard does not specify which mode of failure must be specified. This mode selection is left to the choice of the manufacturers. A petition from Mr. Sinclair Buckstaff, Transamerica Consultant Engineers (Buckstaff) requested that a loss of pressure indicator be made mandatory with a fluid level loss indicator to be optional (preferably mandatory) also, along with the pressure failure indicator. Buckstaff maintained a master cylinder internal failure can occur wherein no failure indication would ever occur if only a fluid level loss indicator were installed on the vehicle. NHTSA concluded there is not a sufficient safety need to require both types of brake-failure indicators. There was nothing to indicate the various combinations of warning lights and subjective indicators currently (cont)

Timetable:

Action	Date	FR Cite
Request for Comments; Comment Period End 10/29/90	09/12/90	55 FR 37497
Notice Correction	10/10/90	55 FR 41309
Petition Denied	08/16/91	56 FR 40852

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: in use are not meeting safety needs.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD03

2576. STANDARD 208; OCCUPANT CRASH PROTECTION - DYNAMICALLY TESTED SEAT BELTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208; 49 CFR 571.209

Legal Deadline: None

Abstract: In response to petitions for rulemaking, the agency is excluding safety belts that meet dynamic testing requirements from some of the static testing requirements to which all safety belts had been subject.

Timetable:

Action	Date	FR Cite
NPRM	01/18/90	55 FR 1681
NPRM Comment Period End	03/05/90	
Final Action	04/16/91	56 FR 15295

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/16/91 (56 FR 15295)

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD11

2577. PROCEDURES FOR SELECTING LINES TO BE COVERED BY THE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2021; 15 USC 2022; 15 USC 2023; 15 USC 2024; 15 USC 2025; 15 USC 2026

CFR Citation: 49 CFR 542

Legal Deadline: None

Abstract: The agency was considering amendment to 49 CFR 542 to require manufacturers to provide the agency with any information necessary to select the likely high-theft carlines to be covered by the Theft Prevention Standard. However, it has been determined that this action is not necessary.

Timetable:

Action	Date	FR Cite
Action Terminated	05/31/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4808**

RIN: 2127–AD32

2578. BEAD UNSEATING TEST FIXTURE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.109

Legal Deadline: None

Abstract: In response to a petition for rulemaking, this final action will permit the testing of 17 and 18 inch T-Type temporary spare tires.

Timetable:

Action	Date	FR Cite
NPRM	06/15/90	55 FR 24280
NPRM: Correction	07/02/90	55 FR 27330
NPRM Comment Period End	07/30/90	55 FR 24280
Final Action	02/15/91	56 FR 6288
Final Action Effective	03/18/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/15/91 (56 FR 6288)

Agency Contact: Art Neill, Chief, Crash Avoidance, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD36

2579. PASSENGER MOTOR VEHICLE THEFT DATA FOR 1989

Significance: Nonsignificant

Legal Authority: 15 USC 2023

CFR Citation: 49 CFR 541; 49 CFR 1.50

Legal Deadline: None

Abstract: This action informed the public of minor changes to the Request for Comments published on October 9, 1990, and the agency's final calculations of 1989 theft data.

Timetable:

Action	Date	FR Cite
Request for Comments; Comments Due 11/23/90	10/09/90	55 FR 41149
Final Action	02/22/91	56 FR 7444

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4808**

RIN: 2127–AD52

2580. EXEMPTION FROM AVERAGE FUEL ECONOMY STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 525

Legal Deadline: None

Abstract: Prototype Automotive Services petitioned for exemption from the generally applicable average fuel economy standards for Model Year 1989. These vehicles have a major manufacturer as well as a low volume manufacturer, and are essentially high performance versions of GM cars sold through GM dealers. The petition was denied, as it would establish a precedent whereby major manufacturers could transfer significant numbers of low fuel economy vehicles into fleets exempt from the industrywide standard and, thus, disturb the statutory scheme adopted by Congress. Nor should exemptions be

available to manufacturers whose primary operations do not involve changing the basic nature of major manufacturers' cars.

Timetable:

Action	Date	FR Cite
Proposed Decision Denying Petition	01/28/91	56 FR 3137
Petition Denied	07/29/91	56 FR 35884

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD57

2581. EXEMPTION FROM AVERAGE FUEL ECONOMY STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 525

Legal Deadline: None

Abstract: This final decision grants Dutcher Motor Company an exemption from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for Model Year (MY) 1992 passenger cars and establishes a lower alternative standard of 17.0 mpg for MY 1992.

Timetable:

Action	Date	FR Cite
Exemption Denial For MY 1989 and MY 1991	01/30/91	56 FR 3517
Proposal to Grant MY 1992 Exemption	01/30/91	56 FR 3441
Final Action	05/03/91	56 FR 20362
Final Action Effective	06/03/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD58

2582. EXEMPTION FROM AVERAGE FUEL ECONOMY STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 525

Legal Deadline: None

Abstract: ASC, Inc., petitioned for exemption from the generally applicable average fuel economy standards for Model Years 1989 and 1990. These vehicles have a major manufacturer as well as a low volume manufacturer, and are essentially high performance versions of GM cars sold through GM dealers. The petition was denied, as it would establish a precedent whereby major manufacturers could transfer significant numbers of low fuel economy vehicles into fleets exempt from the industrywide standard and, thus disturb the statutory scheme adopted by Congress. Nor should exemptions be available to manufacturers whose primary operations do not involve changing the basic nature of major manufacturers' cars.

Timetable:

Action	Date	FR Cite
Proposed Decision Denying Petition	01/28/91	56 FR 3137
Petition Denied	07/29/91	56 FR 35884

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD61

2583. EXEMPTION FROM AVERAGE FUEL ECONOMY STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 525

Legal Deadline: None

Abstract: This action rejected the petitions from Ferrari for exemption from the generally applicable average fuel economy standards for Model Year 1988. The agency had concluded that Ferrari is not eligible for a low volume exemption for MY 1988. This action does exempt Ferrari from the generally applicable standard for Model Year 1986 and established an alternative standard of 16.1 mpg. The effective date for this exemption and alternative standard was August 9, 1991. This decision reflects a change in the approach to determining eligibility for low volume exemptions when there are multiple manufacturers within a control relationship.

Timetable:

Action	Date	FR Cite
NPRM	12/10/86	51 FR 44492
NPRM Comment Period End	01/26/87	51 FR 44492
SNPRM; Comments Due 11/20/90	09/21/90	55 FR 38822
Final Action	07/10/91	56 FR 31459

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/10/86 (51 FR 44492)

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD62

2584. EXEMPTION FROM AVERAGE FUEL ECONOMY STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 525

Legal Deadline: None

Abstract: Shelby Automobiles petitioned for exemption from the generally applicable average fuel economy standards for Model Years 1987 and 1989. These vehicles have a major manufacturer as well as a low volume manufacturer, and are essentially high performance versions of Chrysler cars sold through Chrysler dealers. The petition was denied, as it would establish a precedent whereby major manufacturers could transfer significant numbers of low fuel

economy vehicles into fleets exempt from the industrywide standard and, thus, disturb the statutory scheme adopted by Congress. Nor should exemptions be available to manufacturers whose primary operations do not involve changing the basic nature of major manufacturers' cars.

Timetable:

Action	Date	FR Cite
Proposed Decision Denying Petition	01/28/91	56 FR 3137
Petition Denied	07/29/91	56 FR 35884

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD63

2585. EXEMPTION FROM AVERAGE FUEL ECONOMY STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 525

Legal Deadline: None

Abstract: Ferrari petitioned for exemption from the generally applicable fuel economy standards for Model Years 1989 through 1991. The petitions were rejected, reflecting a change in the approach to determining eligibility for low volume exemptions when there are multiple manufacturers within a control relationship.

Timetable:

Action	Date	FR Cite
Final Action	07/10/91	56 FR 31459

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD66

2586. LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1657; 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: None

Abstract: General Motors petitioned for reconsideration of the light truck fuel economy average for Model Year 1992 which combined 4-wheel-drive and 2-wheel-drive as one. The petition was denied. Setting a single, combined light truck standard is consistent with National Highway Traffic Safety Administration's responsibilities under the Cost Savings Act; issuance of optional separate standards for MY 1992 would be inconsistent with the goal of encouraging manufacturers to improve light truck fuel economy.

Timetable:

Action	Date	FR Cite
Petition Denied	04/18/91	56 FR 15839

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AD67

2587. NEW NON-PNEUMATIC TIRES FOR PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.129

Legal Deadline: None

Abstract: This action in response to petitions for reconsideration will allow some of the required information to be placed on labels that are permanently affixed to the tire or tire assembly instead of being required to be marked into or onto the tire or tire assembly itself.

Timetable:

Action	Date	FR Cite
Final Action	04/26/91	56 FR 19308
Final Action Effective	05/28/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/26/91 (56 FR 19308)

Agency Contact: Art Neill, Chief, Crash Avoidance Divison, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2720**

RIN: 2127–AD86

2588. SEAT BELT ASSEMBLIES - SHAPE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.209

Legal Deadline: None

Abstract: Contemplated action would have amended Federal Motor Vehicle Safety Standard No. 209 to indicate a specific shape for the test device for the push-button. However, further review determined that this action was not required and this entry is terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2264**

RIN: 2127–AD89

2589. SEAT BELT ASSEMBLIES - MAXIMUM RELEASE EFFECT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.209

Legal Deadline: None

Abstract: Contemplated action would have amended Federal Motor Vehicle Safety Standard No. 209 to clarify the term "maximum release effect" in S5.2(d). However, further review

determined that this action was not required and this entry is terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Divison, Office of Vehicle Safety Standard, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AD90

2590. REAR SEAT LAP/SHOULDER BELT ASSEMBLY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: A final rule (11/02/89, 54 FR 46257) amended standard 208 to mandate installation of lap/shoulder safety belts at rear outboard seating positions on readily removable seats. In response to petitions for reconsideration, the present action removed the prohibition against pushbutton mechanisms as the means of detaching belts from readily removable seats.

Timetable:

Action	Date	FR Cite
Final Action	06/06/91	56 FR 26039
Final Action Effective	07/08/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/06/91 (56 FR 26039)

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AD92

2591. TRANSFER MEDIUM IN SCHOOL BUSES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: This contemplated action would have proposed that lipstick be used as the transfer medium in measuring the contact area of the head and knee test form when evaluating crash impact protection. However, on further examination it was determined that this action was unnecessary and the project was terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AD94

2592. SEAT BELT ASSEMBLIES - TESTING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.209

Legal Deadline: None

Abstract: Contemplated action would have amended Federal Motor Vehicle Safety Standard No. 209, to clarify the test procedure relating to webbing withdrawal and retraction during cycling for "convertible" emergency locking retractors/automatic locking retractors (ELR/ALR). However, further review determined that this action was not required and this entry is terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AD95

2593. SEAT BELT ASSEMBLIES - CARBON ARC

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.209

Legal Deadline: None

Abstract: Contemplated action would have considered amending Federal Motor Vehicle Safety Standard No. 209 to change the test related to the breaking strength of seat belt webbing material after exposure to carbon arc light. However, further review determined that this action was not required and this entry is terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2264

RIN: 2127–AD96

2594. DAYTIME RUNNING LIGHTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: This action denies a petition for rulemaking to require daytime running lamps (DRL) on passenger cars. Insufficient justification was shown for mandating installation of DRLs.

Timetable:

Action	Date	FR Cite
Petition Denied	04/09/91	56 FR 14342

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AD99

2595. TEST COURSE SPECIFICATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575.104

Legal Deadline: None

Abstract: This final action amended the test course to account for potentially unsafe traffic patterns along the test route. The agency concluded that the course change would not compromise the reliability of the treadwear grades.

Timetable:

Action	Date	FR Cite
NPRM	03/26/91	56 FR 12503
NPRM Comment Period End	05/10/91	
Final Action	09/17/91	56 FR 47011
Final Action Effective	12/16/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/17/91 (56 FR 47011)

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0846

RIN: 2127–AE01

2596. TREADWEAR GRADING PROCEDURES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575.104

Legal Deadline: None

Abstract: In response to petitions for reconsideration, this rule amends certain provisions of the Uniform Tire Quality Grading Standard (UTQGS) by rescinding the initial 30-day effective date concerning tire rotation in treadwear convoys and adopting a new effective date of September 1, 1993; postponing the effective date for the provision regarding assigning treadwear grades in 20-point intervals until September 1, 1993; clarifying the wheel alignment specifications; and denying a request to modify the simplified grading method.

Timetable:

Action	Date	FR Cite
Final Action	06/11/91	56 FR 26769
Final Action Effective	09/01/93	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/11/91 (56 FR 26769)

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0846

RIN: 2127–AE02

2597. EXEMPTION FROM THE AVERAGE FUEL ECONOMY STANDARDS FOR MODEL YEARS 1993-95

Significance: Nonsignificant

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 525

Legal Deadline: None

Abstract: The agency received a petition from Dutcher Motors, Inc., for exemption from the generally applicable average fuel economy standards for Model Years 1993-95. The company requested that a lower alternative standard be established for the company for each of these years. The exemption was granted and an alternate standard of 17.0 miles per gallon was established.

Timetable:

Action	Date	FR Cite
Proposed Grant of Exemption Comment Period End 06/24/91	05/10/91	56 FR 21653
Exemption Granted	08/07/91	56 FR 37478

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0846

RIN: 2127–AE03

2598. EXTEND PERFORMANCE REQUIREMENTS FOR WINDSHIELD DEFROSTING AND DEFOGGING TO MULTIPURPOSE PASSENGER VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.103

Legal Deadline: None

Abstract: The agency has received a petition to extend the performance requirements for Federal Motor Vehicle Safety Standard No. 103 to multipurpose passenger vehicles (MPVs). The existing standard performance requirements apply only to passenger cars. The petition was withdrawn.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AE04

DOT—NHTSA

Completed Actions

2599. ● VEHICLE BASED ROADWAY ILLUMINATION PERFORMANCE REQUIREMENT - HEADLAMP LENS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 57.108

Legal Deadline: None

Abstract: This rule deleted the impact test for replaceable bulb headlamps with plastic lenses. Those lenses appear sufficiently strong that the test is no longer needed. This action also updated the SAE J575 test procedure for headlamps, referenced in Standard 108, with the later version of December 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/09/89	54 FR 20084
NPRM Comment Period End	11/09/89	
Final Action	03/26/91	56 FR 12463
Final Action Effective	09/26/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/26/91 (56 FR 12463)

Additional Information: In response to comments received concerning the NPRM (RIN 2127-AB27), the agency has initiated additional research concerning the vehicle-based roadway illumination performance requirements. However, further delay concerning the issues addressed in that RIN is not warranted.

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2720

RIN: 2127–AE08

2600. ● NEW MAXIMUM PERMISSIBLE TIRE INFLATION PRESSURE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.109

Legal Deadline: None

Abstract: The agency received a petition for rulemaking to allow the addition of a new maximum permissible tire inflation pressure of 450 kPa for passenger cars. Petition was denied as there are no technical data indicating either a safety reason for the change or problems with conducting the current tire performance testing.

Timetable:

Action	Date	FR Cite
Petition Denied	09/19/91	56 FR 47434

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Art Neill, Chief, Crash Avoidance Division, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washinton, DC 20590, 202 366-2720

RIN: 2127–AE12

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Prerule Stage

2601. + SPECIAL SAFETY INQUIRY; RAILROAD REPORTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 45 USC 431

CFR Citation: None

Legal Deadline: None

Abstract: This special inquiry will examine current railroad safety reporting requirements to determine whether the reporting process results in accurate and significant data. Methods of improving this process will be explored. This rulemaking is considered significant because of its safety implications.

Timetable:

Action	Date	FR Cite
Notice of Hearing	03/14/90	55 FR 9532

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: A Notice of Special Safety Inquiry appeared in the Federal Register 11/03/89 (54 FR 46497). However, it was subsequently postponed (55 FR 792) in order to be rescheduled to take place concurrently with a related hearing in the separate rulemaking on accident reporting requirements (RIN 2130-AA58). The rescheduled hearing took place in Washington, DC on 05/18/90.

Agency Contact: Billie Stultz, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0635

RIN: 2130–AA56

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Proposed Rule Stage

2602. + RAILROAD ACCIDENT REPORTING

Significance: Agency Priority

Legal Authority: 45 USC 431

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: FRA is drafting proposed rules based on comments and suggestions from the public regarding methods of improving FRA's injury and accident reporting system. This rulemaking is considered significant because of its safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	03/14/90	55 FR 9469
Hearing Notice	03/14/90	55 FR 9532
ANPRM Comment Period End	05/25/90	

Action	Date	FR Cite
Notice of Open Meeting in Washington, DC 06/13/91	06/05/91	56 FR 25651
Notice of Open Meeting in Washington, DC 08/21/91	08/15/91	56 FR 40593
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Public hearing was held in Washington, DC on 05/17/90.

Agency Contact: Mark Tessler, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0635

RIN: 2130–AA58

2603. + ALCOHOL/DRUG REGULATIONS; MISCELLANEOUS TECHNICAL AMENDMENTS AND CORRECTIONS

Significance: Agency Priority

Legal Authority: 45 USC 431 et seq The Federal Railroad Safety Act

CFR Citation: 49 CFR 219; 49 CFR 217

Legal Deadline: None

Abstract: The action would make technical amendments/corrections to regulations concerning the control of alcohol and drug use in railroad operations. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: FRA published notice of a proposed test program (05/17/91, 56 FR 22905) to permit an experimental group of railroads to test at a yearly rate of 25 percent of covered service employees, for comparison with a control group testing at the current 50 percent yearly rate, to determine the effect of different testing rates on deterrence.

Agency Contact: Grady Cothen, Special Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0767

RIN: 2130–AA63

2604. + ANNUAL REPORTING REQUIREMENTS; AMENDMENTS TO ALCOHOL/DRUG REGULATIONS

Significance: Agency Priority

Legal Authority: 45 USC 431 et seq

CFR Citation: 49 CFR 217; 49 CFR 219

Legal Deadline: None

Abstract: This action would amend and expand the current annual reporting requirements for data concerning control of alcohol and drug abuse in railroad operations. The proposed standard format for reporting is designed to elicit data in a manner compatible with related reporting requirements that would be embodied in the antidrug programs applicable to other transportation industries. This action is necessary to provide comparable data for inclusion in a management information system designed to determine effectiveness of antidrug programs, and is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Grady Cothen, Special Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0767

RIN: 2130–AA64

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Final Rule Stage

2605. + RAILROAD OPERATING PRACTICES; PROCEDURES FOR BRIDGE-WORKER SAFETY

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: A recently enacted statute requires FRA to issue necessary rules to protect workers performing tasks on bridges. FRA is studying the casualty data, the appropriate types of protection, and the respective roles of FRA and OSHA. This proceeding is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	01/30/91	56 FR 3434
NPRM Comment Period End	04/15/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/30/91 (56 FR 3434)

Additional Information: Public hearing announced in the NPRM was postponed until 05/01/91 on March 26, 1991 (56 FR 12503).

Agency Contact: Edward R. English, Chief, Maintenance Programs Division, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9186

RIN: 2130–AA48

2606. + TRAIN OPERATION EVENT RECORDERS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, December 22, 1989.

Abstract: FRA is required to issue necessary rules to provide for the recording of events relating to train operations and to ensure that devices recording those events are tamper-resistant. Aspects of the issue being explored include: determining the state of the art for such devices; the recordable events appropriate for accident investigation purposes; standards for "tamper resistance"; and regulatory structure. This project is considered significant because of substantial public interest and safety concerns.

Timetable:

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47557
Public Hearing Held 01/10/89	11/23/88	53 FR 47557
ANPRM Comment Period End	03/13/89	
NPRM	06/18/91	56 FR 27931
Second Public Hearing Scheduled 09/12/91	08/14/91	56 FR 40296
NPRM Comment Period End	09/20/91	
Third Public Hearing; Comment Period Extended	09/30/91	56 FR 49446

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/18/91 (56 FR 27931)

Agency Contact: Edward R. English, Chief, Maintenance Program Division, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9178

RIN: 2130–AA53

2607. + RAILROAD USER FEES

Significance: Agency Priority

Legal Authority: PL 101-508; The Reconciliation Act

CFR Citation: 49 CFR 245

Legal Deadline: Final, Statutory, September 30, 1991.

Abstract: The purpose of Part 245 is to implement Section 216 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 446) (the "Safety Act") which requires the Secretary of Transportation to establish a schedule of fees to be assessed equitably to railroads to cover the costs incurred by the Federal Railroad Administration ("FRA") in administering the Safety Act. This rulemaking is significant because of substantial industry interest.

Timetable:

Action	Date	FR Cite
NPRM	05/07/91	56 FR 21216
Public Hearing Notice	05/07/91	56 FR 21216
Public Hearing Notice Amendment	06/07/91	56 FR 26368
NPRM Comment Period End	06/12/91	
Interim Final Rule	09/30/91	56 FR 49418
Interim Final Rule Effective	10/30/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/30/91 (56 FR 49418)

Agency Contact: William Fashouer, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0767

RIN: 2130–AA62

2608. ● + TANK CAR AIR BRAKE EQUIPMENT SUPPORT ATTACHMENTS

Significance: Agency Priority

Legal Authority: 49 USC app 1803; 49 USC app 1804; 49 USC app 1808; 49 USC app 1817; 49 CFR 1.49(s); 49 CFR 1.53 app A to part 1

CFR Citation: 49 CFR 173

Legal Deadline: Other, Statutory, July 1, 1991.

This rule will conform regulations to the statute, to promote enforcement efficiency and as a convenience to the regulated community.

Abstract: This action will amend the hazardous materials regulations (49 CFR 173) to conform to section 19 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (PL 101-615) which, as of 07/01/91, prohibits the transportation in commerce of hazardous materials in tank cars without reinforcing pads between the tank shell and welded air brake support attachments. This rulemaking is considered significant because of its safety implications and congressional mandate.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Thomas A. Phemister, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0635

RIN: 2130–AA66

2609. CENTRALIZATION OF FORMAL HEARING DOCKETS (FRA)

Significance: Nonsignificant

Legal Authority: 45 USC 6; 45 USC 10; 45 USC 13; 45 USC 34; 45 USC 43; 45 USC 64a; 45 USC 431; 45 USC 437 to 439; 49 USC 103(c); 49 USC app 26(h); 49 USC 1655(c); PL 100-342

CFR Citation: 49 CFR 209; 49 CFR 1.49 et seq

Legal Deadline: None

Abstract: This final rule provides that documents and evidence in formal hearing cases adjudicated within the Federal Railroad Administration (FRA) will be filed and maintained in the OST Office of Documentary Services. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2130–AA59

DOT—FRA

Final Rule Stage

2610. LOCAL RAIL FREIGHT ASSISTANCE TO STATES

Significance: Nonsignificant

Legal Authority: PL 101-213 Local Rail Service Reauthorization Act

CFR Citation: 40 CFR 266

Legal Deadline: None

Abstract: FRA is revising the procedures and requirements for the receipt of financial assistance contained in part 266. These changes establish deadlines for submission of project applications for those seeking federal funding to provide local rail freight assistance and impose consequences for failure to expend approved funding. The new deadline for submission of project applications for entitlement and discretionary funding would be October 1 and January 1 of each year, respectively. FRA also is requesting comments on ways to improve the effectiveness of the program while complying with the recent statutory changes concerning administration of the program.

Timetable:

Action	Date	FR Cite
NPRM	11/30/90	55 FR 49648
NPRM Comment Period End	12/31/90	55 FR 49648

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Sectors Affected: 401 Railroads

Analysis: Regulatory Impact Analysis

Agency Contact: Laurence Fitzgerald, Program Analyst, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0635

RIN: 2130–AA60

2611. ● REVISION OF STATE SAFETY PARTICIPATION REGULATIONS

Significance: Nonsignificant

Legal Authority: PL 101-615; Hazardous Materials Transportation Uniform Safety Act of 1990; 45 USC 435 Federal Railroad Safety Act of 1970

CFR Citation: 49 CFR 212

Legal Deadline: None

Abstract: This action proposed to amend FRA's existing State participation program. It will be expanded to include hazardous materials inspectors. Also, minor changes will be made to include shippers and manufacturers as regulated entities.

Timetable:

Action	Date	FR Cite
NPRM	06/13/91	56 FR 27222
Notice of Public Meeting	06/13/91	56 FR 27222
NPRM Comment Period End	08/12/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/13/91 (56 FR 27222)

Agency Contact: Arnold Gross, State Safety Program, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0536

RIN: 2130–AA65

2612. ● AMENDMENT TO RAILROAD SAFETY REGULATIONS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 229 to 232

Legal Deadline: None

Abstract: This rule clarifies FRA's authority to bring disqualification actions against persons in safety-sensitive jobs who violate the locomotive, safety-appliance, or power-brake regulations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Daniel C. Smith, Deputy Assistant, Chief Counsel for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC. 20590, 202 366-0628

RIN: 2130–AA67

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Completed Actions

2613. + ALCOHOL/DRUG REGULATIONS: POSTPONEMENT OF INTERNATIONAL APPLICATION

Significance: Agency Priority

Legal Authority: 45 USC 431 et seq Federal Railroad Safety Act

CFR Citation: 49 CFR 219

Legal Deadline: None

Abstract: This final action delayed to 01/02/93 the application of random drug testing requirements to railroad personnel based outside of the United States. This delay in implementation will allow negotiation with foreign governments to continue in an orderly and efficient fashion, and is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	04/24/91	56 FR 18990

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/24/91 (56 FR 18990)

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4002

RIN: 2130–AA43

2614. + RAIL-HIGHWAY GRADE CROSSING SAFETY

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437; PL 100-432

CFR Citation: None

Legal Deadline: Final, Statutory, June 22, 1989.

DOT—FRA

Completed Actions

Abstract: This final action requires railroads to report instances of grade crossing signal system device failures and to file with FRA copies of their standards governing the maintenance, testing, and inspection of grade crossing signal devices. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47554
Comment Period Extended to 01/17/89	01/03/89	54 FR 49
ANPRM Comment Period End	01/04/89	
Comment Period Extended to 02/01/89 .	01/30/89	54 FR 4320
NPRM	09/20/90	55 FR 38707
NPRM Comment Period End	11/23/90	
Final Action	07/23/91	56 FR 33722
Extended Effective Date	09/30/91	56 FR 49417
Final Action Effective	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/23/91 (56 FR 33722)

Additional Information: A public hearing, announced in the ANPRM, was held in Washington, DC, in December 1988.

This item was formerly recorded under RIN 2130-AA27, which has been removed from the Agenda.

Agency Contact: Philip Olekszyk, Deputy Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0897

RIN: 2130–AA45

2615. + LOCOMOTIVE OPERATOR; QUALIFICATION STANDARDS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: FRA is required to adopt qualification standards for locomotive operators. Major elements involved initial training, retraining, performance monitoring, testing and retesting, and general fitness criteria. Each railroad may retain its existing program while bringing it into conformity with a federally established norm. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	12/11/89	54 FR 50890
Comment Period Extended to 05/04/90	01/24/90	55 FR 2395
NPRM Comment Period End	03/01/90	
Public Hearing Schedule	04/02/90	55 FR 12236
NPRM Comment Period Extended to 06/04/90	04/27/90	55 FR 17771
Final Action	06/19/91	56 FR 28228
Final Action Effective	09/17/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/19/91 (56 FR 28228)

Agency Contact: Lawrence I. Wagner, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0628

RIN: 2130–AA51

DEPARTMENT OF TRANSPORTATION (DOT)

Urban Mass Transportation Administration (UMTA)

Proposed Rule Stage

2616. UNIFORM SYSTEM OF ACCOUNTS AND RECORDS AND REPORTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1611

CFR Citation: 49 CFR 630

Legal Deadline: None

Abstract: UMTA is reviewing its Uniform System of Accounts and Records and Reporting System. Specifically, the agency is evaluating the objectives of the Section 15 program, the usefulness of the data currently being collected, as well as the strengths and weaknesses of the program.

Timetable:

Action	Date	FR Cite
ANPRM	08/13/90	55 FR 33078
ANPRM Comment Period End	11/13/90	
NPRM	08/12/91	56 FR 38256
NPRM Comment Period End	10/11/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/12/91 (56 FR 38256)

Agency Contact: Susan Brown, Office of Capital and Formula Assistance, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1645

RIN: 2132–AA36

DEPARTMENT OF TRANSPORTATION (DOT)

Urban Mass Transportation Administration (UMTA)

Final Rule Stage

2617. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Regulatory Program

Legal Authority: 49 USC 1602(i); 23 USC 103(e); 23 USC 142; PL 100-17, Sec 303

CFR Citation: 49 CFR 611

Legal Deadline: None

DOT—UMTA **Final Rule Stage**

Abstract: This regulation would implement section 303 of the Surface Transportation and Uniform Relocation Assistance Act of 1987. It would define the procedures applicants must follow in developing fixed guideway projects. It also would set forth the means by which the agency will evaluate cost-effectiveness, the results of alternatives analysis, and the degree of local financial commitment as required by law. This regulation is significant because it involves important departmental policy. However, a provision of the Department of Transportation and Related Agencies Appropriations Act, 1990 (Pub. L. 101-164) prohibits the use of any funds made available by this Act to "implement or enforce" the proposed rule. Therefore, UMTA is awaiting clarification of how to proceed in view of the imposed restrictions.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17878
NPRM Comment Period End	06/26/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/89 (54 FR 17878)

Agency Contact: Don Emerson, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0096

RIN: 2132–AA34

2618. + BUS TESTING

Significance: Agency Priority

Legal Authority: 49 USC 1608(h)

CFR Citation: 49 CFR 665

Legal Deadline: None

Abstract: This regulation implements a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary in Altoona, Pa. This regulation is significant because of the large amount of public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22716
NPRM Comment Period End	07/24/89	
Interim Final Rule	08/23/89	54 FR 35158
Interim Final Rule; Comment Period Reopened	11/30/89	54 FR 35158
Interim Final Rule; Second	10/09/90	55 FR 41174
Interim Final Rule Extending Interim Procedures	09/13/91	56 FR 46572
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/23/89 (54 FR 35158)

Additional Information: Section 12(h) of the UMT Act, as amended, defines a "new bus model" as a bus model which has not been used in mass-transportation service in the United States before the date of production of such model, or a bus model which has been used in such service but which is being produced with a major change in configuration or components.

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, Room 9316, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4011

RIN: 2132–AA30

2619. CAPITAL LEASES

Significance: Nonsignificant

Legal Authority: 49 USC 1607a(j)

CFR Citation: 49 CFR 639

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, November 28, 1987.

Abstract: This regulation would implement a statutory provision requiring UMTA to prescribe policies and procedures governing the eligibility for capital assistance under section 9 of the UMT Act, as amended, for leases of equipment and facilities where leasing is more cost-effective than purchase or construction.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18222
NPRM Comment Period End	07/19/88	53 FR 18222
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 05/20/88 (53 FR 18222)

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW., Room 9316, Washington, DC 20590, 202 366-4011

RIN: 2132–AA28

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Completed Actions

2620. PRE-AWARD AND POST-DELIVERY AUDITS OF ROLLING-STOCK PURCHASES

Significance: Nonsignificant

Legal Authority: 49 USC 1608(j)

CFR Citation: 49 CFR 663

Legal Deadline: None

Abstract: This regulation implemented a statutory provision that requires an independent pre-award and post-delivery audit of the purchase of transit rolling stock with UMTA assistance to assure compliance with Federal motor-vehicle safety standards, Buy America requirements, and adherence to bid specification requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/18/88	53 FR 40850
NPRM Comment Period End	12/19/88	
Final Action	09/24/91	56 FR 48384
Final Action Effective	10/24/91	

DOT—UMTA

Completed Actions

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/24/91 (56 FR 48384)

Additional Information: Formerly titled Rolling Stock Purchase Audits

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW., Room 9316, Washington, DC 20590, 202 366-4011

RIN: 2132–AA29

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Prerule Stage

2621. + IMPROVING HAZARDOUS MATERIALS IDENTIFICATION: PLACARDING; REPORTING/TRACKING; AND CONTINUALLY MONITORED TELEPHONE SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172

Legal Deadline: Final, Statutory, May 16, 1993.

Abstract: This rulemaking proposes to determine methods of improving the current system of placarding vehicles transporting hazardous materials; determine the feasibility and methods for establishing a central reporting system and computerized telecommunications data center for daily hazardous materials shipments in all modes; and evaluate the need and safety benefits of requiring carriers to establish a continually monitored telephone system to provide information and assistance to emergency responders. This action is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket HM-206. Formerly entitled "Prohibited Placarding and Placard Visibility."

Agency Contact: J. Potter/D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB75

2622. CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS AND REWRITE OF 49 CFR 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: The Department will propose revision of requalification requirements for cylinders and proposed consolidation and revision of the specifications for high-pressure seamless cylinders. (Project No. 305-83).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders.

Agency Contact: Charles H. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4545

RIN: 2137–AA92

2623. MODERNIZING THE PASSENGER ORIGIN-DESTINATION SURVEY

Significance: Nonsignificant

Legal Authority: 49 USC 1377; 49 USC 1441

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: Historically, the source document for the Passenger Origin-Destination Survey was the auditor's coupon of the ticket. Until recently, these coupons provided all the information that was needed for the Survey. In the last few years, the carriers have begun using trip passes in conjunction with the tickets, thereby eliminating some of the data that is required to be reported in the Survey. Other innovations used by the industry, such as funnel flights and code-sharing, have impacted the Survey and obscured some of the data that is required to be reported, such as change of planes and junction points. This rulemaking will explore whether there are alternative sources for the data and modernize the collection system to keep pace with the industry.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4383

RIN: 2137–AB92

2624. ● UPDATING CONFIDENTIALITY RULES FOR INTERNATIONAL PASSENGER ORIGIN-DESTINATION SURVEY DATA AND SERVICE SEGMENT DATA

Significance: Nonsignificant

Legal Authority: 49 USC 101; 49 USC 1324; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: International passenger origin-destination survey data and service segment data (originally Schedule T-9, now Schedule T-100) submitted by U.S. air carriers have a permanent confidential period. In the public interest, such data may be

released to other Federal agencies or State governments for internal use only. The Department will explore whether a shorter confidential period can be instituted that would be consistent with the confidential period for other schedules filed with the Department.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4383

RIN: 2137–AC07

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Proposed Rule Stage

2625. + GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.3

Legal Deadline: None

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is the subject of litigation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB15

2626. + HAZARDOUS MATERIALS IN INTRASTATE COMMERCE

Significance: Agency Priority

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171 to 179

Legal Deadline: None

Abstract: ANPRM invited comments on the need for, and possible consequences of, DOT extending the application of its Hazardous Materials Regulations to all intrastate transportation of hazardous materials in commerce. This rulemaking is significant because of substantial public interest and possible federalism implications. The Hazardous Materials Transportation Uniform Safety Act of 1990 mandates that the Secretary issue regulations for the intrastate transportation of hazardous materials in commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/87	52 FR 24195
Comment Period Extended to 11/28/87	09/21/87	52 FR 35464
ANPRM Comment Period End	09/28/87	
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/00/92

Additional Information: Docket No. HM-200.

Agency Contact: Pat Spirer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4484

RIN: 2137–AB37

2627. + QUALIFICATION OF PIPELINE PERSONNEL

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Training and qualification standards would be proposed for personnel involved in the operation and maintenance of gas and hazardous liquid pipelines. Special consideration would be given to operators of small gas systems to alleviate the burden of compliance. This rulemaking is considered significant because of substantial State and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9189
ANPRM Comment Period End	05/07/87	52 FR 9189
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Docket No. PS-94. Formerly entitled: Pipeline Operator Qualifications. The proposals regarding certification of personnel and emergency response in "Proposals for Pipeline Safety," RIN 2137-AB27, have been consolidated into this rulemaking.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB38

2628. + REGISTRATION OF SHIPPERS AND CARRIERS OF HAZARDOUS MATERIALS

Significance: Agency Priority

Legal Authority: 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 177

Legal Deadline: Final, Statutory, September 30, 1992.

Abstract: DOT lacks comprehensive data on the number, volume, and other

statistics characterizing the transportation of hazardous materials in commerce. Comments will be requested on the burdens and benefits associated with various alternatives that could be used to obtain such information. The registration of carriers and shippers is one such alternative. This rulemaking is significant because of the public interest and safety implications. Section 8 of the Hazardous Materials Transportation Uniform Safety Act of 1990 amended the Hazardous Materials Transportation Act to require that carriers and offerors of certain categories of hazardous materials file registration statements with the Department of Transportation, and pay fees to cover the costs of processing those statements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: J. Nalevanko/B. Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4484

RIN: 2137–AB43

2629. + MAPS AND RECORDS OF PIPELINE LOCATION AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES; PIPE INVENTORY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: Maintenance of appropriate information about pipelines is essential for emergency response, compliance with safety standards, and other purposes. As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action proposes to equalize as far as possible the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines. Operators would also be required to keep an inventory of pipe and annually report mileage and other facts. In addition, operators would be required to provide certain information to State agencies upon request. This is a significant action because of congressional and State concerns about the need for appropriate public officials to have pipeline information.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/91

Additional Information: RIN 2137-AB62, "Annual Report for Hazardous Liquid Pipelines," has been consolidated into this rulemaking. The proposals regarding information for local authorities, pipeline inventory, and condition reports in "Proposals for Pipeline Safety," RIN 2137-AB27, have been consolidated into this rulemaking.

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4560

RIN: 2137–AB48

2630. + DRUG TESTING: STANDARDIZED DATA COLLECTION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 199

Legal Deadline: None

Abstract: A minimum level of standardized data regarding pipeline anti-drug programs is needed to conduct analyses of program effectiveness. This action proposes that pipeline operators keep and maintain standardized data in a uniform format to enable the Department and State agencies to track implementation, compliance, and enforcement, and to provide for future policy formulation. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Rippert, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-6223

RIN: 2137–AB95

2631. + SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION

Significance: Agency Priority

Legal Authority: PL 101-500

CFR Citation: 49 CFR 1

Legal Deadline: Final, Statutory, August 1, 1991.

Abstract: The Sanitary Food Transportation Act of 1990 (SFTA; Pub. L. 101-500) requires the Secretary of Transportation, in consultation with the Secretaries of Agriculture and Health and Human Services and the Administrator of the Environmental Protection Agency, to issue regulations concerning the transportation of food, food additives, drugs, devices, and cosmetics in motor and rail vehicles also used to transport nonfood products that could pose an unreasonable danger to human or animal health when so transported. This rulemaking will implement the statutory requirements. This rulemaking is significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934
ANPRM Comment Period Extended to 04/29/91	03/21/91	56 FR 11982
ANPRM Comment Period End	03/26/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Docket PS-1.

Agency Contact: E. Richards/J. Gale, Department of Transportation, Research

and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-0656

RIN: 2137–AC00

2632. REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: Currently commuter air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other schedule provides the origination and destination for each carrier's on-line passengers. The Department has installed a new traffic and market data system for certificated and foreign air carriers called the T-100 system. This system could be used for commuter air carriers, providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/00/92

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4383

RIN: 2137–AB18

2633. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

Timetable:

Action	Date	FR Cite
Periodic Update	03/19/85	50 FR 11048
Periodic Update	04/20/87	52 FR 13034
Periodic Update - NPRM	09/19/88	53 FR 36410
Periodic Update	09/20/89	54 FR 38790
Correction to Update	11/20/89	54 FR 47986
Final Rule; Response to Petitions for Reconsideration	07/05/90	55 FR 27640
Periodic Update	10/01/90	55 FR 39977
NPRM	08/07/91	56 FR 37505
NPRM Comment Period End	10/07/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. HM-166X.

Agency Contact: D. LaValle, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA44

2634. DETECTION AND REPAIR OF CRACKS, PITS, CORROSION, LINING FLAWS, THERMAL DETECTION FLAWS, AND OTHER DEFECTS OF TANK CAR TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This rule would clarify existing inspection requirements for tank car tanks; add new inspection requirements for thermal protection on tank car tanks; permit the use of new inspection techniques for tank cars transporting low vapor pressure commodities in lieu of periodic hydrostatic retests; and establish minimum in-service tank thickness requirements.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/87	52 FR 46510
ANPRM Comment Period End	02/11/88	52 FR 46510
ANPRM Comment Period Extended to 05/13/88	02/18/88	53 FR 4862
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/00/92

Additional Information: Docket HM-201.

Agency Contact: J. Morales/P. Olekszyk (FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB40

2635. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: Certain DOT 3AL cylinders made of aluminum alloy 6351 were discovered developing cracks during service and occasionally leaks developed resulting in loss of contents. This ANPRM was to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks. The ANPRM requested comments concerning ways to resolve the problems.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	52 FR 26027
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Docket No. HM-176A

Agency Contact: C. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4545

RIN: 2137–AB51

2636. GAS PIPELINES OPERATING ABOVE 72 PERCENT OF SPECIFIED MINIMUM YIELD STRENGTH

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This proposal would eliminate or qualify the "grandfather clause" of the natural gas pipeline safety regulations that permits operation of an existing rural or offshore gas pipeline found to be in satisfactory condition at the highest actual operating pressure to which the segment was subjected during the five years preceding July 1, 1970, or, in the case of an offshore gathering line, July 1, 1976.

Timetable:

Action	Date	FR Cite
ANPRM	12/11/89	54 FR 50780
Correction to ANPRM	12/18/89	54 FR 51816
ANPRM Comment Period End	03/12/90	54 FR 50780

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: Formerly entitled: Operation of Existing Rural and Offshore Gas Pipelines at Stress Levels Higher Than Permitted for New Pipelines.

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB53

2637. REVISION OF OPERATING REQUIREMENTS FOR RAIL CARRIAGE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171; 49 CFR 174

Legal Deadline: None

Abstract: The purpose of the rulemaking is to update and rewrite the regulations contained in 49 CFR Parts 171 and 174 which govern the transportation of hazardous materials by rail.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/00/92

Additional Information: "Fumigation," RIN 2137-AB41, was consolidated into this rulemaking, but is no longer being considered.

Agency Contact: J. Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB55

2638. LEAKAGE SURVEYS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Many gas distribution operators look for signs of dying vegetation as a leak survey technique. This technique is not as effective as other available methods, and leaks have occurred in areas found safe by vegetation surveys. This action would require the use of alternative methods to meet the leak survey requirements, where appropriate, and clarify that leakage surveys must be conducted at least at 3-year minimum intervals on cathodically unprotected pipelines that are not electrically surveyed for corrosion.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4560

RIN: 2137–AB64

2639. PASSAGE OF INTERNAL INSPECTION DEVICES

Significance: Nonsignificant

Legal Authority: PL 100-561, Sec 108; PL 100-561, Sec 207

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking would establish minimum Federal safety standards requiring that new and replacement gas transmission and hazardous liquid pipelines be designed to accommodate the passage of internal inspection devices. This rulemaking is mandated by P.L. 100-561.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/00/91

Additional Information: The integrity testing proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, is consolidated, in part, in this rulemaking.

Agency Contact: K. Saunders, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0524

RIN: 2137–AB71

DOT—RSPA

Proposed Rule Stage

2640. TRANSPORTATION OF A HAZARDOUS LIQUID AT 20 PERCENT OR LESS OF SPECIFIED MINIMUM YIELD STRENGTH

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: The Federal pipeline safety standards governing hazardous liquid pipelines do not apply to pipelines operated at 20 percent or less of the specified minimum yield strength of the pipe. When the standards were issued in 1969, these pipelines were thought not to pose an unreasonable risk to public safety because of their low operating stress levels. Since then, however, a number of accidents have been reported on low stress level pipelines, particularly involving harm to the environment. This rulemaking action would assess the need to extend the Federal safety standards to cover these low stress level pipelines (except gathering lines), and, if warranted, apply the standards to those pipelines.

Timetable:

Action	Date	FR Cite
ANPRM	10/31/90	55 FR 45822
ANPRM Comment Period End	12/31/90	
Public Meeting Notice	05/22/91	56 FR 23538
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 11/00/91

Additional Information: The Secretary of Transportation's Safety Review Task Force and the National Association of Pipeline Safety Representatives have separately recommended this action.

Agency Contact: G. J. Wolf, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4560

RIN: 2137–AB86

2641. SPECIFICATIONS FOR TANK CAR TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking solicits comments on the costs and safety benefits that would be derived should the Hazardous Materials Regulations be amended to improve the level of safety of tank car tanks.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/90	55 FR 20242
ANPRM Comment Period End	08/21/90	
SANPRM; Comment Period End 01/04/91	08/29/90	55 FR 35327
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket HM-175A

Agency Contact: E. Edmonson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB89

2642. AMENDMENTS TO THE DOT AIRLINE ON-TIME DISCLOSURE RULE

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 5 USC 553(e)

CFR Citation: 14 CFR 234; 14 CFR 302.38

Legal Deadline: None

Abstract: This proposed action would amend the reporting requirements of 14 CFR Part 234 to require specialized reporting of flights delayed or cancelled due to aircraft mechanical problems. Data on such flights would be reported to the Department but would not be made available for public disclosure. In addition, the proposed rule would clarify the definition of mechanical delays and cancellations, for Part 234 reporting purposes. These amendments will be proposed in response to the findings and recommendations of a recent Inspector General's audit of the on-time disclosure data, and in response to various industry comments on the DOT disclosure rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/91

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4383

RIN: 2137–AB94

2643. EXCESS FLOW VALVES IN SERVICE LINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Service line breaks due to excavation damage and other causes continue to be a threat to public safety, despite the precautions being taken through one-call damage prevention programs and line surveys for corrosion or leaks. This rulemaking concerns the use of excess flow valves to stop the flow of gas to a service line in the event of a line break. Information is being sought on the feasibility of requiring the installation of such valves on service lines in view of their cost, reliability, and effectiveness.

Timetable:

Action	Date	FR Cite
ANPRM	12/20/90	55 FR 52188
ANPRM Comment Period End	03/20/91	
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Additional Information: Docket No. PS-118

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4571

RIN: 2137–AB97

DOT—RSPA

Proposed Rule Stage

2644. DISTRIBUTION SYSTEM DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Experience enforcing the gas pipeline safety standards shows that terms, such as "service line" and "regulator station," that are used in the gas pipeline safety standards with respect to distribution systems may be unclear. This action proposes to revise existing definitions and add definitions of terms currently undefined in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-1640

RIN: 2137–AC02

2645. ALTERNATIVE WELD DEFECT ACCEPTANCE CRITERIA

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: The pipeline safety standards in 49 CFR Parts 192 and 195 reference the workmanship standards of the American Petroleum Institute (API), "API Standard 1104," for the acceptance of weld defects. The Appendix to API Standard 1104 includes alternative acceptance criteria based on fracture mechanics. This action proposes to incorporate the Appendix by reference.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: G. J. Wolf, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-4560

RIN: 2137–AC03

2646. PETROLEUM GAS SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: The gas pipeline safety standards in 49 CFR Part 192 currently incorporate by reference the National Fire Protection Association Standards Nos. 58 and 59 for the design, installation, and operation of petroleum gas systems. However, these NFPA standards are not referenced for the design, installation, and operation of peak shaving plants used to supply petroleum gas to an otherwise natural gas distribution system, although NFPA Standard No. 59 is meant for that purpose. This action would extend the incorporation by reference of Standard No. 59 to include peak shaving plants. It also would redefine the term "petroleum gas" consistent with commercial usage.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/91

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-4571

RIN: 2137–AC04

2647. ● CONFIDENTIALITY OF AIRCRAFT INVENTORY DATA

Significance: Nonsignificant

Legal Authority: 49 USC 101; 49 USC 1324; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: Each large U.S. air carrier files a quarterly Form 41 schedule of its aircraft and engine purchases and an annual schedule of its aircraft and engine inventory. Included on these schedules is such information as the cost of the purchase, residual value, service life, etc. In response to a petition for rulemaking, the Department is undertaking a rulemaking to decide if any of the information reported on these schedules should be withheld from public disclosure.

Timetable:

Action	Date	FR Cite
ANPRM	07/18/91	56 FR 32992
ANPRM Comment Period End	09/03/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clay Moritz, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4385

RIN: 2137–AC08

2648. ● PUBLIC SECTOR EMERGENCY RESPONSE PLANNING AND TRAINING GRANTS

Significance: Nonsignificant

Legal Authority: 49 USC 1804; 49 USC 1805; 49 USC 1815

CFR Citation: 49 CFR 110

Legal Deadline: None

Abstract: This rulemaking is to implement public sector planning and training grants to enhance existing programs for responding to accidents and incidents involving the transportation of hazardous materials. These grants are authorized by Section 117A of the Hazardous Materials Transportation Act. Section 117A authorizes the Secretary of Transportation and other Federal agencies to provide financial and technical assistance to enhance hazardous materials emergency preparedness and training for State and local responders.

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Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Docket HM-209.

Agency Contact: Susan Bullard, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4900

RIN: 2137–AC09

2649. ● CLARIFICATION OF REQUIREMENTS FOR LIMITED QUANTITIES OF COMPRESSED GASES

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This action proposes to amend the Hazardous Materials Regulations to clarify the limited quantity provisions for compressed gases in 49 CFR 173.306(a) and the consumer commodity provisions in 49 CFR 173.1200. This action is necessary to provide a clear understanding of the exceptions allowed by these sections, and promote the safety of compressed gases offered for transportation under these provisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. HM-210.

Agency Contact: D. LaValle, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137–AC10

2650. ● DESIGN AND CONSTRUCTION OF WELDED BREAKOUT TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking proposes to add safety standards for the design and construction of pipeline breakout tanks. This action would incorporate by reference the applicable standards for breakout tank design and construction that are contained in American Petroleum Institute Standard 650. This standard is already widely followed in the pipeline industry.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/92

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-2036

RIN: 2137–AC11

2651. ● ALLOCATION FORMULA FOR STATE GRANTS

Significance: Nonsignificant

Legal Authority: 49 USC 1674; 49 USC 2004

CFR Citation: 49 CFR 198

Legal Deadline: None

Abstract: RSPA makes funds (grants-in-aid) available to States to encourage them to participate in the cooperative Federal/State pipeline safety program for gas and hazardous liquid pipelines. This action would revise the formula for allocating grant funds among qualified State agencies. The purpose is to improve program efficiency and encourage broader State responsibility.

Timetable:

Action	Date	FR Cite
ANPRM	02/25/91	56 FR 7636
ANPRM Comment Period End	04/01/91	
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/91

Additional Information: Docket No. PS-119.

Agency Contact: G. T. Fortner, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-4564

RIN: 2137–AC12

DEPARTMENT OF TRANSPORTATION (DOT) **Final Rule Stage**

Research and Special Programs Administration (RSPA)

2652. + TRAINING FOR HAZARDOUS MATERIALS TRANSPORTATION

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 172; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

Legal Deadline: Final, Statutory, May 16, 1992.

Section 7, Hazardous Materials Transportation Uniform Safety Act of 1990.

Abstract: This action will propose to establish detailed training requirements for persons involved with the transportation of hazardous materials. Establishing more detailed training requirements should diminish the number of hazardous materials transportation incidents which can be attributed to human error. At this time, the potential cost of establishing this program is unknown. This rulemaking is significant because of public interest and safety implications.

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Timetable:

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31144
NPRM Comment Period End	11/24/89	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/26/89 (54 FR 31144)

Additional Information: Docket No. HM-126F. Public hearings were held on 10/3/89 in Salt Lake City, Utah, and on 10/11/89 in Washington, DC.

Agency Contact: J. Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB26

2653. + HYDROSTATIC TESTING OF CERTAIN HAZARDOUS LIQUID PIPELINES

Significance: Regulatory Program

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Recent accidents involving petroleum pipelines demonstrate the potential for catastrophic losses if a large spill occurs in a populated area. Studies have shown that accidents attributable to latent material or construction defects can be prevented by restricting operation to not more than 80 percent of a prior test or operating pressure. In this regard, significant results have been achieved by imposing such an operating restriction on pipelines that carry highly volatile liquids. This rule would extend this existing safety standard to all hazardous liquid pipelines that are subject to Part 195. This rulemaking is significant because of substantial public interest in the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	05/22/91	56 FR 23538
NPRM Comment Period End	07/22/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/22/91 (56 FR 23538)

Additional Information: Formerly entitled: Pressure Testing Existing Hazardous Liquid Pipelines. The integrity testing proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, has been consolidated, in part, in this rulemaking. Docket PS-121.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB46

2654. + OPERATION AND MAINTENANCE PROCEDURES FOR PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Adequate procedures for pipeline operation and maintenance, backed up by personnel training, have proven effective in minimizing the potential for accidents. Gas operators are required to have such procedures, but the existing requirements lack the clarity and specificity needed to assure a uniform, broad-based level of safety for all pipelines. Therefore, this proposal would clarify the existing requirements, make them more comprehensive, and, where appropriate, similar to the more detailed requirements applicable to the operation and maintenance of hazardous liquid pipelines. Also, a few additions and clarifying changes would be made to the hazardous liquid pipeline requirements. This is a significant action because of the need for adequate procedures to provide a basis for training and qualifying operator personnel. A related rulemaking to provide procedures requiring operators to amend operation and maintenance plans, and make operators subject to enforcement sanctions for failure to maintain plans, is entitled Amendment of an Operator's Plans or Procedures (RIN 2137-AB77).

Timetable:

Action	Date	FR Cite
NPRM	11/06/89	54 FR 46685
NPRM Comment Period End	02/05/90	54 FR 46685
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/06/89 (54 FR 46685)

Additional Information: Formerly entitled: Operation and Maintenance Procedures for Gas Pipelines. Docket No. PS-113.

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4571

RIN: 2137–AB44

2655. + EXCAVATION DAMAGE PREVENTION PROGRAMS FOR GAS AND HAZARDOUS LIQUID PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672(a); 49 USC 2002(e)

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Each year a large percentage of gas and hazardous liquid pipeline accidents are caused by excavation damage. Based on existing rules intended to reduce damage to gas pipelines in populated areas, this action would require hazardous liquid pipeline operators to provide damage prevention programs and gas operators would have to expand their programs to cover rural areas. This is a significant action because of the widespread interest in the use of "one-call" programs to prevent damage to buried pipelines.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24747
NPRM Comment Period End	08/29/88	53 FR 24747
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24747)

Additional Information: Docket No. PS-101. Formerly entitled: Natural Gas and

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Hazardous Liquid Pipeline Damage Prevention Program. The one-call system proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, has been consolidated, in part, in this rulemaking.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB47

2656. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: NPRM solicited comments on the benefit of requiring LP gas to be odorized. Odorization would enhance its identification during transportation in commerce. Comments to the NPRM indicated that further study should be made before proceeding to a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164
NPRM Comment Period End	12/28/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/27/84 (49 FR 38164)

Additional Information: Docket No. HM-126E.

Agency Contact: H. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA25

2657. QUANTITY LIMITATIONS ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: This action proposes removal of the fifty-pound limit on the quantity that may be stowed in an inaccessible cargo location on passenger-carrying aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Additional Information: This project was formerly entitled: Limitation Aboard Aircraft. Further action is awaiting completion of an FAA project.

Agency Contact: Eileen Edmonson, Transportation Reg. Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA85

2658. ENFORCEMENT OF MOTOR CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1805; 49 USC 1808 to 1809; 49 USC 1655; 49 USC 1655(c); 49 USC 10927

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 387

Legal Deadline: None

Abstract: This notice solicited comments on the merits of a petition for rulemaking from the National Tank Truck Carriers proposing to amend the Hazardous Materials Regulations to require shippers of hazardous materials by highway, in cargo tanks, to obtain documentary proof that the motor carrier possesses the minimum level of financial responsibility required by 49 CFR Part 387. Comments received generally oppose imposition of the petition's proposed requirements. Evaluation of the merits of the comments indicate safety would not be significantly enhanced by the proposed requirements.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/87	52 FR 19116
ANPRM Comment Period End	08/18/87	
To Be Withdrawn	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-199.

Agency Contact: D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB35

2659. GAS DETECTION AND MONITORING IN COMPRESSOR STATION BUILDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Leaking gas accumulating inside an inadequately ventilated compressor station building is a serious safety problem that has caused recent deaths and injuries. This rulemaking action proposes additional regulations to require installation of gas detection and alarm systems.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/88	53 FR 10906
ANPRM Comment Period End	06/03/88	53 FR 10906
NPRM	07/27/90	55 FR 30724
NPRM Comment Period End	09/25/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/27/90 (55 FR 30724)

Additional Information: Docket No. PS-100

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration,

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400 Seventh Street, SW., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB49

2660. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Corrosion is a major cause of gas and hazardous liquid pipeline accidents. A safety standard applicable to liquid pipelines requires operators to examine exposed pipe for evidence of external corrosion and, if harmful corrosion is found, to investigate further to determine the extent of the corrosion. As part of a continuing policy to adopt similar requirements for gas and liquid pipelines where appropriate for safety, this action proposes that exposed gas pipelines with evidence of harmful corrosion be investigated to determine the extent of the corrosion.

Timetable:

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27041
NPRM Comment Period End	09/25/89	54 FR 27041
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/89 (54 FR 27041)

Additional Information: National Transportation Safety Board Recommendation P-87-3 provides a basis for this action. Docket No. PS-107

Agency Contact: G.J. Wolf, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4560

RIN: 2137–AB50

2661. ELEVATED TEMPERATURE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking addresses regulation of hazardous materials offered for transportation at elevated temperatures.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38930
Comment Period Extended to 2/20/90	11/15/89	54 FR 47539
NPRM Comment Period End	11/20/89	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/21/89 (54 FR 38930)

Additional Information: Docket No. HM-198A

Agency Contact: B. Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB58

2662. TRANSPORTATION REGULATIONS; COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Significance: Nonsignificant

Legal Authority: 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: This rulemaking would align the Hazardous Materials Regulations (HMR) with the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6. This action is necessary to implement practices and procedures that will improve safety in the transportation of radioactive materials and to facilitate international commerce.

Timetable:

Action	Date	FR Cite
Request for Comments; Comment Period End 12/23/88	11/21/88	53 FR 46973
NPRM	11/14/89	54 FR 47454
NPRM Comment Period Extended to 05/11/90	02/08/90	55 FR 4445
NPRM Comment Period End	02/09/90	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 11/14/89 (54 FR 47454)

Additional Information: Docket HM-169A

Agency Contact: John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB60

2663. RETEST REQUIREMENTS FOR DOT 8 AND 8AL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1804; 49 USC 1808

CFR Citation: 49 CFR 171.7

Legal Deadline: None

Abstract: This rulemaking proposes to incorporate by reference the Compressed Gas Association's (CGA) Pamphlet C-13 entitled "Guidelines for Periodic Visual Inspection and Requalification of Acetylene Cylinders," 1985 edition. This pamphlet sets forth the guidelines for the testing and requalification of DOT cylinders used for transporting acetylene.

Timetable:

Action	Date	FR Cite
NPRM	06/14/90	55 FR 24210
NPRM Comment Period End	10/09/90	
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/14/90 (55 FR 24210)

Additional Information: Docket HM-23.

Agency Contact: Eileen Edmonson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB61

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Final Rule Stage

2664. TRANSPORTATION OF HYDROGEN SULFIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: In a few reported instances, excessive amounts of hydrogen sulfide were introduced into natural gas pipelines. High concentrations of hydrogen sulfide are very detrimental to steel pipelines and extremely toxic. This action examines the need to establish a maximum allowable concentration and other control measures.

Timetable:

Action	Date	FR Cite
ANPRM	06/07/89	54 FR 24361
ANPRM Comment Period End	09/05/89	54 FR 24361
NPRM	03/18/91	56 FR 11490
NPRM Comment Period End	06/17/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/18/91 (56 FR 11490)

Additional Information: Docket No. PS-106

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB63

2665. CENTRALIZATION OF FORMAL HEARING DOCKETS (RSPA)

Significance: Nonsignificant

Legal Authority: 49 USC app 1421(c); 49 USC app 1802; 49 USC app 1806; 49 USC app 1808 to 1811; 49 USC 1653(d); 49 USC 1655

CFR Citation: 49 CFR 107; 49 CFR 1.45; 49 CFR 1.53

Legal Deadline: None

Abstract: This final rule provides that documents and evidence in formal hearing cases adjudicated within the Research and Special Programs Administration (RSPA) will be filed and maintained in the OST Office of Documentary Services. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2137–AB91

2666. BURIAL OF OFFSHORE PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, May 16, 1991.

Abstract: Pipelines buried offshore have been involved in accidents with fishing and other vessels. A factor contributing to the accidents is the shallow depths at which the pipelines are buried. To help resolve this problem, this rulemaking will propose that operators remove abandoned lines in water less than 15 feet deep, bury pipelines at least 3 feet deep in water up to 200 feet deep, and monitor the depth of buried pipelines in water less than 15 feet deep. P. L. 101-599 provides a basis for this action.

Timetable:

Action	Date	FR Cite
NPRM	04/29/91	56 FR 19627
NPRM Comment Period End	05/29/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/29/91 (56 FR 19627)

Additional Information: Docket No. PS-120.

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB96

2667. AIR BAG INFLATORS AND AIR BAG MODULES FOR PASSIVE RESTRAINT SYSTEMS; CONVERSION OF INDIVIDUAL EXEMPTIONS INTO REGULATIONS OF GENERAL APPLICABILITY

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking proposes to amend the Hazardous Materials Regulations (HMR) governing the transportation of air bag inflators and air bag modules, which are vehicular components in certain passive restraint systems. This proposal, based on a petition for rulemaking filed by the Motor Vehicle Manufacturers Association of the United States, would provide for the transportation of these components under provisions of the HMR rather than under the exemption program.

Timetable:

Action	Date	FR Cite
NPRM	02/26/90	55 FR 6730
NPRM Comment Period End	04/12/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/26/90 (55 FR 6730)

Additional Information: Docket HM-139H

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB98

2668. IMPLEMENTATION OF THE ICAO TECHNICAL INSTRUCTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 175

Legal Deadline: None

DOT—RSPA

Final Rule Stage

Abstract: This action would permit the offering, acceptance, and transportation by aircraft and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the most recent edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air. This action is necessary to facilitate the continued transport of hazardous materials in international commerce by aircraft pursuant to the latest edition of the ICAO Technical Instructions.

Timetable:

Action	Date	FR Cite
NPRM	11/07/90	55 FR 46839
NPRM Comment Period End	12/07/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/07/90 (55 FR 46839)

Additional Information: Docket HM-184F.

Agency Contact: Frits Wybenga, International Standards Coordinator, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0656

RIN: 2137–AB99

2669. ● AMENDMENTS TO THE HAZARDOUS MATERIALS PROGRAM PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1804; 49 USC 1812

CFR Citation: 49 CFR 107

Legal Deadline: None

Abstract: This rulemaking would define the preemption standard for State, political subdivision, and Indian tribe requirements that concern certain subjects addressed by the Hazardous Materials Regulations. The rule proposes to streamline the preemption determination and waiver of preemption processes.

Timetable:

Action	Date	FR Cite
NPRM	08/01/91	56 FR 36992
NPRM Comment Period End	09/03/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/01/91 (56 FR 36992)

Additional Information: Docket HM-207A.

Agency Contact: M. Crouter, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4400

RIN: 2137–AC06

2670. ● THERMOPLASTIC GAS PRESSURE PIPING SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This amendment updates to the 1990 edition the incorporation by reference of the American Society of Testing Materials (ASTM) Specification D2513, "Standard Specification for Thermoplastic Gas Pressure Piping Systems."

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Wolf, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-4560

RIN: 2137–AC13

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Completed Actions

2671. ● + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 107; 49 CFR 171 to 179

Legal Deadline: None

Abstract: This rulemaking concerned performance-oriented packaging standards and hazardous materials classifications based on the United Nations Committee of Experts on the Transport of Dangerous Goods. A large number of specification packaging standards have been replaced by performance-based standards. This rulemaking is significant because of substantial public interest and safety implications. A final rule was issued December 21, 1990 (55 FR 52402); this action responded to petitions for reconsideration of the final rule, and made editorial and technical corrections to the final rule.

Timetable:

Action	Date	FR Cite
Final Action	09/18/91	56 FR 47158
Final Rule Amendment	10/01/91	56 FR 49830

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 12/21/90 (55 FR 52402)

Additional Information: Docket HM-181.

Agency Contact: D. Billings/C. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA01

2672. ● + REQUIREMENTS FOR CARGO TANKS; CORRECTIONS AND REVISIONS

Significance: Agency Priority

Legal Authority: 49 USC 1802 to 1806; 49 USC 1808; 49 USC 1811

CFR Citation: 49 CFR 107; 49 CFR 171 to 178; 49 CFR 180

Legal Deadline: None

Abstract: This rule makes corrections and clarifying revisions to certain requirements pertaining to cargo tank motor vehicles in the Hazardous Materials Regulations (49 CFR Parts 171 to 180). These requirements were adopted in a final rule issued under Docket HM-183/183A (June 12, 1989, 54 FR 24982; May 22, 1990, 55 FR 21035; September 7, 1990, 55 FR 37028). The rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	06/17/91	56 FR 27872
Final Rule Correction	09/11/91	56 FR 46354

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/89 (54 FR 24982)

Additional Information: Docket HM-183/183A.

Agency Contact: J. O'Steen, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4545

RIN: 2137–AA42

2673. + HIGHWAY ROUTING STANDARDS FOR CERTAIN TYPES AND QUANTITIES OF HAZARDOUS MATERIALS

Completed:

Reason	Date	FR Cite
Transfer Development to: 2125-AC80	07/25/91	

RIN: 2137–AB42

2674. TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: PL 100-561, Sec 211

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This rule amends the existing safety standards for hazardous liquid pipelines to include new standards necessary for the safe transportation of carbon dioxide by pipeline. This action is mandated by P.L. 100-561.

Timetable:

Action	Date	FR Cite
NPRM	10/12/89	54 FR 41912
NPRM Comment Period End	12/11/89	54 FR 41912
Final Action	06/12/91	56 FR 26922
Final Action Effective	07/12/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/91 (56 FR 26922)

Additional Information: The carbon dioxide proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, is consolidated in this rulemaking.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB72

2675. AMENDMENT OF AN OPERATOR'S PLANS OR PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1671 et seq; 49 USC 1861 et seq; 49 USC 2001 et seq

CFR Citation: 49 CFR 190; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: This was previously part of RIN 2137-AB44. The rule specifies criteria for requiring pipeline operators to amend their plans and procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/06/89	54 FR 46684
NPRM Comment Period End	12/06/89	54 FR 46684
Final Action	07/09/91	56 FR 31087
Final Action Correction	07/19/91	56 FR 33208
Final Action Effective	08/08/91	
Final Action Correction	08/19/91	56 FR 41077

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/09/91 (56 FR 31087)

Agency Contact: Cesar DeLeon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB77

2676. CONTROL OF DRUG USE IN NATURAL GAS, LIQUEFIED NATURAL GAS, AND HAZARDOUS LIQUID PIPELINE OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 199

Legal Deadline: None

Abstract: This rule extends the effective date of the pipeline drug rule for persons located outside the territory of the United States. Under the rule, such persons would become subject to drug testing no later than January 2, 1993. The delay in implementation is necessary to allow negotiation with foreign governments to continue in an orderly and effective fashion.

Timetable:

Action	Date	FR Cite
Final Action	04/24/91	56 FR 18986

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. PS-102.

Agency Contact: C. DeLeon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202 366-1640

RIN: 2137–AC05

DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Proposed Rule Stage

2677. ● VALUES FOR WAR RISK INSURANCE; REVIEW OF WAR RISK INSURANCE VALUATION METHODOLOGY

Significance: Nonsignificant

Legal Authority: 46 USC app 1114; 46 USC app 1289

CFR Citation: 46 CFR 309

Legal Deadline: None

Abstract: MARAD is considering the need for a revised ship valuation methodology for the purpose of issuing war risk insurance and is soliciting comment by issuing an ANPRM. The existing methodology has been in effect since 1959.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/91	56 FR 21118
ANPRM Comment Period End	07/08/91	56 FR 21118
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis, and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2400**

RIN: 2133–AA89

2678. ● AGENCY AGREEMENTS

Significance: Nonsignificant

Legal Authority: 50 USC app 1744

CFR Citation: 46 CFR 315; 46 CFR 316

Legal Deadline: None

Abstract: The National Shipping Authority (NSA) within the Maritime Administration (MARAD) proposes to amend its regulations at 46 CFR Part 315, concerning Agency Agreements, and incorporate therein provisions now found at 46 CFR Part 316, concerning the procedure for application to become an agent. Part 316 would be removed. This rulemaking would formalize MARAD's existing policy and procedure for appointing general agents and administering general agency agreements by including in the regulations pertinent information that is consistent with revised Service Agreement and Application for appointment as General Agent that have been adopted by MARAD.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Regulatory Evaluation 10/00/91

Agency Contact: Tim Roark, Chief, Divsion of Marine Acquisition, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1943**

RIN: 2133–AA91

DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Final Rule Stage

2679. + REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

Significance: Regulatory Program

Legal Authority: 46 USC app 705; 46 USC app 802; 46 USC app 803; 46 USC app 808; 46 USC app 835; 46 USC app 839; 46 USC app 841a; 46 USC app 1195; 46 USC app 1114(b); PL 100-710

CFR Citation: 46 CFR 221

Legal Deadline: None

Abstract: These interim final regulations amend MARAD's regulations regarding transfers of interests in U.S. documented vessels and approval of vessel mortgagees and trustees pursuant to P.L.100- 710. Publication of an interim final rule permitted implementation of the new law without a hiatus and minimized transitional uncertainty among the corporate and financial communities that are affected. This rulemaking is considered significant because of substantial public interest. In view of comments received to the first interim final rule, a new NPRM was published, and a second interim final rule issued.

Timetable:

Action	Date	FR Cite
ANPRM; RIN 2133-AA73; Comment Period End 01/03/89	11/02/88	53 FR 44206
Interim Final Rule	02/02/89	54 FR 5382
Correction to Interim Final Rule	02/27/89	54 FR 8195
NPRM; RIN 2133-AA73; Comment Period End 04/24/89	03/10/89	54 FR 10168
SNPRM; Comment Period End 06/12/90	04/13/90	55 FR 14040
Second Interim Final Rule Comment Period End 09/03/91	07/03/91	56 FR 30654
Correction; 2nd Interim Final Rule	08/15/91	56 FR 40661
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Correction: 2nd Interim Final Rule	09/18/91	56 FR 47158
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of

Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 971 National Security; 972 International Affairs

Analysis: Regulatory Evaluation 02/02/89 (54 FR 5382); Regulatory Evaluation 07/03/91 (56 FR 30654)

Additional Information: The first interim final rule became effective 02/02/89; RIN 2133-AA73 (Charters of MODU's) was merged with this rule on 06/29/89. The second interim final rule was effective 07/03/91.

Agency Contact: Robert J. Patton, Jr., Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5711

RIN: 2133–AA79

2680. + DETERMINATION OF FAIR AND REASONABLE GUIDELINE RATES FOR LESS THAN SHIPLOAD LOTS OF BULK PREFERENCE CARGOES CARRIED ON U.S.-FLAG LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC app 1114(b)

CFR Citation: 46 CFR 383

Legal Deadline: None

Abstract: Proposed revision of 46 CFR Part 383 would conform many of its provisions to those in the regulations governing the calculation of guideline rates by the Maritime Administration (MARAD) for bulk preference cargoes carried on bulk vessels (46 CFR Part 382). MARAD's experience in administering the bulk vessel regulations has demonstrated the need for comparable provisions in the liner regulations. The principal amendment would be that MARAD would use the actual operating costs of each vessel type in the carriage of preference cargoes, rather than use a system of combined average and actual costs that has not accomplished its objectives. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/12/91	56 FR 14905
NPRM Comment Period End	05/28/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Regulatory Evaluation 04/12/91 (56 FR 14905)

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2323

RIN: 2133–AA87

2681. CENTRALIZATION OF FORMAL HEARING DOCKETS (MARAD)

Significance: Nonsignificant

Legal Authority: 46 USC app 1114

CFR Citation: 46 CFR 201

Legal Deadline: None

Abstract: This final rule would provide that documents and evidence in formal hearing cases adjudicated within the Maritime Administration (MARAD) will be filed and maintained in the OST Office of Documentary Services. The change is being considered in order to streamline operations and to consolidate the documents used in formal hearing cases.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2133–AA84

2682. PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES, CONTAINERS, CHASSIS, AND PORT FACILITIES AND SERVICES FOR NATIONAL SECURITY AND NATIONAL DEFENSE RELATED OPERATIONS

Significance: Nonsignificant

Legal Authority: 46 USC app 1114

CFR Citation: 46 CFR 340

Legal Deadline: None

Abstract: This revision would broaden the scope of the regulations to include chassis (a specialized trailer used in transporting a container) and chassis suppliers in the scheme of priority use and allocations of shipping services containers and port facilities and services for national security and defense related operations to ensure that chassis are available for use by a defense agency in time of deployment of U.S. Armed Forces. The rule would be exempt from APA requirements of section 553(a)(1), since "a military or foreign affairs function of the United States" is involved.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 971 National Security

Additional Information: Status undetermined pending enactment of legislation to clarify legal authority for action prescribed in regulations.

Agency Contact: John W. Carnes, Chief, Division of Port and Intermodal Operations, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4357

RIN: 2133–AA85

2683. ● SEAMEN'S CLAIMS; ADMINISTRATIVE ACTION AND LITIGATION

Significance: Nonsignificant

Legal Authority: 46 USC app 1114(b); 46 USC app 1241a; 50 USC app 1291

CFR Citation: 46 CFR 327

Legal Deadline: None

Abstract: MARAD is amending its regulations at 46 CFR 327, which establish the procedure for its administrative review of seamen's claims for death, illness or injury, or other specified causes arising out of employment onboard a vessel owned or controlled by MARAD. These amendments are intended to facilitate

and expedite the review of these claims, which have increased significantly as the result of MARAD's shipping activities related to Operation Desert Shield/Desert Storm.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Since the purpose of these amendments is to clarify MARAD's procedure and expedite evaluation and disposition of a large volume of seamen's claims arising from Desert Shield/Desert Storm, public notice and comment procedures would be contrary to the public interest, and MARAD is publishing this as a final rule.

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2400**

RIN: 2133–AA92

DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Completed Actions

2684. ● STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Significance: Nonsignificant

Legal Authority: 46 USC app 1114

CFR Citation: 46 CFR 222

Legal Deadline: None

Abstract: MARAD is removing 46 CFR 222 that now contains two reporting requirements. Since the statutory authority for the filing requirement at 46 CFR 222.1 was repealed by PL 101-225, there is no longer any legal basis for that filing requirement. The information now required by 46 CFR 222.2 is available from other sources, and the three remaining provisions relate to the penalty determination for nonfiling of that report.

Timetable:

Action	Date	FR Cite
Final Action	05/30/91	56 FR 24347
Final Action Effective	07/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Brown, Chief, Division of Statistics, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2277**

RIN: 2133–AA90

[FR Doc. 91-23519 Filed 10-18-91; 8:45 m]

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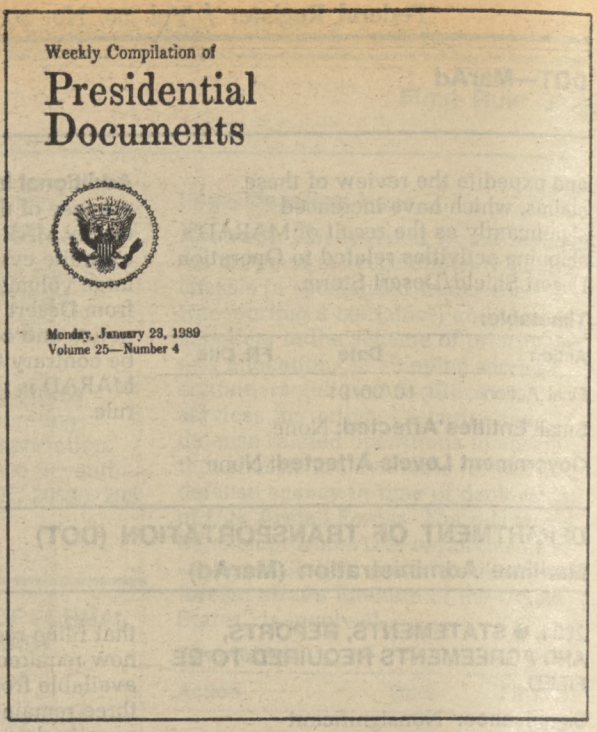

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Federal Register

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federal register

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October 21, 1991

Part XV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY (TREAS)

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Departmental Offices, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Departmental Offices regulation, contact the "agency contact" listed in the specific regulatory action.

R. Blair Downing,

Executive Secretary.

Departmental Offices—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2685	17 CFR 402 Revisions to the Government Securities Act Regulations; Financial Responsibility; Minimum Capital Requirements	1505-AA44

Departmental Offices—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2686	31 CFR 103 Proposed Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping Requirements by Casinos	1505-AA10
2687	31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service	1505-AA17
2688	31 CFR 21 Restrictions on Lobbying	1505-AA35
2689	31 CFR 103 Money Laundering Through International Payments	1505-AA37
2690	31 CFR 103 Mandatory Aggregation of Currency Transactions for Certain Financial Institutions and Mandatory Magnetic Media Reporting of Currency Transaction Reports	1505-AA41
2691	17 CFR 403 Revisions to the Government Securities Act Regulations; Mortgage-Backed Securities	1505-AA42
2692	31 CFR 10 Practice Before the Internal Revenue Service; Advertising and Solicitation of Employment by Practitioners	1505-AA43

TREAS—DO

Departmental Offices—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2693	31 CFR 17 Enforcement of Nondiscrimination on the Basis of Handicap in Treasury Programs	1505-AA34

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Departmental Offices (DO)

2685. ● REVISIONS TO THE GOVERNMENT SECURITIES ACT REGULATIONS; FINANCIAL RESPONSIBILITY; MINIMUM CAPITAL REQUIREMENTS

Legal Authority: 31 USC 3121; 31 USC 9110; 15 USC 78o-5

CFR Citation: 17 CFR 402; 17 CFR 404

Legal Deadline: None

Abstract: The proposal would raise the minimum capital requirements for all government securities brokers and dealers subject to the requirements of 17 CFR 402.2 and establish a written notification requirement for certain withdrawals of capital. This proposal is a companion rule to Security and Exchange Commission's previously proposed revised minimum capital requirements for brokers and dealers subject to the requirements of 17 CFR 240.15c3-1 and final rules regarding the withdrawal of capital.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald V. Hammond, Assistant Director, Government Securities Regulations Staff, Department of the Treasury, Bureau of the Public Debt, Room 209, 999 E Street, NW., Washington, DC 20239-0001, 202 219-3632

RIN: 1505–AA44

DEPARTMENT OF THE TREASURY (TREAS)

Final Rule Stage

Departmental Offices (DO)

2686. PROPOSED AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING AND RECORDKEEPING REQUIREMENTS BY CASINOS

Legal Authority: 31 USC 5311 to 5322; 12 USC 1829b; 12 USC 1951 to 1959

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The proposed regulations contain 16 amendments to the Bank Secrecy Act regulations that are designed to respond to substantial noncompliance with the current regulations by casinos.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31370
NPRM Comment Period End	10/17/88	53 FR 31370
Comment Period Extension to 11/14/88	10/28/88	53 FR 43736
Comment Period Extension to 12/14/88	12/01/88	53 FR 48551
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Amy Rudnick, Director, Office of Financial Enforcement, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 4320, Washington, DC 20220, 202 566-8022

RIN: 1505–AA10

2687. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

Timetable:

Action	Date	FR Cite
NPRM	08/14/86	51 FR 29113
Extend Public Comment Period to 11/13/86	08/27/86	51 FR 30510
NPRM Comment Period End	10/14/86	51 FR 29113
Extend Public Comment Period to 02/13/87	11/06/86	51 FR 40340

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie S. Shapiro, Director of Practice, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-6787

RIN: 1505–AA17

2688. RESTRICTIONS ON LOBBYING

Legal Authority: 31 USC 321; 31 USC 1352

CFR Citation: 31 CFR 21

Legal Deadline: None

Abstract: This document constitutes the Department of the Treasury's participation in a common rulemaking to prohibit certain recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal Government in connection with a specific contract, grant, or loan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Effective Date	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Cathy Thomas, Office of Management Programs Directorate, Department of the Treasury, Room 2217, Washington, DC 20220, 202 343-0249

RIN: 1505–AA35

2689. MONEY LAUNDERING THROUGH INTERNATIONAL PAYMENTS

Legal Authority: 31 USC 5314; 31 USC 5318

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The Department of the Treasury expects to issue a notice of proposed rulemaking under the Bank Secrecy Act to address the problem of money laundering through international payments, especially wire transfers of funds. This advance notice of proposed rulemaking requests comments on a number of regulatory options.

Timetable:

Action	Date	FR Cite
ANPRM	10/31/89	54 FR 45769
ANPRM Comment Period End	01/02/90	54 FR 45770
NPRM	10/15/90	55 FR 41696
NPRM Comment Period End	11/29/90	55 FR 41696
Comment Period Extended to 01/15/91	12/05/90	55 FR 50192

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Noonan, Senior Counsel for Financial Enforcement, Department of the Treasury, Room 2000, Washington, DC 20220, 202 566-2941

RIN: 1505–AA37

2690. MANDATORY AGGREGATION OF CURRENCY TRANSACTIONS FOR CERTAIN FINANCIAL INSTITUTIONS AND MANDATORY MAGNETIC MEDIA REPORTING OF CURRENCY TRANSACTION REPORTS

Legal Authority: 12 USC 1929b; 12 USC 1951 to 1959; 31 USC 5311 to 5326

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This regulation would require that banks with deposits of over $100 million maintain systems to aggregate currency transactions that, at a minimum, are conducted by or on behalf of account holders at the bank and that affect an account during a business day; and require currency dealers and exchanges (including check cashers) and transmitters of funds, regardless of asset size, to maintain systems and procedures to aggregate currency transactions that are conducted by or on behalf of customers at the financial institution during a business day. The regulation also would require financial institutions that file more than 1,000 Currency Transaction Reports a year to file by use of magnetic media.

Timetable:

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36663
NPRM Comment Period End	12/05/90	55 FR 36663

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Amy G. Rudnick, Director, Office of Financial Enforcement, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 4320, Washington, DC 20220, 202 566-8022

RIN: 1505–AA41

2691. ● REVISIONS TO THE GOVERNMENT SECURITIES ACT REGULATIONS; MORTGAGE-BACKED SECURITIES

Legal Authority: 31 USC 3121; 31 USC 9110; 15 USC 78o-5

CFR Citation: 17 CFR 403

Legal Deadline: None

Abstract: The proposed regulations would implement a buy-in requirement for: (1) mortgage-backed securities that are in a fail to receive status for more than 60 days, and (2) all Government securities that are needed to complete a sell order of a customer (other than a short sale) if the securities have not been received from the customer within ten business days after the settlement date.

Timetable:

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15529
NPRM Comment Period End	06/16/91	56 FR 15529

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clifford Rones, Attorney-Advisor, Government Securities Regulations Staff, Department of the Treasury, Bureau of the Public Debt, Room 209, 999 E Street, NW., Washington, DC 20239-0001, 202 219-3632

RIN: 1505–AA42

2692. ● PRACTICE BEFORE THE INTERNAL REVENUE SERVICE; ADVERTISING AND SOLICITATION OF EMPLOYMENT BY PRACTITIONERS

Legal Authority: 5 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: This notice proposes modifications to the regulations

TREAS—DO

Final Rule Stage

governing practice before the Internal Revenue Service (Treasury Department Circular 230). The modifications relate to the provisions addressing advertising and solicitation by those eligible to practice before the Internal Revenue Service. The proposed modifications would conform the regulations to court decisions.

Timetable:

Action	Date	FR Cite
NPRM	04/22/91	56 FR 16289
NPRM Comment Period End	06/21/91	56 FR 16289

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Rosenzweig, Department of the Treasury, Internal Revenue Service, Office of Director of Practice, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-6787

RIN: 1505–AA43

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

Completed Actions

2693. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN TREASURY PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 31 CFR 17

Legal Deadline: None

Abstract: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department of the Treasury.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24203
NPRM Comment Period End	08/07/89	54 FR 24203
Final Action	08/16/91	56 FR 40781
Final Action Effective	09/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlene J. Robinson, Director, Human Resources Directorate, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, 202 566-5256

RIN: 1505–AA34

[FR Doc. 91-21597 Filed 10-18-91; 8:45 am]

BILLING CODE 4810-25-F

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 (Federal Regulation, February 17, 1981), which require publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

Dated: August 30, 1991.

Russell D. Morris,

Acting Commissioner.

Financial Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2694	31 CFR 210, (Revision) Federal Payments Made Through Financial Institutions by the Automated Clearing House Method (ACH)	1510-AA17
2695	31 CFR 203 Revision to 31 CFR 203 and 31 CFR 214	1510-AA18
2696	31 CFR 205 Federal Funds Transfer Procedures	1510-AA19
2697	31 CFR 210, (Revision) Federal Payments Through the Automated Clearing House Method (ACH)	1510-AA20

TREAS—FMS

Financial Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2698	31 CFR 211 Delivery of Checks and Warrants to Addresses Outside the United States, its Territories and Possessions	1510-AA21

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Financial Management Service (FMS)

2694. ● FEDERAL PAYMENTS MADE THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD (ACH)

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210, (Revision)

Legal Deadline: None

Abstract: Revision of 31 CFR Part 210 will provide clarity to the current regulations and will support the technological changes being made in Payment Methods that is to include a more rapid time frame for the reclamation process, identify methods in which returned payments are to be made and establish timely methods for resolving erroneous or duplicate payment transactions. These regulation revisions are necessary in order to implement the time limitation on reclamation actions, Automated Clearing House (ACH) file retention, reversals, and ACH return items.

Timetable:

Action	Date	FR Cite
NPRM	08/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: George Henderson, Director, Payments Management Division, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Washington, DC 20227, 202 874-6610

RIN: 1510–AA17

2695. ● REVISION TO 31 CFR 203 AND 31 CFR 214

Significance: Agency Priority

Legal Authority: 12 USC 265; 12 USC 1291; 31 USC 3122; 31 USC 323

CFR Citation: 31 CFR 203; 31 CFR 214

Legal Deadline: None

Abstract: To revise sections relating to maximum balances and the collateral requirements for note option depositaries, and to make a number of editorial changes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Elaine Fleishell, Financial Program Specialist, Treasury Programs Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Rm. 420A, Washington, DC 20227, 202 874-6736

RIN: 1510–AA18

2696. ● FEDERAL FUNDS TRANSFER PROCEDURES

Significance: Regulatory Program

Legal Authority: 31 USC 6501; 31 USC 6503; 5 USC 301; 42 USC 4213

CFR Citation: 31 CFR 205

Legal Deadline: Final, Statutory, October 24, 1992.

Abstract: This regulation governs the transfer of funds for Federal programs and rectifies problems arising when States administer Federal programs. These problems are: 1) the lack of codified funds transfer procedures; 2) States earning undue interest when they draw down Federal funds before the immediate need to make payments; and 3) States losing interest when they pay out their own funds because the Federal Government does not transfer funds timely. This regulation implements the Cash Management Improvement Act of 1990, which requires that: 1) Federal and State governments minimize the time between the transfer of funds from the U.S. Treasury and the redemption of checks by States; 2) the Secretary of the Treasury enter into an agreement with each State to codify funding techniques; 3) States pay the Federal Government interest on funds transferred before the immediate need to redeem checks; and 4) the Federal Government pay States interest when States expend their own funds for Federal programs. This regulation ensures that neither the Federal Government nor the States benefit or suffer financially when transferring funds.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	02/14/92	
Final Action Effective	10/24/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: It requires the Federal Government to reimburse the States for costs directly related to interest calculations.

Agency Contact: John Galligan, Project Manager, Cash Management Improvement Act, Department of the Treasury, Financial Management

TREAS—FMS

Proposed Rule Stage

Service, 401 14th Street, SW., Washington, DC 20227, 202 874-6935

RIN: 1510–AA19

2697. ● FEDERAL PAYMENTS THROUGH THE AUTOMATED CLEARING HOUSE METHOD (ACH)

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210, (Revision)

Legal Deadline: None

Abstract: Revision of 31 CFR Part 210 will support the Federal Reserve's All-Electronic ACH initiative by requiring receivers of Government ACH items to use the medium required by the FRB.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	04/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: George Henderson, Director, Payments Management Division, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Washington, DC 20227, 202 874-6610

RIN: 1510–AA20

DEPARTMENT OF THE TREASURY (TREAS)

Financial Management Service (FMS)

Final Rule Stage

2698. ● DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Significance: Agency Priority

Legal Authority: 31 USC 321; 5 USC 301

CFR Citation: 31 CFR 211

Legal Deadline: None

Abstract: This regulation is an amendment of 31 CFR part 211, which currently prohibits issuance of Government checks to or on behalf of persons residing in the former German Democratic Republic. The amendment will permit delivery of checks to that area. There is reasonable assurance that addressees living throughout unified Germany will be able to receive and negotiate for full value checks drawn against funds of the United States.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Anthony Torrice, Director, Product Integrity Division, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Washington, DC 20227, 202 874-6810

RIN: 1510–AA21

[FR Doc. 91–21598 Filed 10–18–91; 8:45 am]

BILLING CODE 4810-35-F

DEPARTMENT OF THE TREASURY (TREAS)

Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 724]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291 entitled "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive order within the next 6 months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the Federal Register of April 1992.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact" for the regulatory project.

For general information about this general notice, contact Angela Rogers-Shanks/Di-Anne B. Fletcher, Revenue Programs Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202) 927-8230.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Dated: August 20, 1991.

Stephen E. Higgins,

Director.

TREAS—BATF

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2699	27 CFR 9 American Viticultural Areas	1512-AA07
2700	27 CFR 4 Wine Labeling Regulation Issues	1512-AA31
2701	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69
2702	27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27	1512-AA72
2703	27 CFR 24 Wine Treating Materials and Processes	1512-AA89
2704	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2705	27 CFR 197 Nonbeverage Drawback	1512-AA20
2706	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2707	27 CFR 4.35 Winemaking Terminology	1512-AA70
2708	27 CFR 4.32 Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages; Disclosure of FD & C Yellow No. 6	1512-AA76
2709	27 CFR 16 Health Warning Statement on Labels of Alcoholic Beverages Request for Information	1512-AA82
2710	27 CFR 4 Standard Wine Containers	1512-AA87
2711	27 CFR 4.35 Winery Address for "Produced and Bottled By" on Wine Labels	1512-AA90
2712	27 CFR 55 Theatrical Flash Powder	1512-AA92
2713	27 CFR 178 Imported Parts	1512-AA93
2714	27 CFR 47 Part 47 Importation of Certain Items From Former Warsaw Pact Countries	1512-AA94
2715	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2716	27 CFR 4 Definition of "Brand Label" for Wine	1512-AA88

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2699. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/27/91	
NPRM	08/07/91	56 FR 37501
Final Action	01/00/92	

Atlas Peak Viticultural Area (contact Marj Dundas)
NPRM 08/07/91 (56 FR 37501)

Benmore Valley, CA (contact Charles Bacon)
NPRM 05/13/91 (56 FR 21971)

Santa Lucia Highlands, CA (contact David Brokaw)
NPRM 12/00/91

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: See Timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington DC 20226, 202 927-8230

RIN: 1512–AA07

2700. WINE LABELING REGULATION ISSUES

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: Wine labeling issues addressed: 1. Transported grapes to retain viticultural area designation 2. Certain wines allowed "other than standard" on label 3. Harvest date for fruit, berry and agricultural wines 4. Another use of the term "Estate Bottled" 5. Harvest terms for wine labeling.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington DC 20226, 202 927-8230

RIN: 1512–AA31

2701. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Legal Deadline: None

Abstract: As part of the recodification of Part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to Part 250 should considerably reduce the burden hours on industry.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, 202 927-8230

RIN: 1512–AA69

2702. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 27; 27 CFR 251

Legal Deadline: None

Abstract: To update and clarify regulations relating to the Importation of Distilled Spirits, Wine, and Beer and to incorporate related ATF Rulings into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Reisman, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington DC 20226, 202 927-8210

RIN: 1512–AA72

2703. ● WINE TREATING MATERIALS AND PROCESSES

Legal Authority: 26 USC Chapter 51

CFR Citation: 27 CFR 24

Legal Deadline: None

Abstract: The Bureau of Alcohol, Tobacco and Firearms (ATF) requests comments concerning whether the use of certain materials and processes is acceptable in "good commercial practice" in the production, cellar treatment, and finishing of wine. ATF also proposes to revise the definition of wine in 27 CFR 24.10 and to revise 27 CFR 24.257(a)(4) to change the alcohol tolerance which is allowed on wine labels where the wine contains less than 7 percent alcohol by volume.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert White, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512–AA89

TOBACCO PRODUCTS

2704. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Legal Deadline: None

Abstract: To reduce or eliminate administrative and recordkeeping burdens under 27 CFR Part 285.

Timetable:

Action	Date	FR Cite
NPRM	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Mary Wood, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington DC 20226, 202 927-8230

RIN: 1512–AA33

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Final Rule Stage

ALCOHOL

2705. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Legal Deadline: None

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	07/29/87	52 FR 28286
NPRM Comment Period End	10/29/87	
Final Action	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SMALL ENTITIES CONTINUED: This regulation affects approximately 500 small entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, **202 927-8210**

RIN: 1512–AA20

2706. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on domestic wine labels. In addition we are proposing a method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	
NPRM Comment Period Extended	04/08/86	51 FR 11944
NPRM Extended Comment Period End	07/07/86	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Colozzi, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington DC 20226, **202 927-8110**

RIN: 1512–AA67

2707. WINEMAKING TERMINOLOGY

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4.35

Legal Deadline: None

Abstract: ATF is proposing to define words denoting winemaking operations for use on wine labels in conjunction with the name and address of the bottler. This project partially fulfills the requirements of the court order in Wawskiewicz v. Department of the Treasury, 480 F. Supp. 739 (D.D.C. 1979), aff'd. in part, rev'd in part, 670 F.2d 296.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19361
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington DC 20226, **202 927-8230**

RIN: 1512–AA70

2708. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES; DISCLOSURE OF FD & C YELLOW NO. 6

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.32; 27 CFR 5.32; 27 CFR 7.22

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations by requiring the mandatory disclosure of FD & C Yellow No. 6 on labels of alcoholic beverages, because of evidence indicating the possibility of allergic-type reactions to the color additive. As in the case of FD & C Yellow No. 5, which also requires label disclosure under existing regulations FD & C Yellow No. 6 is used infrequently in the production of alcoholic beverages being limited to mostly cocktails, liqueurs, and other specialty products.

Timetable:

Action	Date	FR Cite
NPRM	09/04/87	52 FR 33603
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, **202 927-8230**

RIN: 1512–AA76

2709. HEALTH WARNING STATEMENT ON LABELS OF ALCOHOLIC BEVERAGES REQUEST FOR INFORMATION

Significance: Agency Priority

Legal Authority: 27 USC 215 and 217

CFR Citation: 27 CFR 16

Legal Deadline: None

Abstract: ATF is issuing this notice to obtain information which will enable the agency to make a determination as to whether the wording of the alcohol health warning statement should be amended. This action is taken by ATF in order to comply with section 206 of the Alcoholic Beverage Labeling Act of 1988 which requires a report to Congress if current available scientific information justifies a revision in the health warning statement.

Timetable:

Action	Date	FR Cite
NPRM	03/08/91	56 FR 10066
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts

Avenue NW., Washington, DC 20226, **202 927-8230**

RIN: 1512–AA82

2710. STANDARD WINE CONTAINERS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations to provide that standard wine containers shall be so made and formed so as not to mislead the purchaser. Wine containers shall be held (irrespective of the information container on the label) to be so made and formed as to mislead the purchaser if the Director determines, based on industry practice, or consumer understanding, that the size and shape of the container when considered in conjunction with the placement of the label and the packaging of the product, are likely to mislead the purchaser as to the identity of the product.

Timetable:

Action	Date	FR Cite
NPRM	02/06/91	56 FR 4770
NPRM Comment Period End	03/08/91	
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, **202 927-8230**

RIN: 1512–AA87

2711. ● WINERY ADDRESS FOR "PRODUCED AND BOTTLED BY" ON WINE LABELS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4.35

Legal Deadline: None

Abstract: ATF is soliciting comments on whether the meaning of "produced and bottled by" appearing on wine labels should be modified. The Wine Institute has petitioned ATF to permit this term to be used on wine labels even when producing and bottling activities take place or different locations, in cases when the bottling winery exercises control or ownership over the production winery, and when both wineries are located in the same viticultural areas. Under existing regulation the place where each activity occurs must be shown. On the basis of comments received, ATF will decide whether or not to propose this change.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/91	56 FR 29913
ANPRM Comment Period End	09/30/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Bacon, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, **202 927-8230**

RIN: 1512–AA90

FIREARMS

2712. ● THEATRICAL FLASH POWDER

Significance: Regulatory Program

Legal Authority: 18 USC 842

CFR Citation: 27 CFR 55

Legal Deadline: None

Abstract: At the present time the regulations require that individuals who use binary theatrical flash powder must be licensed for each region of ATF where they will perform this manufacturing. This regulation will provide that only one license will be needed by individuals who use commercially available kits which are used to make small quantities of this flash powder.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Deel, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, **202 927-8310**

RIN: 1512–AA92

2713. ● IMPORTED PARTS

Significance: Agency Priority

Legal Authority: 18 USC 922(q)

CFR Citation: 27 CFR 178

Legal Deadline: None

Abstract: Certain semi-automatic rifles are banned from importation. There are people who are currently assembling rifles identical to these banned weapons with the assembly being in the United States using imported parts. This regulation will ban the assembly of such weapons using imported parts.

Timetable:

Action	Date	FR Cite
NPRM	08/16/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Trainor, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, **202 927-8310**

RIN: 1512–AA93

2714. ● PART 47 IMPORTATION OF CERTAIN ITEMS FROM FORMER WARSAW PACT COUNTRIES

Legal Authority: 22 USC 2778

CFR Citation: 27 CFR 47

Legal Deadline: None

Abstract: Due to dramatic changes which have occurred in Eastern Europe and lifting of sanctions to allow trade with these countries we seek to amend 27 CFR Part 47 to allow the importation of sporting rifles, pistols, revolvers, their ammunition, and component parts from Czechoslovakia, Hungary and Poland.

Timetable:

Action	Date	FR Cite
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: A. Virginia Alford, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and

TREAS—BATF **Final Rule Stage**

Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, 202 927-8320

RIN: 1512–AA94

TOBACCO PRODUCTS

2715. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Significance: Agency Priority

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Legal Deadline: None

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1207
NPRM Comment Period End	03/13/87	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington DC 20226, 202 927-8210

RIN: 1512–AA28

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Completed Actions

2716. DEFINITION OF "BRAND LABEL" FOR WINE

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: ATF is proposing to amend the definition of "brand label" to make it consistent with the principal display panel approach of the fair Packaging and Labeling Act.

Timetable:

Action	Date	FR Cite
Merged with RIN 1512-AA87	08/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512–AA88

[FR Doc. 91-21599 Filed 10-18-91; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (OCC) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the OCC's previous semiannual agenda on April 22, 1991 (56 FR 17757), are also included. It is expected that this semiannual agenda will enable the public to be more aware of and allow it to more effectively participate in the OCC's regulatory activity.

ADDRESSES: The mailing address for all contacts: Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Nancy Lowther, Financial/Regulatory Analyst, Legislative and Regulatory Analysis Division, (202) 874-5090.

For additional information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The OCC has determined that none of the rulemakings discussed in this semiannual agenda require a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities" and, therefore, are not subject to the provisions of the Act. Additionally, none of the rules are major rules as defined by Executive Order 12291. Executive Order 12291 defines a "major rule" as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or

(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

Dated: August 23, 1991.

Robert L. Clarke,

Comptroller of the Currency.

Comptroller of the Currency—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2717	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AB00

Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2718	12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office Is Not a Party	1557-AA57
2719	12 CFR 11 Securities Exchange Act Disclosure Rules	1557-AA58
2720	12 CFR 16 Securities Offering Disclosure Rules	1557-AA65
2721	12 CFR 12 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA75
2722	12 CFR 7.7490 Messenger Service	1557-AA85
2723	12 CFR 31.2(c) Extensions of Credit to National Bank Insiders	1557-AA89
2724	12 CFR 3 Recourse Arrangements	1557-AA91
2725	12 CFR 3 Minimum Capital Ratios; Capital Treatment of Intangible Assets	1557-AA94
2726	12 CFR 16 On-Premises Securities Sales Activities	1557-AB02
2727	12 CFR 26 Management Official Interlocks	1557-AB03
2728	12 CFR 31 Insider Transactions and Conflicts of Interest	1557-AB07
2729	12 CFR 34.42 Real Estate Lending and Appraisals	1557-AB09

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2730	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2731	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2732	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA66
2733	12 CFR 4 Description of Office, Procedures, Public Information; Supervision of Bank Operations	1557-AA67
2734	12 CFR 32 Lending Limit	1557-AA72
2735	12 CFR 4 Description of Office, Procedures, Public Information	1557-AA77
2736	12 CFR 4 Minorities and Women Contractors Acquisition Outreach Program	1557-AA92
2737	12 CFR 3 Minimum Capital Ratios; Risk-Based Capital Guidelines	1557-AA96
2738	12 CFR 5.51 Rules, Policies, and Procedures for Corporate Activities: Changes in Directors and Senior Executive Officers	1557-AA97

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2739	12 CFR 32.2(d) Lending Limit	1557-AA32
2740	12 CFR 7.3400 Leasing of Personal Property	1557-AA80
2741	12 CFR 12.7 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA84
2742	12 CFR 21 Minimum Security Devices and Procedures, Reports of Crimes and Suspected Crimes and Bank Secrecy Compliance	1557-AA88
2743	12 CFR 25 Community Reinvestment Act Regulations	1557-AA98

TREAS—OCC

Comptroller of the Currency—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2744	12 CFR 19 Rules of Practice and Procedure	1557-AB05
2745	12 CFR 19 Rules of Practice and Procedure	1557-AB08

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Prerule Stage

2717. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC is proposing to amend 12 CFR 9 to address the conflicts of interest created when a national bank is the trustee to an issue of debt securities and enters into additional banking relationships with the issue or issuer, including, but not limited to, the following: securities underwriter, letter of credit enhancer, originator of loans to collateralize the debt securities, or a commercial credit provider. Such multiple roles may serve to reduce the quality of disinterested services provided to both issuers and investors and further expose the bank and the depositors to significant liabilities if investors or issuers suffer losses as a result of a bank trustee's failure to act in their best interests. To the extent possible, the OCC would like to ensure that national banks do not assume conflicting roles which may become unmanageable if the security goes into default. Although the opportunity for national banks to serve in more than one capacity with respect to a debt security issue is not new, there appears to be an increased interest by national banks to undertake multiple roles. The effect on small entities will be considered in the (cont)

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: development of this rulemaking.

ADDITIONAL AGENCY CONTACT: Dean E. Miller, Senior Advisor for Fiduciary Responsibilities, (202) 874-4810, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Rosemary Ponder Cole, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 250 E Street, SW., Washington, DC 20219, 202 874-5210

RIN: 1557–AB00

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Proposed Rule Stage

2718. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY

Legal Authority: 5 USC 301; 5 USC 552(b); 18 USC 641; 18 USC 1905; 18 USC 1906; 12 USC 93a; 12 USC 481

CFR Citation: 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b); 12 CFR 4.16(b); 12 CFR 4.13 to 4.17a

Legal Deadline: None

Abstract: This rule governs the release by the OCC of confidential documents and testimony for use in litigation in which the OCC is not a party. The OCC is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release might be authorized. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lester N. Scall, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 250 E Street, SW., Washington, DC 20219, 202 874-5280

RIN: 1557–AA57

2719. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78l(i)

CFR Citation: 12 CFR 11

Legal Deadline: None

Abstract: The proposed rule would amend Part 11, in light of recent changes to the Securities and Exchange Commission's regulations under the Securities Exchange Act of 1934. The OCC is required to promulgate regulations substantially similar to those of the Securities and Exchange Commission, and the amendments would assure that this goal is met. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeff Mace, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 250 E Street, SW., Washington, DC 20219, 202 874-5210

RIN: 1557–AA58

2720. SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1818; 12 USC 93a

CFR Citation: 12 CFR 16

Legal Deadline: None

Abstract: This regulation contains the OCC's disclosure requirements for securities offerings by national banks. The OCC is considering revisions which would clarify the coverage of the rule, specify the OCC's enforcement authority in connection with the rule, liberalize nonpublic offering requirements, provide for more meaningful disclosure requirements in public offerings, revise financial information requirements to be more consistent with 12 CFR 11, and where practicable, incorporate by reference provisions of 12 CFR 11. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Elizabeth Malone, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 250 E Street, SW., Washington, DC 20219, 202 874-5210

RIN: 1557–AA65

2721. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12

Legal Deadline: None

Abstract: This rulemaking will clarify securities and trust rules within the regulation, and will incorporate applicable portions of the Government Securities Act of 1986. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Compliance Policy, 250 E Street, SW., Washington, DC 20219, 202 874-4846

RIN: 1557–AA75

2722. MESSENGER SERVICE

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.7490

Legal Deadline: None

Abstract: This rulemaking is intended to update 12 CFR 7.7490 regarding national bank messenger services in order to more fully address the impact of recent court decisions. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jerome L. Edelstein, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5320

RIN: 1557–AA85

2723. EXTENSIONS OF CREDIT TO NATIONAL BANK INSIDERS

Legal Authority: 12 USC 93a; 12 USC 375a(4)

CFR Citation: 12 CFR 31.2(c)

Legal Deadline: None

Abstract: This rulemaking will clarify that capital and surplus limitations imposed on insider lending can be calculated as of the date a loan is made. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Adam L. Bialosky, Attorney, Legal Advisory Services Division, Department of the Treasury, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219, 202 874-5320

RIN: 1557–AA89

2724. RECOURSE ARRANGEMENTS

Legal Authority: 12 USC 93a; 12 USC 84; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3; 12 CFR 32; 12 CFR 325; 12 CFR 225

Legal Deadline: None

Abstract: After consideration of comments received as a result of the Federal Financial Institutions Examination Council's solicitation for public comment on recourse arrangements (55 FR 26766, June 29, 1990), OCC expects to issue a notice of proposed rulemaking on the appropriate capital and lending limit treatment of these arrangements. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Plaze, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA91

2725. MINIMUM CAPITAL RATIOS; CAPITAL TREATMENT OF INTANGIBLE ASSETS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking solicited public comment on the treatment of mortgage servicing rights held by national banks for the purpose of determining capital adequacy. The OCC requested comments on all aspects of this issue. Suggested topics included, but were not limited to: capital limits, recourse, valuation, revocation of mortgage servicing rights, mortgage servicing standards, and treatment of other intangible assets (especially core deposit intangibles). The OCC is analyzing the comments received. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/90	55 FR 40843
ANPRM Comment Period End	12/04/90	55 FR 40843
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACTS: Donna Duncan, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5070; Eugene W. Green, Deputy Chief Accountant, Office of the Chief National Bank Examiner, (202) 874-5180; Mark Winer, Deputy Director, Economic and Regulatory Policy Analysis, (202) 874-5220; or C. Stewart Goddin, Senior International Economic Advisor, International Banking and Finance, (202) 874-4730, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA94

2726. ON-PREMISES SECURITIES SALES ACTIVITIES

Legal Authority: 12 USC 93a; 12 USC 1818

CFR Citation: 12 CFR 16

Legal Deadline: None

Abstract: This proposed regulation will control the sale by national banks of their own and their affiliate's securities on the bank's public premises in order to avoid possible customer confusion and minimize the potential for fraud concerning the uninsured nature of the investments. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jeff Mace, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 250 E Street, SW., Washington, DC 20219, 202 874-5210

RIN: 1557–AB02

2727. MANAGEMENT OFFICIAL INTERLOCKS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 26

Legal Deadline: None

Abstract: The proposed revisions to the existing regulation will implement recent changes to the Depository Institution Management Interlock Act. The OCC will be working with the other Federal bank regulatory agencies to develop uniform implementing regulations. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	04/00/92	
Final Action	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: William Templeton, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5320

RIN: 1557–AB03

2728. ● INSIDER TRANSACTIONS AND CONFLICTS OF INTEREST

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 375; 12 USC 1818

CFR Citation: 12 CFR 31

Legal Deadline: None

Abstract: This rulemaking would regulate business dealings (other than extensions of credit) between a national bank and its directors, officers, principal shareholders, and related interests of such persons. The Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the Board of Governors of the Federal Reserve System are drafting similar rules. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Thede, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5310

RIN: 1557–AB07

2729. ● REAL ESTATE LENDING AND APPRAISALS

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 371; 12 USC 1701j-3; 12 USC 3331 et seq

CFR Citation: 12 CFR 34.42; 12 CFR 34.43

Legal Deadline: None

Abstract: The proposed rule would: (1) Eliminate the requirement for regulated institutions to obtain appraisals by certified or licensed appraisers for real estate related financial transactions having a value, as defined in the rule, of $100,000 or less; (2) permit regulated institutions to use appraisals prepared for loans insured or guaranteed by an agency of the Federal Government if the appraisal conforms to regulations or other written requirements of the

Federal insurer or guarantor; and (3) add a definition of "real estate" and "real property" to clarify that the appraisal regulation does not apply to mineral rights, timber rights, or growing crops. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Horace G. Sneed, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 240 E Street, SW., Washington, DC 20219, 202 874-5310

RIN: 1557–AB09

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Final Rule Stage

2730. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 5

Legal Deadline: None

Abstract: The OCC is engaged in a continuing review of its rules, policies and procedures governing corporate activities. The OCC proposes to outline the responsibility of the applicants for accurate and complete filings; to centralize the OCC's distribution of forms; to clarify procedures for changes in bank control; and to make several miscellaneous technical amendments. These proposals are expected to benefit the OCC by assisting the OCC in fulfilling its responsibility for maintaining the safety and soundness of national banks and the national banking system, and to improve OCC efficiency. The effect on small entities will be considered in the development of each rulemaking.

Timetable:

Action	Date	FR Cite
Applicants' Responsibility	00/00/00	
Change in Bank Control	00/00/00	
Forms Distribution	00/00/00	
Technical Amendments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheila Ogilvie, National Bank Examiner/Senior Licensing Policy and Systems Analyst, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 250 E Street, SW., Washington, DC 20219, 202 874-5060

RIN: 1557–AA00

2731. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 93a; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC is proposing to amend its regulations governing the exercise of fiduciary powers by national banks. The intent of these amendments is twofold: First, the proposed rule is intended to codify recent court decisions regarding collective Individual Retirement Account (IRA) funds; and second, the proposed rule is intended to liberalize and make less burdensome the requirements of 12 CFR 9.18, regarding the management of collective investment funds by institutions exercising fiduciary powers, in a manner which would preserve appropriate protection for trusts and persons with interests therein. In addition to the codification of recent court decisions that authorize national banks to establish collective IRA funds which are registered with the Securities and Exchange Commission under the Investment Company Act of 1940, the proposal also would authorize the establishment of such registered collective funds whose assets consist of Keogh accounts or any other retirement accounts authorized under sections 401 and 408 of the Internal Revenue Code (26 USC 401 and 408). The proposed rule would also eliminate certain Federal regulatory provisions which (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	47 FR 27833
NPRM	07/06/90	55 FR 24581
NPRM Comment Period End	07/06/90	55 FR 24581
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: presently (1) Limit the participation in certain collective investment funds, (2) limit the investment by the institution administering such funds, (3) prohibit the charging to a fund of costs and expense incurred by its managing institutions, and (4) prohibit the advertising by institutions managing certain types of funds. The proposal would also broaden the authorization for closed-end funds, streamline the approval process for new types of funds, clarify the authorization for investment by funds in variable-amount notes, and clarify the status of certain tax-exempt funds. The effect on small entities will be considered in the development of this rulemaking.

ADDITIONAL AGENCY CONTACT: Dean E. Miller, Senior Advisor for Fiduciary Responsibilities, (202) 874-4810, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Donald N. Lamson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 250 E Street, SW., Washington, DC 20219, 202 874-5210

RIN: 1557–AA04

TREAS—OCC

Final Rule Stage

2732. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 92a

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC proposes to amend this regulation to clarify the requirements concerning national bank fiduciary investment of uninvested or undistributed cash in fiduciary accounts. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/27/90	55 FR 26210
NPRM Comment Period End	08/27/90	55 FR 26210
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol Eve Robbins, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5300

RIN: 1557–AA66

2733. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION; SUPERVISION OF BANK OPERATIONS

Legal Authority: 12 USC 93a; 12 USC 164; 12 USC 481; 12 USC 1861 to 1867; 5 USC 552

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: This regulation amends the existing description of supervision of bank operations by the Office of the Comptroller of the Currency. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	08/06/90	55 FR 31840
NPRM Comment Period End	09/05/90	55 FR 31840
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James F. E. Gillespie, Jr., Assistant Director, Department of the Treasury, Comptroller of the Currency, Litigation Division, 250 E Street, SW., Washington, DC 20219, 202 874-5280

RIN: 1557–AA67

2734. LENDING LIMIT

Legal Authority: 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32; 12 CFR 7

Legal Deadline: None

Abstract: The OCC is considering a revision to the lending limit regulation. The revision will amend definitions, restructure and simplify the loan combination rules, and place an aggregate cap on loans to foreign governments. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/24/89	54 FR 43398
NPRM Comment Period End	01/22/90	54 FR 43398
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: William C. Kerr, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5070, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Deborah Katz, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA72

2735. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Legal Authority: 5 USC 552; EO 12600

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: This regulation implements recent amendments to the Freedom of Information Act (FOIA). The amendments concern Exemption 7 of the FOIA (relating to law enforcement records) and the provisions of the FOIA concerning fees and fee waivers. In addition, the regulation implements Executive Order 12600, which deals with predisclosure notification procedures for confidential commercial information. This regulation also makes technical changes to the OCC's existing FOIA regulation. This regulation, and the OCC's FOIA regulations in general, affect public disclosure of information by the OCC. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	08/10/89	54 FR 32820
NPRM Comment Period End	10/10/89	54 FR 32820
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Frank Vance, Jr., Disclosure Officer, (202) 874-4700, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Ferne Fishman Rubin, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA77

2736. MINORITIES AND WOMEN CONTRACTORS ACQUISITION OUTREACH PROGRAM

Legal Authority: 12 USC 93a; PL 101-73, 103 Stat 183, 529 (1989)

CFR Citation: 12 CFR 4

Legal Deadline: Final, Statutory, February 8, 1990.

Abstract: The regulation is being promulgated as mandated by the Financial Institutions Reform, Recovery and Enforcement Act of 1989, PL 101-73, 103 Stat 183, 529. The regulation will provide description of a procurement outreach program that will further ensure the utilization of qualified minorities and women, and entities owned by these individuals, to the greatest extent possible, in OCC contract action. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Richard A. Miller, Associate Director for Acquisitions, Administrative Services Division, (202) 874-5040, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Harold J. Hansen, Assistant Director, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5320

RIN: 1557–AA92

2737. MINIMUM CAPITAL RATIOS; RISK-BASED CAPITAL GUIDELINES

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: This proposed regulation would make various technical and conforming amendments to the risk-based capital guidelines applicable to national banks. These amendments would make a variety of changes to clarify the provisions relating to (1) the definition of central government, (2) the unused portion of commitments, (3) the calculation of the amount of the allowance for loan and lease losses included in Tier 2 capital, (4) the calculation of the limitation on subordinated debt and intermediate term preferred stock in Tier 2 capital, (5) the redemption of capital instruments, (6) the authority of the OCC to permit supervisory goodwill as capital, (7) the 25 percent limitation on qualifying intangibles, (8) local currency claims guaranteed by non-OECD central governments, (9) claims on non-OECD central banks, (10) assets sold with recourse, and (11) the definition of credit card lines. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/17/90	55 FR 42017
NPRM Comment Period End	12/17/90	55 FR 42017
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Donna Duncan, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5070; Eugene W. Green, Deputy Chief Accountant, Office of the Chief National Bank Examiner, (202) 874-5180; Mark Winer, Deputy Director, Economic and Regulatory Policy Analysis, (202) 874-5220; or C. Stewart Goddin, Senior International Economic Advisor, International Banking and Finance, (202) 874-4730, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA96

2738. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES: CHANGES IN DIRECTORS AND SENIOR EXECUTIVE OFFICERS

Legal Authority: 12 USC 93a; PL 101-73 FIRREA; 12 USC 1831i

CFR Citation: 12 CFR 5.51

Legal Deadline: None

Abstract: This temporary rule amending 12 CFR 5 implements Section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) by adding a new section 5.51. The new section requires certain national banks to file a notice with the OCC prior to adding or replacing a member of the board of directors, and prior to employing or changing the responsibilities of an individual to a position as senior executive officer. The OCC may disapprove any proposed board member or senior executive officer whose service is not considered to be in the best interests of the depositors of the national bank or the public. The regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7692
NPRM Comment Period End	05/04/90	55 FR 7692
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Frank R. Carbone, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5170; or Kathleen O'Brien, National Bank Examiner, Bank Organization and Structure Division, (202) 874-5060, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Jerome L. Edelstein, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5320

RIN: 1557–AA97

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

2739. LENDING LIMIT

Legal Authority: 12 USC 84(b)(1); 12 USC 84(d)(1); 12 USC 93a

CFR Citation: 12 CFR 32.2(d)

Legal Deadline: None

Abstract: This rulemaking will revise the definition of a "contractual commitment to advance funds" in response to comments received on the Temporary Rule on National Bank Lending Limits, at 53 FR 23752 (June 24, 1988). Comments were generally in favor of the temporary rule, but expressed concern about its impact on banks which had not experienced a decline in capital. This revision addresses those concerns through amendment of the definition of a "contractual commitment to advance funds." This action will return to banks some flexibility in monitoring their lending limits and outstanding loan commitments. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30054
NPRM Comment Period End	09/18/89	54 FR 30054
Final Action	06/06/91	56 FR 37272
Final Action Effective	08/06/91	56 FR 37272

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: William C. Kerr, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5070, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Deborah Katz, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA32

2740. LEASING OF PERSONAL PROPERTY

Legal Authority: 12 USC 1; 12 USC 24(7); 12 USC 24(10); 12 USC 93a

CFR Citation: 12 CFR 7.3400; 12 CFR 23

Legal Deadline: None

Abstract: The regulation interprets new statutory lease financing authority provided to national banks by Section 108 of the Competitive Equality Banking Act of 1987 (CEBA), codified at 12 USC 24(10). In addition to addressing national bank lease financing transactions entered under CEBA, the regulation incorporates Interpretive Ruling 7.3400, which addresses national bank lease financing authority previously interpreted as existing under 12 USC 24(7), as the functional equivalent of a loan. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53071
NPRM Comment Period End	02/26/90	54 FR 53071
Final Action	06/20/91	56 FR 28314
Final Action Effective	07/22/91	56 FR 28314

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Roth, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA80

2741. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12.7

Legal Deadline: None

Abstract: This rulemaking would broaden an exemption from requirements that banks maintain certain records and establish certain written policies and procedures. Under the proposal, the current exemption for banks with an average of less than 200 securities transactions per year is expanded to 1,000 transactions per year. The purpose of broadening the exemption from 200 transactions per year to 1,000 transactions per year is to reduce the regulatory burden on banks of all sizes that engage in a low number of securities transactions per year. Small entities are the primary beneficiaries of this burden-reducing amendment.

Timetable:

Action	Date	FR Cite
NPRM	08/09/89	54 FR 32653
NPRM Comment Period End	10/10/89	54 FR 32653
Withdrawn	04/11/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Compliance Policy, 250 E Street, SW., Washington, DC 20219, 202 874-4846

RIN: 1557–AA84

2742. MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF CRIMES AND SUSPECTED CRIMES AND BANK SECRECY COMPLIANCE

Legal Authority: 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884; 31 USC 5311 et seq; PL 101-73 FIRREA

CFR Citation: 12 CFR 21

Legal Deadline: None

Abstract: The OCC, in conjunction with the other depository institution regulatory agencies, has revised 12 CFR 21 to reflect changes in the technology of bank security devices, and to implement changes required by the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA). The revisions to Part 21 will serve the dual purpose of incorporating the amendments made to the Bank Protection Act of 1968 by FIRREA and providing depository institutions with the flexibility to avoid the problems of technical obsolescence that have occurred with the existing regulation. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	04/18/90	55 FR 14424
NPRM Comment Period End	06/18/90	55 FR 14424
Final Action	06/28/91	56 FR 29562
Final Action Effective	07/29/91	56 FR 29562

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Frank R. Carbone, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5170, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Scott R. Pratt, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA88

2743. COMMUNITY REINVESTMENT ACT REGULATIONS

Legal Authority: 12 USC 93a; PL 101-73 FIRREA; PL 95-128, 91 Stat 1147; 12 USC 2901 et seq; 12 USC 21; 12 USC 22; 12 USC 26; 12 USC 27; 12 USC 30; 12 USC 36; 12 USC 161; 12 USC 215; 12 USC 215a; 12 USC 481; 12 USC 1814; ...

CFR Citation: 12 CFR 25

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: This rulemaking addresses the disclosure and composition of the written evaluation required under the new section 807 of the Community Reinvestment Act of 1977 (CRA). This

provision requires each Federal depository institution regulatory agency to prepare a written evaluation of the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods. The mandated written evaluation will contain findings and conclusions pertaining to compliance with existing assessment factors which implement the statute. Additionally, the written evaluation will contain an overall rating judging the institution's CRA performance. These ratings are required to be disclosed to the public on and after July 1, 1990. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	06/28/90	55 FR 26624
NPRM Comment Period End	08/27/90	55 FR 26624
Final Action	06/12/91	56 FR 26899
Final Action Effective	07/12/91	56 FR 26899

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Dennis R. Deischer, National Bank Examiner, Consumer Activities Division, (202) 874-4810, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Robert J. Roth, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 250 E Street, SW., Washington, DC 20219, 202 874-5330

RIN: 1557–AA98

2744. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1817(j); 12 USC 1818; 12 USC 1820; 15 USC 78l(h); 15 USC 78l(i); 15 USC 78o-4(c); 15 USC 78o-5; 15 USC 78q-1; 15 USC 78u; 15 USC 78w; 5 USC 554 to 557; 12 USC 504; 12 USC 93b; 12 USC 1818(b); 12 USC 1972; ...

CFR Citation: 12 CFR 19

Legal Deadline: None

Abstract: In response to section 2547 of the Crime Control Act of 1990, P.L. No. 101-647, the OCC is revising its rules of administrative practice and procedure to provide that formal administrative hearings are open to the public unless the Comptroller determines that an open hearing would be contrary to the public interest. As provided in the statute, the interim rule states that the OCC may file documents under seal if disclosure of such documents would be contrary to the public interest. Finally, the interim rule also states that, as a general rule, any documents filed during a proceeding shall be available to the public. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Effective Date	05/16/91	
Interim Final Rule	05/16/91	56 FR 22638

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee Walzer, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 250 E Street, SW., Washington, DC 20219, 202 874-5090

RIN: 1557–AB05

2745. ● RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1820; 15 USC 78l(h); 15 USC 78l(i); 15 USC 78o-4(c); 15 USC 78o-5; 15 USC 78q-1; 15 USC 78u; 15 USC 78u-2; 15 USC 78u-3; 15 USC 78w; 5 USC 504; 5 USC 554 to 557; 12 USC 504; ...

CFR Citation: 12 CFR 19

Legal Deadline: Final, Statutory, August 9, 1991.

Abstract: In response to section 916 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, P.L. 101-73, the OCC, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the National Credit Union Administration developed a set of uniform rules and procedures for administrative hearings and promulgated provisions for summary judgment rulings where there are no disputes as to the material facts of a case. This regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27790
NPRM Comment Period End	07/17/91	56 FR 27790
Final Action	08/09/91	56 FR 38024
Final Action Effective	08/09/91	56 FR 38024

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barrett Aldemeyer, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 250 E Street, SW., Washington, DC 20219, 202 874-5090

RIN: 1557–AB08

[FR Doc. 91-21600 Filed 10-18-91; 8:45 am]

BILLING CODE 4810-33-F

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Public Law 96-354, the "Regulatory Flexibility Act," and Executive Order 12291 "Federal Regulation," Customs is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this

TREAS—CUSTOMS

agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The projects listed below are not considered to be "major" regulations within the meaning of E.O. 12291 and will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

Dated: August 7, 1991.

Karen J. Hiatt,

Deputy Assistant Commissioner, Office of Commercial Operations.

United States Customs Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2746	19 CFR 134 Country of Origin Marking	1515-AA59
2747	19 CFR 10 United States-Israel Free Trade	1515-AA84
2748	19 CFR 111 Broker Compliance	1515-AA85
2749	19 CFR 111.14 Contracting Out of Investigations	1515-AA90
2750	19 CFR 122 International, Landing Rights and User Fee Airports	1515-AA95
2751	19 CFR 132 Quota Processing	1515-AA98
2752	19 CFR 10 Marking Assembled Articles	1515-AB07
2753	19 CFR 142 Line Release	1515-AB08
2754	19 CFR 7.8 U.S. Insular Possessions—Duty-Free Treatment	1515-AB14
2755	19 CFR 24 Assessment of Liquidated Damages for Failure to Deposit Estimated Duties or to Remit Passenger Processing Fees to Customs	1515-AB15
2756	19 CFR 113 Constructive Seizure Bond	1515-AB16
2757	19 CFR 141.89 Invoice Requirements	1515-AB17
2758	19 CFR 101 Standards for the Establishment of Customs Services	1515-AB18
2759	19 CFR 102, (New) Rules of Origin	1515-AB19

United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2760	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22
2761	19 CFR 4 Customs User Fees	1515-AA50
2762	19 CFR 4 Harbor Maintenance Fee	1515-AA57
2763	19 CFR 162 Highest Degree of Care and Diligence to Prevent Unmanifested Narcotics and Marijuana	1515-AA67
2764	19 CFR 10 United States-Canada Free Trade Agreement	1515-AA75
2765	19 CFR 133 Enforcement of Protection of Semiconductor Chip Products; Patent Surveys	1515-AA81
2766	19 CFR 24 Donated Cargo Exemption From Harbor Maintenance Fee	1515-AA87
2767	19 CFR 171 Delegation of Additional Authority to Customs Field Officers in 1592 Proceedings	1515-AA91
2768	19 CFR 103 Dissemination of Manifest Data Tapes	1515-AA94
2769	19 CFR 122 Aircraft Arriving From Puerto Rico and U.S. Virgin Islands	1515-AA99
2770	19 CFR 103 Testimony or the Production of Documents in Court	1515-AB02
2771	19 CFR 10 Voluntary Restraint Arrangements—Steel	1515-AB04
2772	19 CFR 141 Assignment of Customs Bankruptcy Priority to Brokers/Sureties	1515-AB05
2773	19 CFR 191.61 Drawback Entries for Sugar	1515-AB09
2774	19 CFR 118, (New) Centralized Examination Stations	1515-AB10
2775	19 CFR 146 Dutiable Value of Merchandise Transferred From a Foreign Trade Zone	1515-AB11
2776	19 CFR 18.11 Air Waybill as In-Bond Document	1515-AB12

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2777	19 CFR 122 Air Carrier Smuggling Prevention Program	1515-AA78
2778	19 CFR 4 Electronic Release Notification	1515-AA80
2779	19 CFR 122 Documents Required Aboard Private Aircraft	1515-AB13

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Proposed Rule Stage

2746. COUNTRY OF ORIGIN MARKING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the requirement that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States, the English name of the country of origin of the article. Proposal would require that whenever the full or abbreviated name of a country or place other than the country of origin, or a symbol readily associated with a country or place other than the country of origin appears anywhere on a foreign article or its container, then the actual country of origin of the article must be marked on the article or its container in close proximity to each reference to the country or place not the country of origin, or a hang tag or sticker affixed to a highly conspicuous portion of the article.

Timetable:

Action	Date	FR Cite
NPRM in Treasury Review	02/22/88	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, Room 2112, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-2938

RIN: 1515–AA59

2747. UNITED STATES-ISRAEL FREE TRADE

Legal Authority: 99 Stat 82; 19 USC 2112

CFR Citation: 19 CFR 10

Legal Deadline: None

Abstract: Amends Customs Regulations to include for public information the legal and existing administrative rules under which the United States-Israel Free Trade Area is presently being conducted. Under this program, products of Israel are entitled to free or reduced rates.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maritza Castro, Operations Officer, Department of the Treasury, United States Customs Service, Room 1311, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-7090

RIN: 1515–AA84

2748. BROKER COMPLIANCE

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641

CFR Citation: 19 CFR 111

Legal Deadline: None

Abstract: Amendment of Customs Regulations to permit more effective management of the broker community's legal requirements and to allow Customs to deal with operational problems dealing with brokers and to facilitate processing license applications and the review of penalty recommendations forwarded by District Directors.

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Janiszewski, Chief, Broker Compliance and Evaluation Branch, Department of the Treasury, United States Customs Service, Room 1422, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8246

RIN: 1515–AA85

2749. CONTRACTING OUT OF INVESTIGATIONS

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641; 19 USC 1551; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 111.14; 19 CFR 112

Legal Deadline: None

Abstract: Amends Customs regulations to permit the contracting out of investigations which Customs is required to perform.

Timetable:

Action	Date	FR Cite
NPRM	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Algozzini, Project Officer, Department of the Treasury, United States Customs Service, Room B420, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 535-6194

RIN: 1515–AA90

2750. INTERNATIONAL, LANDING RIGHTS AND USER FEE AIRPORTS

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amends Customs regulations to clarify standards for permission to land at landing rights airports and for termination of user fee airport status, to update the list of user fee airports, and to improve the arrangement of the regulations regarding classes of airports.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Lovejoy, Inspector, Department of the Treasury, United States Customs Service, Room 4126, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8157

RIN: 1515–AA95

2751. QUOTA PROCESSING

Legal Authority: 19 USC 1624; 19 USC 1202; 19 USC 66; 19 USC 1623

CFR Citation: 19 CFR 132; 19 CFR 141; 19 CFR 142

Legal Deadline: None

Abstract: Proposal to permit certain filers using the automated broker interface who pay duties and taxes through the statement processing program using the ACH electronic payment mechanism to receive a date and time of presentation for quota merchandise consistent with the date

and time of arrival of the carrier on which the quota class merchandise was carried even if the Customs office is not open at that time.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Mays, Operations Officer, Department of the Treasury, United States Customs Service, ICC Building, Room 2379, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8592

RIN: 1515–AA98

2752. MARKING ASSEMBLED ARTICLES

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 10

Legal Deadline: None

Abstract: Amends Customs regulations to remove Section 10.22 under which articles must be marked with country of assembly when reported under Item 9802.00.80 of Harmonized Tariff Schedule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney-Advisor, Department of the Treasury, United States Customs Service, Room 2112, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-2938

RIN: 1515–AB07

2753. LINE RELEASE

Legal Authority: 19 USC 66; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1624

CFR Citation: 19 CFR 142

Legal Deadline: None

Abstract: Amends Customs regulations to incorporate automated line release system as the method of entering merchandise into the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Nolle, ACS Officer, Department of the Treasury, United States Customs Service, Room 2341, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-7907

RIN: 1515–AB08

2754. ● U.S. INSULAR POSSESSIONS—DUTY-FREE TREATMENT

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624

CFR Citation: 19 CFR 7.8

Legal Deadline: None

Abstract: Rule setting forth in detail the criteria which must be met to obtain duty-free treatment for products imported from U.S. insular possessions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Schreiber, Attorney Advisor, Department of the Treasury, United States Customs Service, Special Classification Branch, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5868

RIN: 1515–AB14

2755. ● ASSESSMENT OF LIQUIDATED DAMAGES FOR FAILURE TO DEPOSIT ESTIMATED DUTIES OR TO REMIT PASSENGER PROCESSING FEES TO CUSTOMS

Legal Authority: 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1623; 19 USC 1624; 26 USC 4461; 26 USC 4462; 31 USC 9701

CFR Citation: 19 CFR 24; 19 CFR 113; 19 CFR 142

Legal Deadline: None

Abstract: Proposed Customs regulations amendments permitting assessment of liquidated damages for failure to deposit estimated duties in a timely manner, or to remit passenger processing fees to Customs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeremy Baskin, Attorney Advisor, Department of the Treasury, United States Customs Service, Room 2138, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8317

RIN: 1515–AB15

2756. ● CONSTRUCTIVE SEIZURE BOND

Legal Authority: 19 USC 66; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 113

Legal Deadline: None

Abstract: Rule will create a process whereby a bond could be used to allow Customs to constructively seize property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Williams, Department of the Treasury, United States Customs Service, Room 1317, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8122

RIN: 1515–AB16

2757. ● INVOICE REQUIREMENTS

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1481; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 141.89

Legal Deadline: None

Abstract: Rule setting forth revised requirements for product descriptions on invoices pertaining to imported merchandise.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elliott Feldman, Operations Officer, Department of the

Treasury, United States Customs Service, Office of Trade Operations, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 343-9849

RIN: 1515–AB17

2758. ● STANDARDS FOR THE ESTABLISHMENT OF CUSTOMS SERVICES

Legal Authority: 5 USC 301; 19 USC 2; 19 USC 586; 19 USC 66; 19 USC 1202; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 101

Legal Deadline: None

Abstract: Notice of proposed rulemaking to amend part 101 to set forth standards and procedures for the establishment of Customs services and for the upgrading of existing facilities to port of entry status.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph O'Gorman, Department of the Treasury, United States Customs Service, Office of Inspection and Control, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8157

RIN: 1515–AB18

2759. ● RULES OF ORIGIN

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 46 USC app 3

CFR Citation: 19 CFR 102, (New); 19 CFR 4.80b(a); 19 CFR 10.12(e); 19 CFR 10.14(b); 19 CFR 10.171(c); 19 CFR 10.191(b)(3); 19 CFR 134.1(b), (d), and (e); 19 CFR 134.35; 19 CFR 177.22(a)

Legal Deadline: None

Abstract: Rule setting forth uniform standards for determining the country of origin of base metal products and of all products wholly obtained or produced in one country.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Valentine, Attorney Advisor, Department of the Treasury, United States Customs Service, International Nomenclature Staff, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8530

RIN: 1515–AB19

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Final Rule Stage

2760. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 19; 19 CFR 144

Legal Deadline: None

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as store operations in general. Work Plan 83-1 approved.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period End	09/19/83	
Notice of Status	07/07/86	51 FR 24535
Congressional Action PL 100-418	08/23/88	
NPRM	05/17/91	56 FR 22833
NPRM Comment Period End	08/15/91	56 FR 33733
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pat Duffy, Operations Officer, Department of the Treasury, United States Customs Service, Room 4414, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5354

RIN: 1515–AA22

2761. CUSTOMS USER FEES

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

CFR Citation: 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

Legal Deadline: Final, Statutory, July 7, 1986.

Abstract: Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles and merchandise arriving in the United States as well as for the payment of an annual fee by Customs brokers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/86	51 FR 21152
Final Rule Pending Internal Decision	05/01/88	
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Denise Crawford, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-9425

RIN: 1515–AA50

2762. HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 623; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272; PL 99-509; PL 99-662

CFR Citation: 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178

Legal Deadline: Final, Statutory, April 1, 1987.

Abstract: Amendments to the Customs Regulations to implement provisions of the Water Resources Development Act of 1986 which authorizes Customs to assess a harbor maintenance fee of 0.04 percent (.0004) on the value of commercial cargo loaded on or unloaded from a commercial vessel at a port unless specifically exempted from the fee. Proceeds of the fee are deposited in a trust fund for the U.S. Army Corps of Engineers to use for the improvement and maintenance of U.S. ports and harbors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/87	52 FR 10198
Interim Final Rule Public Comment Period End	08/28/87	
Comments Being Analyzed	02/08/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia Barbare, Department of the Treasury, United States Customs Service, Room 4118, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8301**

RIN: 1515–AA57

2763. HIGHEST DEGREE OF CARE AND DILIGENCE TO PREVENT UNMANIFESTED NARCOTICS AND MARIJUANA

Significance: Regulatory Program

Legal Authority: 19 USC 1584; 19 USC 1594; 19 USC 1595a; 21 USC 960; 21 USC 961; PL 99-570

CFR Citation: 19 CFR 162

Legal Deadline: Final, Statutory, February 17, 1989.
Required by 19 USC 1584 note.

Abstract: Amendment to the Customs Regulations relating to the liability of common carriers to penalties, seizure and forfeiture for unmanifested narcotic drugs or marijuana. The proposed changes would add to the regulations the statutory standard for the highest degree of care and diligence on the part of common carriers in preventing unmanifested drugs and marijuana. It also sets forth specific duties and procedures by which the standard is defined and against which compliance with the standard can be determined. These duties and procedures include such security measures as background investigations of employees, access restrictions to cargo areas, use of lighting in storage areas, and similar measures.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4835
NPRM Comment Period End	04/03/89	
Second NPRM	02/12/91	56 FR 5665
Second NPRM Comment Period End	03/14/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriett D. Blank, Attorney, Department of the Treasury, United States Customs Service, Room 1416, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8317**

RIN: 1515–AA67

2764. UNITED STATES-CANADA FREE TRADE AGREEMENT

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1481; 19 USC 1484; 19 USC 1499; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 58; 19 USC 1498

CFR Citation: 19 CFR 10; 19 CFR 24; 19 CFR 148

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Amends the Customs Regulations to implement the duty preferences of the United States-Canada Free Trade Agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/88	53 FR 51762
Comment Period End	02/21/89	
Comment Period Extended	03/23/89	54 FR 10322
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Valentine, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2307, Washington, DC 20229, **202 566-8530**

RIN: 1515–AA75

2765. ENFORCEMENT OF PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS; PATENT SURVEYS

Legal Authority: 17 USC 901 to 914; 19 USC 66; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 133; 19 CFR 12; 19 CFR 24

Legal Deadline: None

Abstract: This document proposes to amend the Customs Regulations to enable persons seeking protection from infringing semiconductor chip products (mask works) to obtain the assistance of Customs in preventing pirated chips from being imported into the United States. This would give rise to a process of Customs recordation of mask works similar to that for copyrights.

Timetable:

Action	Date	FR Cite
NPRM	10/04/89	54 FR 40882
NPRM Comment Period End	03/26/90	55 FR 2386
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Atwood, Director, Intellectual Property Rights Task Force, Department of the Treasury, United States Customs Service, Room 4117, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8933**

RIN: 1515–AA81

2766. DONATED CARGO EXEMPTION FROM HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 58a; 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; 19 USC 58b; 19 USC 58c

CFR Citation: 19 CFR 24

Legal Deadline: None

Abstract: Amends interim Customs Regulations relating to harbor maintenance fees. The interim regulations established a shipping fee for transporting cargo on specified U.S. waterways. The Act was amended to include an exemption for nonprofit organizations or cooperatives which own or finance cargo determined by Customs to be intended for use in

humanitarian or development assistance overseas. This amendment sets forth the applicability and terms of this exemption.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Barbare, Operations Officer, User Fee Task Force, Department of the Treasury, United States Customs Service, Room 4112, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8684

RIN: 1515–AA87

2767. DELEGATION OF ADDITIONAL AUTHORITY TO CUSTOMS FIELD OFFICERS IN 1592 PROCEEDINGS

Legal Authority: 19 USC 1592; 19 USC 66; 19 USC 1623; 19 USC 1624; 19 USC 1618

CFR Citation: 19 CFR 171; 19 CFR 172

Legal Deadline: None

Abstract: Proposal to delegate additional authority to Customs field officers to make decisions on petitions and supplemental petitions in section 1592 proceedings.

Timetable:

Action	Date	FR Cite
NPRM	08/08/90	55 FR 32265
NPRM Comment Period End	10/09/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra L. Gethers, Attorney, Department of the Treasury, United States Customs Service, Room 2114, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8317

RIN: 1515–AA91

2768. DISSEMINATION OF MANIFEST DATA TAPES

Legal Authority: 5 USC 301; 5 USC 552; 19 USC 66; 19 USC 1624; 31 USC 9701

CFR Citation: 19 CFR 103

Legal Deadline: None

Abstract: Rule to specify Customs policy for providing manifest data tapes to the public.

Timetable:

Action	Date	FR Cite
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Debbie Flickinger, Resource Management Specialist, Department of the Treasury, United States Customs Service, Room 7319, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5260

RIN: 1515–AA94

2769. AIRCRAFT ARRIVING FROM PUERTO RICO AND U.S. VIRGIN ISLANDS

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC app 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Rule to require aircraft arriving from Puerto Rico or U.S. Virgin Islands to comply with landing requirements for private aircraft arriving from areas south of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bamford, Enforcement Aviation Operations Officer, Department of the Treasury, United States Customs Service, Room 5303, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 535-9310

RIN: 1515–AA99

2770. TESTIMONY OR THE PRODUCTION OF DOCUMENTS IN COURT

Legal Authority: 5 USC 552; 19 USC 66; 19 USC 1624; 31 USC 9201

CFR Citation: 19 CFR 103

Legal Deadline: None

Abstract: Amend Customs Regulations to require subpoenaing parties to advise Customs of the nature of the case and testimony to be elicited.

Timetable:

Action	Date	FR Cite
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee H. Kramer, Attorney, Department of the Treasury, United States Customs Service, Room 2119, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8681

RIN: 1515–AB02

2771. VOLUNTARY RESTRAINT ARRANGEMENTS—STEEL

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 2253 note

CFR Citation: 19 CFR 10

Legal Deadline: None

Abstract: Amends Customs Regulations to set forth entry requirements applicable to imported steel products subject to voluntary restraint arrangements between the U.S. and certain steel-exporting countries. Action mandated by the Steel Import Stabilization Act, as amended by the Steel Trade Liberalization Program Implementation Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/90	55 FR 37701
Correction Document	10/22/90	55 FR 42556
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Crowe, Operations Officer, Department of the Treasury, United States Customs Service, Room 1303, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-9262

RIN: 1515–AB04

2772. ASSIGNMENT OF CUSTOMS BANKRUPTCY PRIORITY TO BROKERS/SURETIES

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624; 11 USC 507

TREAS—CUSTOMS **Final Rule Stage**

CFR Citation: 19 CFR 141

Legal Deadline: None

Abstract: Amend regulations to assign Customs priority status in bankruptcy under 11 USC 507(7)(f) to brokers acting as importer of record or sureties who assume liability for duties on behalf of an importer which subsequently files a petition in bankruptcy.

Timetable:

Action	Date	FR Cite
NPRM	03/06/91	56 FR 9311
NPRM Comment Period End	05/06/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Lehman, Attorney, Department of the Treasury, United States Customs Service, Room 3305, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5476

RIN: 1515–AB05

2773. DRAWBACK ENTRIES FOR SUGAR

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1313; 19 USC 1624; Presidential Proclamation No. 6179 (55 FR 38293)

CFR Citation: 19 CFR 191.61; 19 CFR 191.62

Legal Deadline: None

Abstract: Presidential Proclamation 6179 converted the then-existing absolute quota on the importation of sugars, syrups and molasses into a tariff-rate quota. The proclamation also continued current programs for the quota-exempt importation, under licenses issued by the Secretary of Agriculture, of raw cane sugar to be used for the production of polyhydric alcohols, or to be refined and reexported or used in sugar containing products that are exported. In order to aid the Department of Agriculture in monitoring the sugar drawback programs, the Customs Regulations are amended on an interim basis to require all sugar drawback entries be filed in the New York region. Centralized filing will allow the most efficient monitoring of sugar reexport programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Norman W. King, Attorney-Advisor, Office of Regulations and Rulings, Entry Rulings Branch, Department of the Treasury, United States Customs Service, Room 2222, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5856

RIN: 1515–AB09

2774. CENTRALIZED EXAMINATION STATIONS

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1499; 19 USC 1623; 19 USC 1924

CFR Citation: 19 CFR 118, (New)

Legal Deadline: None

Abstract: Proposes to add a new part 118 to the Customs Regulations setting forth a regulatory framework for the establishment, operation and termination of Centralized Examination Stations (CES). CES's are privately operated facilities at which imported merchandise is made available to Customs Inspectors for physical examination. By having centrally located work sites, Customs will better use its inspectional resources and clear higher volumes of cargo.

Timetable:

Action	Date	FR Cite
NPRM	07/23/91	56 FR 33734
NPRM Comment Period End	09/23/91	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Duffy, Inspector, Department of the Treasury, United States Customs Service, Room 4406, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8151

RIN: 1515–AB10

2775. DUTIABLE VALUE OF MERCHANDISE TRANSFERRED FROM A FOREIGN TRADE ZONE

Legal Authority: 19 USC 1401a(b)(1)(A) to 1401a(b)(1)(E); 19 USC 81C

CFR Citation: 19 CFR 146

Legal Deadline: None

Abstract: Amends Customs Regulations to provide that the dutiable value of merchandise transferred from a Foreign Trade Zone will include the specific costs enumerated in 19 USC 1401a(b)(1)(A-E), together with the price actually paid or payable for the merchandise in the transaction that caused its admission into the zone.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Lobred, Attorney, Commercial Rulings Division, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-2938

RIN: 1515–AB11

2776. AIR WAYBILL AS IN-BOND DOCUMENT

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1551; 19 USC 1552; 19 USC 1553; 19 USC 1624

CFR Citation: 19 CFR 18.11; 19 CFR 18.20; 19 CFR 122.92

Legal Deadline: None

Abstract: Amends the Customs Regulations to add specific mention of the availability of using an air waybill as an in-bond document. Use of the air waybill for this purpose facilitates the movement of cargo and the delivery of in-bond freight.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nat Aycox, Inspector, Department of the Treasury, United States Customs Service, Room 4402, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8151

RIN: 1515–AB12

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

2777. AIR CARRIER SMUGGLING PREVENTION PROGRAM

Significance: Regulatory Program

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC app 1509; 19 USC 1584 note

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amends Customs Regulations to establish an Air Carrier Smuggling prevention program. Congressionally mandated effort to increase carrier participation in anti-drug effort by providing incentives to program participants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/89	54 FR 47761
Comment Period End	01/16/90	54 FR 47761
Final Action	03/25/91	56 FR 12345
Final Action Effective	04/24/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ron Griffith, Inspector, Department of the Treasury, United States Customs Service, Room 4132, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-2140

RIN: 1515–AA78

2778. ELECTRONIC RELEASE NOTIFICATION

Legal Authority: 19 USC 66; 19 USC 1624; 46 USC 2; 46 USC 3

CFR Citation: 19 CFR 4

Legal Deadline: None

Abstract: Amends Customs Regulations to provide that Customs may notify parties of the release of their cargo by posting in each Customs district at the start of each business day a computer-generated list of shipments which have been authorized for release from Customs custody.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30696
NPRM Comment Period End	10/14/88	
Second NPRM	09/13/90	55 FR 37716
Second NPRM Comment Period End	10/15/90	
Final Action	05/15/91	56 FR 22328
Final Action Effective	06/14/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leo Morris, Inspector, Department of the Treasury, United States Customs Service, Room 4141, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8151

RIN: 1515–AA80

2779. DOCUMENTS REQUIRED ABOARD PRIVATE AIRCRAFT

Legal Authority: 19 USC 1433(d); 19 USC 66; 19 USC 1624

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amends Customs Regulations to require that the documents to be aboard private aircraft upon arrival in the United States, and to be presented upon request, must include a valid pilot license, and for U.S.-registered aircraft, a valid certificate of registration.

Timetable:

Action	Date	FR Cite
Final Action	07/15/91	56 FR 32085
Final Action Effective	08/14/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Esther Mandelay, Program Officer, Passenger Enforcement and Facilitation, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5607

RIN: 1515–AB13

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DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations that the Internal Revenue Service will be developing from October 1, 1991, through September 30, 1992. Determinations with respect to the agenda were made as of July 31, 1991. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Robert Boyer, (202) 377-9231, not a toll-free call, Regulations Unit, Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044, Attention: CC:CORP:T:R.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in April of 1992.

Description

This semiannual agenda of regulations lists all projects within the Internal Revenue Service (I.R.S.) as of July 31, 1991, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing

regulations under development by the Offices of the Assistant Chief Counsel (Corporate), Assistant Chief Counsel (Financial Institutions and Products), Assistant Chief Counsel (Income Tax and Accounting), Assistant Chief Counsel (Passthroughs & Special Industries), Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Assistant Chief Counsel (Criminal Tax), Assistant Chief Counsel (General Litigation), and Associate Chief Counsel (International), of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: The title, priority status; its effect, if any, on small business; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under Additional Information, there is provided the control number of the project within the Chief Counsel's office and the names and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2780	26 USC 0024 A Detailing of the Minimum Living Area Which Must Constitute a Bedroom for Purposes of Determining the Gross Rent Limitation Applicable to Rent-Restricted Units	1545-AO52
2781	26 USC 0042 A Detailing of the Suitability of a Unit for Occupancy for Purposes of Determining Whether a Unit May Be Treated as a Low-Income Unit	1545-AO53
2782	26 USC 0130 Income Tax—Part 1 Personal Injury Liability Assignments	1545-AF39
2783	26 USC 0135 Exclusion From Gross Income for Income From U.S. Savings Bonds Used To Pay Tuition and Fees	1545-AN18
2784	26 USC 0148 Recovery of Overpayments of Arbitrage Rebate	1545-AO15
2785	26 USC 0148(i) Allocation Rules for Bond Proceeds	1545-AO14
2786	26 USC 0274 Income Tax—To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2787	26 USC 0337(d) Application of General Utilities Repeal Regulatory Authority to RICs and REITs	1545-AL65
2788	26 USC 0337(d) Application of General Utilities Repeal Regulatory Authority to Certain Distributions Under Section 355	1545-AM34
2789	26 USC 0338 Application of Installment Method to Deemed Sale of Assets	1545-AM84
2790	26 USC 0368 Corporate Reorganization Amendments - Bankruptcy Tax Act of 1980	1545-AK33
2791	26 USC 0382 Corporate Contractions Under Section 382	1545-AO21
2792	26 USC 0382(k)(7) Foreign Corporate First Tier Entities	1545-AN61
2793	26 USC 0384 Limitation on Use of Preacquisition Losses to Offset Built-in Gains	1545-AM48
2794	26 USC 0446 Blocked Income	1545-AL85
2795	26 USC 0453 Income Tax—Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages	1545-AB46
2796	26 USC 0482 Section 482 Regulations	1545-AL80
2797	26 USC 0482 Section 482 Cost Sharing Regulations	1545-AM00
2798	26 USC 0672 Tax Treatment of Beneficiaries of Certain Foreign Grantor Trusts	1545-AP38
2799	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
2800	26 USC 0847 Special Estimated Tax Payments	1545-AN33
2801	26 USC 0860A Income Tax—Essential Issues Relating to Real Estate Mortgage Investment Conduits	1545-AJ35
2802	26 USC 0861 Interest and Dividends of 80-20 Companies	1545-AJ58
2803	26 USC 0882 Computation of Interest Expense Deduction	1545-AL84
2804	26 USC 0897(c)(3) FIRPTA Cleanup	1545-AJ72
2805	26 USC 0904 Resourcing Income to Prevent Avoidance of Foreign Tax Credit Limitation Rules Relating to Foreign Losses	1545-AN87
2806	26 USC 0932 Source Rules Within the Virgin Islands	1545-AL40
2807	26 USC 0952 Subpart F - Use of Deficits	1545-AJ71
2808	26 USC 0987 Computation of a Branch's Taxable Income Taxation of Exchange Gain or Loss on Branch Remittances	1545-AM12
2809	26 USC 1059 Income Tax—Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984	1545-AH41
2810	26 USC 1248 Income Tax—Gain from Sale or Exchange of Stock in Foreign Corporations	1545-AC31
2811	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
2812	26 USC 1502 Consolidated Alternative Minimum Tax	1545-AN73
2813	26 USC 4052 Excise Tax on Heavy Trucks, Truck Trailers, and Semitrailers, and Tractors. Modification of T.D. 8200	1545-AP59
2814	26 USC 4261 Aviation Tax Exemption for Certain Helicopters	1545-AO92
2815	26 USC 4611 Tax on Petroleum	1545-AJ23
2816	26 USC 4671 Chemical Tax Under Section 4461 and Imported Substance Tax Under Section 4671	1545-AL73
2817	26 USC 6011 Electronic Filing of Tax Returns	1545-AL01
2818	26 USC 6038 Information Reporting and Record Maintenance Under Section 6038C	1545-AP10
2819	26 USC 6114 6114 Reporting Requirements Waived	1545-AP35

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Sequence Number	Title	Regulation Identifier Number
2820	26 USC 6331 Levy and Distraint	1545-AM70
2821	26 USC 6334 Property Exempt From Levy	1545-AN46
2822	26 USC 6335 Sale of Seized Property	1545-AN47
2823	26 USC 6343 Authority To Release Levy and Return Property	1545-AN48
2824	26 USC 6655(j) Determining Large Corporation Status for Consolidated Return Groups Paying Estimated Tax	1545-AM75
2825	26 USC 6673 Award and Collection of Sanctions, Penalties, and Costs Awarded to the U.S. by a Court Other Than the Tax Court	1545-AO83
2826	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
2827	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
2828	26 USC 7409 Political Activity Injunction	1545-AO77
2829	26 USC 7508 Time for Performing Certain Acts Postponed by Reason of Service in Combat Zone	1545-AP90
2830	26 USC 7518 Treatment of Lease Payments as Qualified Withdrawals From a Capital Construction Fund Established Under Sec. 607(a) of the Merchant Marine Act of 1936	1545-AN90
2831	42 USC 0664 Proposed Amendments to the Procedure and Administration Regulations Under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc	1545-AH99

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2832	26 USC 0025(c) Mortgage Credit Certificates and Targeted Areas	1545-AO05
2833	26 USC 0041 Definition of Qualified Research and Computation of Research Credit Under Section 41 of the Code, After 1986 Act and 1989 Act	1545-AO51
2834	26 USC 0042 Low Income Housing Credit Recapture Rule	1545-AL12
2835	26 USC 0042 Application of Section 183 to Section 42; State Grants and Below Market State Loans	1545-AO90
2836	26 USC 0042 10-Year Waiver Regulations Under Section 42 IRC	1545-AO94
2837	26 USC 0042 Definitions of Terms and Certain Compliance Requirements Under Low Income Housing Credit	1545-AP50
2838	26 USC 0042 State Grants and Below-Market Loans	1545-AP99
2839	26 USC 0043 Credit for Costs Related to Enhanced Oil Recovery Projects	1545-AP64
2840	26 USC 0055 Income Tax—Alternative Minimum Tax	1545-AE80
2841	26 USC 0055 Minimum Tax Credit and Other Miscellaneous Rules Relating to the Alternative Minimum Tax	1545-AJ86
2842	26 USC 0056 Income Tax—Inventory Adjustment for the Alternative Minimum Tax	1545-AL02
2843	26 USC 0057 Income Tax-Minimum Tax; Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
2844	26 USC 0061 Amendment to the Regulations Under Section 61 to Conform the Treatment of Bond Premium Income to the Constant Yield Method	1545-AL92
2845	26 USC 0067 Notice of Allocation of Allocable Investment Expense	1545-AP97
2846	26 USC 0072 Loans Treated as Distributions	1545-AE41
2847	26 USC 0072 Ten Percent Additional Tax on Early Distribution From Qualified Plans	1545-AN16
2848	26 USC 0079 Removing Gender Distinction From Mortality Tables	1545-AK50
2849	26 USC 0079 Section 79 Table I Update	1545-AN54
2850	26 USC 0083 Study of Application of Section 302 and Section 1.83(d)	1545-AN55
2851	26 USC 0103 To Provide Regulations Under Section 147(b)—Relating to Limitation on Maturity of Private Activity Bonds	1545-AE69
2852	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2853	26 USC 0103 Definition of "Reissuance" Under Section 103	1545-AI65
2854	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2855	26 USC 0108 Income Tax—Discharge of Indebtedness	1545-AA67
2856	26 USC 0108 Consolidated Attribute Reduction Under Section 108(b)	1545-AP95
2857	26 USC 0108 Purchase Money Debt Reduction Treated as Price Reduction	1545-AQ00
2858	26 USC 0117(d) Qualified Tuition Reductions	1545-AI13
2859	26 USC 0119(d) Income Tax—Tax Treatment of Faculty Housing	1545-AJ21
2860	26 USC 0129 Dependent Care Assistance	1545-AN17
2861	26 USC 0131 Income Tax—Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2862	26 USC 0132 Taxation of Fringe Benefits and Exclusions From Gross Income of Certain Fringe Benefits	1545-AP74
2863	26 USC 0141 Definition of "Private Activity Bond", "Qualified Bond"	1545-AM01
2864	26 USC 0142 Tax-Exempt Bonds for Residential Rental Projects	1545-AJ66
2865	26 USC 0145 Qualified 501(c)(3) Bonds	1545-AJ39
2866	26 USC 0146 State Volume Cap for Tax-Exempt Bonds	1545-AJ37

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Sequence Number	Title	Regulation Identifier Number
2867	26 USC 0149 Advance Refundings	1545-AL91
2868	26 USC 0162 Income Tax—To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2869	26 USC 0162 Deductions with Respect to Noncash Fringe Benefits	1545-AM40
2870	26 USC 0163 Qualified Residence Interest	1545-AL67
2871	26 USC 0165 Section 165 Regulations	1545-AP33
2872	26 USC 0168 Income Tax—Accelerated Cost Recovery System	1545-AA87
2873	26 USC 0168 Modification of ACRS	1545-AJ38
2874	26 USC 0168(i)(4) General Asset Accounts Under the Accelerated Cost Recovery System	1545-AN82
2875	26 USC 0174 Definition of Research and Experimental Expenditures Under Section 174 of the Code	1545-AM92
2876	26 USC 0183 Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2877	26 USC 0195 Income Tax—To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2878	26 USC 0216 Distributions by Cooperative Housing Association	1545-AO91
2879	26 USC 0245 Deduction for Dividends Received from Certain Foreign Corporations	1545-AL94
2880	26 USC 0246A Income Tax—Debt-Financed Portfolio Stock	1545-AH39
2881	26 USC 0263A(f) Notice of Proposed Rulemaking—Capitalization of Interest Expense	1545-AK01
2882	26 USC 0269B Rules for Treatment of Foreign Corporation Whose Stock Is Stapled to the Stock of a Domestic Corporation	1545-AN20
2883	26 USC 0280A Income Tax—Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2884	26 USC 0280F Limitation of Deductions on Passenger Automobiles and Other Listed Property	1545-AN05
2885	26 USC 0280F The Substantiation of Deductions Claimed for the Use of Cellular Telephones and Computers in a Taxpayer's Trade or Business	1545-AP46
2886	26 USC 0302 Certain Attribution Rules and Certain Corporate Reorganizations	1545-AF13
2887	26 USC 0306 Amend Regulations on Section 306 Stock and Earnings and Profits in Light of Commissioner v. Clark	1545-AO35
2888	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK29
2889	26 USC 0338 Mandatory Application of MADSP Formula for Determination of Deemed Sale Price for Old Target's Assets	1545-AK25
2890	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition Under Section 338(h)(10)	1545-AK31
2891	26 USC 0338 Gain or Loss Ignored by Target Corporation Upon its Deemed Sale of Affected Target Stop	1545-AN85
2892	26 USC 0338 Amendment of Section 1.338-5T Regulations	1545-AO73
2893	26 USC 0338 Multiple Taxation	1545-AP02
2894	26 USC 0338 Information Reporting Requirements for Section 338 (h)(10) Transactions	1545-AP96
2895	26 USC 0338 Consistency Rules Under Section 338	1545-AQ05
2896	26 USC 0358 Income Tax—Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2897	26 USC 0361(a)(3) Fringe Benefit Sourcing Under Section 861	1545-AO72
2898	26 USC 0367 Section 361 Outbound Transfers of Property to Foreign Corporations	1545-AM97
2899	26 USC 0367 Transfers of Stock on Securities by U.S. Persons to Foreign Corporations	1545-AP81
2900	26 USC 0382 Computation of Section 382 Limitation	1545-AK27
2901	26 USC 0382 Section 382 Limitation on Groups Filing Consolidated Returns	1545-AL36
2902	26 USC 0382 Option Attribution Under Section 382(l)(5)	1545-AO11
2903	26 USC 0382 Reorganizations in Bankruptcy; Stock-for-Debt Exchanges; Use of Parent Corporation Stock; Triangular "G" Reorganizations	1545-AO30
2904	26 USC 0382 Amendments of Section 1.382-2T(r)(4)(x) To Except Additional Options From the Option Attribution Rules of Section 1.382-2T(h)(4)(i)	1545-AO54
2905	26 USC 0382 Short Taxable Years and Control Groups	1545-AP14
2906	26 USC 0382 Suspension of Partnership Income and Expenses Arising From Unpaid Guaranteed Payments Accrued by Certain Partners	1545-AP43
2907	26 USC 0382 Proposed Amendment to Temporary Regulations Section 1.382-2T	1545-AP79
2908	26 USC 0401 Permissibility of Section 401(h) Account in Combination with an ESOP	1545-AP88
2909	26 USC 0403 Nondiscrimination and Other Rules Applicable to Section 403(b) Annuities	1545-AI90
2910	26 USC 0409 Income Tax—Part 1; Estate Tax—Part 20, Employee Stock Ownership Plan Rules Affected by TRA 1986	1545-AI87
2911	26 USC 0410(b) Special Rules in Merger and Acquisition	1545-AM94
2912	26 USC 0412 Revising the Drafting of the Full Funding Limitation for Purposes of the Minimum Funding Requirement for Pension Plans	1545-AL53
2913	26 USC 0419 Treatment of Funded Welfare Benefit Plans	1545-AG14
2914	26 USC 0422A Incentive Stock Options	1545-AN26
2915	26 USC 0442 Inc. Tax—Part 1—Amendment of Section 1.442-1 to Provide Simplified Procedures for Changes of Annual Accounting Period by Certain Exempt Organizations	1545-AI68
2916	26 USC 0451 Changes to Method of Accounting for Certain Taxpayers Using Accrual Method of Accounting for Redemption of Trading Stamps and Coupons Pursuant to Section 461(H) of the Code	1545-AP04
2917	26 USC 0453 Income Tax—Gain or Loss on the Disposition of an Installment Obligation	1545-AB41

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Sequence Number	Title	Regulation Identifier Number
2918	26 USC 0453 Income Tax—Installment Sales Between Related Parties	1545-AB45
2919	26 USC 0453 Income Tax Regulations—Part 1—Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
2920	26 USC 0457 Income Tax—Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations	1545-AI89
2921	26 USC 0465 Extension of the At-Risk Rules	1545-AF86
2922	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI02
2923	26 USC 0465 Application of At-Risk Limitations to the Holding of Real Property	1545-AK08
2924	26 USC 0465 Regulations will Provide Guidance on What Constitutes an Interest Other Than That of a Creditor	1545-AO32
2925	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81
2926	26 USC 0468A Disposition of an Interest in a Nuclear Power Plant	1545-AN06
2927	26 USC 0469(l) Limitations on Passive Activity Losses and Credits-Self Charged Items	1545-AN64
2928	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK64
2929	26 USC 0512(b) Taxation of Tax-Exempt Organizations' Income from Ordinary and Routine Investments in Connection with a Securities Portfolio	1545-AP93
2930	26 USC 0514 Income Tax—Unrelated Trade or Business Income	1545-AE00
2931	26 USC 0514(c)(9)(E) Taxation of Certain Qualified Exempt Organizations on Income from Debt-Financed Property Owned Through a Partnership	1545-AO78
2932	26 USC 0593 Bad Debt Reserve Recapture for Thrift Institutions	1545-AO69
2933	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00
2934	26 USC 0597 Tax Consequences of Federal Financial Assistance Provided in Connection with Taxable Asset Acquisitions of Troubled Financial Institutions	1545-AN71
2935	26 USC 0612 Income Tax—Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
2936	26 USC 0643 Property Distributed in Kind and Treatment of Multiple Trusts (Sec: 81 and 82 of The Tax Reform Act of 1984)	1545-AI06
2937	26 USC 0643 Clarification of Section 1.643(a)(3) Relating to the Inclusion of Capital Gain in Distributable Net Income	1545-AI31
2938	26 USC 0667 Accumulation Trusts	1545-AM78
2939	26 USC 0671 Revision of Reporting Requirements for Grantor Trusts	1545-AN77
2940	26 USC 0672 Income Taxation of Trusts and Estates	1545-AJ20
2941	26 USC 0679 Foreign Grantor Trusts	1545-AO75
2942	26 USC 0704(c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
2943	26 USC 0706 Income Tax—Items Allocated to Portion of Year Partner Held Interest	1545-AB81
2944	26 USC 0707 Income Tax—Treatment of Payments to Partners Not Acting in Their Capacity as Partners	1545-AG83
2945	26 USC 0707 Treatment of Transactions Between Partners and Partnership	1545-AH22
2946	26 USC 0732 Distribution of Corporate Stock to a Corporate Partner	1545-AP40
2947	26 USC 0761 Section 761 Election by Natural Gas Producers	1545-AP23
2948	26 USC 0642 Taxation of Foreign Insurance Companies Doing Business in the United States Including the Explication of the Minimum Net Investment Income Calculation	1545-AN31
2949	26 USC 0842(b) Foreign Insurance Companies	1545-AL82
2950	26 USC 0860F Extension of Time for Real Estate Mortgage Investment Conduits to Provide Reporting Information	1545-AP73
2951	26 USC 0861 Recomputation of Allocation and Apportionment of Deduction for State Income Taxes	1545-AP86
2952	26 USC 0863 Transportation Income Source Rules	1545-AJ68
2953	26 USC 0863 Proposed Income Tax Regulations Under the Tax Reform Act of 1986 —Source of Income Rules for Income Derived from Space and Ocean Activities Including Telecommunications	1545-AJ84
2954	26 USC 0864 Tiered Partnership Rules	1545-AO26
2955	26 USC 0864(c)(6) Treatment of Deferred Payments and Appreciation Arising Out of Business Conducted Within the United States	1545-AM53
2956	26 USC 0865 Source Rules for Personal Property Sales	1545-AJ83
2957	26 USC 0872(b) Income Tax—Reciprocal Exemptions for Certain Transportation Income	1545-AJ57
2958	26 USC 0897 Income Tax—Partnership Rules Regarding Taxation of Foreign Investment in United States Real Property Interests	1545-AL77
2959	26 USC 0902 Deemed Paid Credit Under Sections 902 and 960 Determined on Accumulated Basis	1545-AL98
2960	26 USC 0902 Conforming Taxable Years of CFCs and FPHCs: 1989 Change	1545-AO22
2961	26 USC 0904(c) Carryback and Carryforward of Foreign Tax Credits	1545-AM18
2962	26 USC 0904(d) Separate Application of Section 904 With Respect to Certain Categories of Income	1545-AM54
2963	26 USC 0904(f) Clarification of Treatment of Separate Limitation Losses	1545-AM11
2964	26 USC 0905 Section 905(b) Regulations	1545-AP36
2965	26 USC 0931 Exclusion of Possession Source Income from Gross Income of Certain Individuals and Treatment of Corporations Organized in Guam, Samoa or CNMI	1545-AJ80
2966	26 USC 0932 Coordination of U.S. and Virgin Islands Taxes	1545-AJ55
2967	26 USC 0936(h) Amendment of Section 936(h) with Respect to Election of Product	1545-AK77

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Sequence Number	Title	Regulation Identifier Number
2968	26 USC 0953(d) Foreign Insurance Company - Domestic Election	1545-AO25
2969	26 USC 0955 Subpart F Shipping Amendments	1545-AM46
2970	26 USC 0964 Effect of Acquisitive Reorganizations on Earnings and Profits Pools	1545-AO71
2971	26 USC 0986 Determination of Foreign Taxes and Foreign Corporation's Earnings and Profits	1545-AN37
2972	26 USC 0988 Mark to Market Method of Accounting under Section 988	1545-AP78
2973	26 USC 0992 DISC Regulation Modification	1545-AO76
2974	26 USC 0993 DISC Regulations	1545-AM05
2975	26 USC 1017 Basis Reduction Due to Cancellation of Indebtedness	1545-AP77
2976	26 USC 1058 Sourcing of Pass-Through Payments and Fees Paid in International Short Sales of Stock	1545-AN34
2977	26 USC 1058 Sourcing of Pass-Through Payments and Fees Paid in International Short Sales of Stock	1545-AP71
2978	26 USC 1060 Guidance Concerning the Amendments Made to Section 1060 by the Omnibus Reconciliation Act of 1990	1545-AP94
2979	26 USC 1092 Income Tax—Tax Straddles	1545-AC21
2980	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL89
2981	26 USC 1253 Income Tax—To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
2982	26 USC 1254 Income Tax—Gain from Disposition of Interest in Oil, Gas, Geothermal or Other Mineral Properties by S Corporations and Their Shareholders	1545-AM98
2983	26 USC 1256(e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI59
2984	26 USC 1256(e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI72
2985	26 USC 1291 Treatment of Shareholders of Passive Foreign Investment Companies	1545-AC06
2986	26 USC 1295 QEF Shareholder Election	1545-AM41
2987	26 USC 1366 Income Tax—Pass-Through of S Corporation Items to Shareholders	1545-AE85
2988	26 USC 1367 Income Tax—Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
2989	26 USC 1371 Income Tax—Application of Subchapter C Rules to S Corporations	1545-AE90
2990	26 USC 1374 Cross-Reference—Application of Section 1374 Built-in Gains Tax C Corporations Electing S Corporation Status	1545-AK93
2991	26 USC 1377 Income Tax—Definitions and Special Rules Pertaining to S Corporation	1545-AE94
2992	26 USC 1441 General Revision of Section 1441 Regulations	1545-AO27
2993	26 USC 1491 Revision of Regulations Under Sections 1491, 1492, and 1494	1545-AN39
2994	26 USC 1492 Nontaxable Transfers Under Section 1491	1545-AL96
2995	26 USC 1502 Income Tax—Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns	1545-AC55
2996	26 USC 1502 Clarifying Deletion of Requirement of Section 1.1502-47(d)(12) (C) That in Applying the Tacking Rule, Profit Life Activities Not Be Separated From Loss Life Activities	1545-AI98
2997	26 USC 1502 Consolidated Returns	1545-AL44
2998	26 USC 1502 Revision of Section 1.1502-33	1545-AL60
2999	26 USC 1502 Payment of Refunds to Certain Fiduciaries of Insolvent Members of Affiliated Groups	1545-AM74
3000	26 USC 1502 Transactions Between Members Involving Common Nontaxable Exchanges	1545-AN25
3001	26 USC 1502 Modification of Rules Relating to Intercompany Transactions	1545-AP06
3002	26 USC 1502 Limitations on the Use of Certain Losses and Built-in Deductions	1545-AP15
3003	26 USC 1504 Income Tax—Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
3004	26 USC 1504 Income Tax—Amendment of Regulations Under Section 1504(a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
3005	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
3006	26 USC 2032 Estate Tax—Valuation of Certain Farm, etc. Real Property	1545-AC62
3007	26 USC 2039 Estate Tax Annuity Exclusion Repeal	1545-AP60
3008	26 USC 2055 Reformation of Charitable Transfers; Definition of Guaranteed Annuity and Lead Unitrust Interest	1545-AO31
3009	26 USC 2056 Alien Spouse Marital Deduction	1545-AM85
3010	26 USC 2104 Situs of Partnership Interests Held by a Nonresident Alien for Estate Tax Purposes	1545-AP07
3011	26 USC 2518 Disclaimer of Joint Property	1545-AP65
3012	26 USC 2663 Estate Tax—Generation-Skipping Transfer Tax	1545-AL75
3013	26 USC 2704 Explain Rules under New Section 2704	1545-AM86
3014	26 USC 3306 Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
3015	26 USC 4081 Improvements in Administration of Gasoline Excise Tax	1545-AP48
3016	26 USC 4091 Excise Tax on Diesel Fuel	1545-AL43
3017	26 USC 4121 Coal Tax	1545-AQ02
3018	26 USC 4218 Personal Use Exemption Contained in Reg. Section 48.4218-2	1545-AP47
3019	26 USC 4251 Revision and Update of Communications Tax Regs	1545-AP67
3020	26 USC 4261 Revision and Update of Air Transportation Tax Regs	1545-AP68
3021	26 USC 4940 Income Tax—Excise Tax—Procedure and Administration—Various Private Foundation Provisions	1545-AG18

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Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3022	26 USC 4980 Excise Tax—Part 54, Reversion of Qualified Plan Assets to Employer	1545-AI82
3023	26 USC 6011(a) TeleFile Using Voice Print Signature	1545-AP17
3024	26 USC 6011(a) TeleFile Using Voice Print Signature	1545-AP89
3025	26 USC 6033 Amendment of Section 1.6033-2 (g) (5) Relating to Returns by an Integrated Auxiliary of a Church	1545-AI52
3026	26 USC 6038 Information Returns Required of United States Persons With Respect to Certain Foreign Corporations	1545-AQ06
3027	26 USC 6039E Information From Passport and Immigration Applicants	1545-AJ93
3028	26 USC 6041 Amendment to Regulations to Specify Requirements for Substitute Information Reporting Statements	1545-AO98
3029	26 USC 6045 Broker Reporting of Option Transactions	1545-AO40
3030	26 USC 6046A Income Tax Regulations Relating to Returns as to Interests in Foreign Partnerships	1545-AK75
3031	26 USC 6047 Employment Tax—Reporting of Plan Distributions and Withholding From Pensions, Annuities, and Other Deferred Income	1545-AL54
3032	26 USC 6049 Income Tax—To Require Issuers of Certificates of Deposit to Furnish Issue Price to Brokers	1545-AK36
3033	26 USC 6051 IRC Section 6051	1545-AN57
3034	26 USC 6081 Automatic Extension of Time for Filing Individual Income Tax Return	1545-AP39
3035	26 USC 6159 Agreements for Payment for Tax Liability in Installments	1545-AM66
3036	26 USC 6166 Estate Tax—Procedure and Administration—Deferral and Installment Payment of Estate Tax	1545-AD23
3037	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
3038	26 USC 6244 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
3039	26 USC 6302 Railroad Unemployment Repayment Tax	1545-AN40
3040	26 USC 6302 Deposits of Employment Taxes	1545-AP91
3041	26 USC 6302 Deposit of Tax Withheld From Non-Resident Aliens and Others	1545-AP92
3042	26 USC 6302(c) Amendments to Section 40.6302 Relating to Computing Deposits of Communication and Air Transportation Taxes	1545-AQ04
3043	26 USC 6311 Procedure and Administration Regulations—Payment of Taxes by Check or Money Order and Liability of Financial Institutions for Unpaid Taxes	1545-AI24
3044	26 USC 6323 Notice of Lien on Personal Property	1545-AM64
3045	26 USC 6325 Procedure and Administration—Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
3046	26 USC 6332 Effect of Honoring a Levy	1545-AM72
3047	26 USC 6337 Requirement for Guaranteed Remittance to Redeem Property	1545-AN44
3048	26 USC 6402 Abatements, Credits, and Refunds—Special Rules for an Insolvent Financial Institution That Was a Member of a Consolidated Group	1545-AP57
3049	26 USC 6503 Suspension of Running of Period of Limitations during Proceeding to Enforce Designated Summons	1545-AQ01
3050	26 USC 6611(b)(1) Change of Due Dates for Certain Amounts Against Which an Overpayment is Credited	1545-AO79
3051	26 USC 6621 Differential Interest Rates and Expanded Crediting of Overpayments Against Underpayments	1545-AK06
3052	26 USC 6656 Failure to Make a Deposit of Taxes	1545-AO87
3053	26 USC 6695 Use of Facsimile Signatures by Income Tax Return Preparers of Forms 1041, U.S. Fiduciary Income Tax Returns	1545-AL49
3054	26 USC 6867 Income Tax—Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
3055	26 USC 7425 Forfeiture of Land Sales Contract With Respect to Discharge of Federal Tax Lien	1545-AK24
3056	26 USC 7425 Redemptions of Real Property Under IRC 7425 - Excess Expenses	1545-AL20
3057	26 USC 7426 Wrongful Levy Actions Involving Government Agencies	1545-AO60
3058	26 USC 7430 Recovery of Administrative Costs	1545-AN02
3059	26 USC 7520 Estate and Gift Tax Valuation Tables	1545-AM81
3060	26 USC 7609 Extension of Statute of Limitations in John Doe Summons Disputes	1545-AM67
3061	26 USC 7654 Coordination of U.S. and Certain Possession Income Taxes	1545-AL18
3062	26 USC 7654 Coordination of U.S. and Certain Possession Income Taxes	1545-AP85
3063	26 USC 7701 Taxable Mortgage Pools	1545-AP98
3064	26 USC 7702 Definition of Life Insurance Contract	1545-AL08
3065	26 USC 7704 Certain Publicly Traded Partnerships Treated as Corporations	1545-AL57
3066	26 USC 7704 Certain Publicly Traded Partnerships Treated as Corporations—Transition Provisions	1545-AN92

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3067	26 USC 0025 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
3068	26 USC 0025 Income Tax—Information Reporting for Mortgage Credit Certificates	1545-AI39

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Sequence Number	Title	Regulation Identifier Number
3069	26 USC 0025(c) Mortgage Credit Certificates in Targeted Areas	1545-AN93
3070	26 USC 0042 Low-Income Housing Credit Allocation Rules and Information Reporting Requirements	1545-AJ65
3071	26 USC 0042 FIRREA Regulations	1545-AP16
3072	26 USC 0042 Special Rules to Avoid Substantial Distortion for Recovery of Basis on a Contingent Sale	1545-AP41
3073	26 USC 0048 Income Tax—Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property is Financed by Subsidized, Etc	1545-AA26
3074	26 USC 0048(q) Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06
3075	26 USC 0056 Income Tax—Inventory Adjustment for the Alternative Minimum Tax	1545-AL03
3076	26 USC 0056(g) Adjusted Current Earnings	1545-AP58
3077	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK20
3078	26 USC 0058(h) Application of Section 58(h) of the 1954 Code to Situations Involving NOL Carrybacks	1545-AO36
3079	26 USC 0061 Income Tax-Nonqualified Salary Reduction Agreements	1545-AA35
3080	26 USC 0061 Taxation of Fringe Benefits and Exclusions From Gross Income of Certain Fringe Benefits	1545-AP72
3081	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ49
3082	26 USC 0071 Treatment of Transfer of Property Between Spouses, Tax Treatment of Alimony and Separate Maintenance Payments, and Dependency Exemption in the Case of Child of Divorced Parents	1545-AI49
3083	26 USC 0079 Proposed Uniform Premium Table	1545-AN51
3084	26 USC 0089 Nondiscrimination Rules for Non-Pension Employee Benefit Plans	1545-AI78
3085	26 USC 0103 Income Tax—Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
3086	26 USC 0103 Income Tax—To Define the Term "Principal User of a Facility"	1545-AA56
3087	26 USC 0103 Income Tax—Mortgage Subsidy Bonds	1545-AA63
3088	26 USC 0103 To Provide Regulations Requiring Certain Debt Obligations to be Issued in Registered Form	1545-AE18
3089	26 USC 0103 To Provide Regulations Under Section 103(k) and (l)—Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
3090	26 USC 0103 Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
3091	26 USC 0103(b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
3092	26 USC 0103(c) Clarification Regarding the Conclusiveness of the Certification Under Section 1.103-13(a)(2) of the Income Tax Regulations	1545-AN08
3093	26 USC 0108 Proposed Regulations Under Section 108; Discharge of Indebtedness	1545-AP19
3094	26 USC 0108(e)(4) Income from Discharge of Indebtedness—Acquisition of Indebtedness by Person Related to the Debtor	1545-AP28
3095	26 USC 0112 Combat Zone Compensation of Members of the Armed Forces	1545-AP53
3096	26 USC 0116 Partial Exclusion of Dividends and Interest Received by Individuals	1545-AM73
3097	26 USC 0117 Exclusion of Qualified Scholarships and Fellowships from Gross Income	1545-AJ87
3098	26 USC 0125 Income Tax—Tax Treatment of Cafeteria Plans	1545-AD63
3099	26 USC 0126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
3100	26 USC 0148 Arbitrage Restrictions on Tax-Exempt Bonds	1545-AJ67
3101	26 USC 0148 Yield Adjustment Payment Rules for Qualified Student Loan Bonds	1545-AO19
3102	26 USC 0148 Clarifying When Proceeds of an Obligation Described in Section 103(a) Allocated to Reimburse Previously Paid Expenditures are Deemed Spent for Purposes of Section 148 of the Code	1545-AO37
3103	26 USC 0148(a) Subsequent Intentional Acts to Earn Arbitrage and the Reasonable Expectations Test for Arbitrage Bonds	1545-AN69
3104	26 USC 0148(f) 2-Year Arbitrage Rebate Exception	1545-AO33
3105	26 USC 0149 Information Reporting for Tax-Exempt Bonds	1545-AJ63
3106	26 USC 0149(b)(3)(B) Exceptions From Prohibition of Federal Guarantees—Permitted Investments of Tax Exempt Bond Proceeds	1545-AP11
3107	26 USC 0162(k) Continuation Coverage Requirements of Group Health Plans	1545-AI93
3108	26 USC 0163 Income Tax Regulations—Limitations on Deductions for Nonbusiness Interest	1545-AK17
3109	26 USC 0163 Earnings Stripping Payments	1545-AO24
3110	26 USC 0165 Income Tax Regulations—Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
3111	26 USC 0166 Conclusive Presumption of Worthlessness—Banks	1545-AP69
3112	26 USC 0168 Tax-Exempt Entity Leasing	1545-AH76
3113	26 USC 0168(d) Applicable Conventions Under the Accelerated Cost Recovery System	1545-AN81
3114	26 USC 0170 Deductions in Excess of $5000 Claimed for Charitable Contributions of Certain Property	1545-AL09
3115	26 USC 0179 Election to Expense Certain Depreciable Assets	1545-AL74
3116	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions	1545-AD59
3117	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions	1545-AD66
3118	26 USC 0263A Capitalization and Inclusion in Inventory Costs of Certain Expenses	1545-AK05
3119	26 USC 0263A(f) Capitalization of Interest Expense Relating to Production of Property	1545-AK03
3120	26 USC 0267 Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AN19

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3121	26 USC 0267(a)(3) Deductions of Amounts Owed to Related Foreign Persons Under Sections 267(a)(3) and 163(e)(3)	1545-AN83
3122	26 USC 0269 Income Tax—Personal Service Corporations	1545-AF11
3123	26 USC 0269 Application of Section 269 to Ownership Changes Described in Section 382(L)(5) When There is No Continuity of Business Enterprise	1545-AO29
3124	26 USC 0274 Employee Achievement Awards	1545-AN56
3125	26 USC 0274(d) Income Tax—Substantiation Requirements with Respect to Listed Property and Substantiation Requirements Relating to the Taxation of Fringe Benefits	1545-AJ40
3126	26 USC 0280F Automobile Inclusion Amounts for Calendar Years After 1988	1545-AN80
3127	26 USC 0280F The Substantiation of Deductions Claimed for the Use of Cellular Telephones and Computers in a Taxpayer's Trade or Business	1545-AP45
3128	26 USC 0280G Golden Parachute Payments	1545-AH49
3129	26 USC 0304 Modification of Rules Relating to the Applicability of Other Provisions of Law in the Context of the Consolidated Return Regulation	1545-AL41
3130	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK30
3131	26 USC 0337 Recognition of Gain or Loss on Liquidating Sales and Distributions of Property	1545-AJ01
3132	26 USC 0337(d) Scope of General Utilities Repeal	1545-AN21
3133	26 USC 0337(d) Implement the Guidance in Notice 89-37, Which Treats the Receipt of a Corporate Partner's Stock by the Corporate Partner as a Circumvention of General Utilities Repeal	1545-AP52
3134	26 USC 0338 Deemed Purchase Price When Certain Stock Purchases are Treated as Asset Acquisitions	1545-AF29
3135	26 USC 0338 Income Tax—Elections Under Section 338, as Added by Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 as Amended by the Technical Corrections Act of 1982	1545-AF38
3136	26 USC 0338 Regulations Under Section 338(h)(10) as Added to the Code by Section 306 of the Technical Corrections Act of 1982, Relating to Special Elective Recognition of Gain or Loss	1545-AF93
3137	26 USC 0338 Questions and Answers Relating to Miscellaneous Matters Under Section 338	1545-AH88
3138	26 USC 0338 Statements of Election and Due Dates	1545-AI53
3139	26 USC 0338 Mandatory Application of MADSP Formula for Determination of Deemed Sale Price for Old Target's Assets	1545-AJ07
3140	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition Under Section 338(h)(10)	1545-AK32
3141	26 USC 0338 Multiple Taxation	1545-AN86
3142	26 USC 0367 Amendment of the Income Tax Regulations Under Section 367 of the Code (Transfers to Foreign Corporations) to Reflect Section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AK74
3143	26 USC 0367(b) Income Tax—Part 1—Temporary-Whether Earnings and Profits Should be Allocated to an Acquiring CFC from an Acquired CFC Following a Non-Recognition Transaction	1545-AI32
3144	26 USC 0367(e) Certain Corporate Distributions to Foreign Corporations	1545-AL35
3145	26 USC 0368 Income Tax—Exchange Funds	1545-AB31
3146	26 USC 0382 Income Tax—Ownership Change	1545-AJ00
3147	26 USC 0382 Allocation of a Loss Corporation's Income or Loss for the Taxable Year that Includes the Change Date Between the Periods Ending With and After the Change Date	1545-AL58
3148	26 USC 0382 Amendment of Sec. 1.382-2T(h)(4)(x) to Grant the IRS Authority to Designate in the Internal Revenue Bulletin Additional Options to Be Excepted From Attribution Rules of Sec. 1.382-2T(h)(4)(i)	1545-AN76
3149	26 USC 0382 Proposed Amendment to Temporary Regulations Under Section 382 of the IRC of 1986; Limitations on Corporate Net Operating Loss Carryforwards	1545-AP18
3150	26 USC 0401 Income Tax—Refund of Mistaken Contributions	1545-AD68
3151	26 USC 0401 Income Tax—Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
3152	26 USC 0401 Nondiscrimination Requirements for Qualified Plans; Application of the Average Benefit Percentage Test to ESOPs	1545-AO56
3153	26 USC 0401 Miscellaneous Regulations for Qualified Plans	1545-AO62
3154	26 USC 0401(a)(26) Income Tax—Part 1—Additional Participation Requirements	1545-AK46
3155	26 USC 0401(a)(4) Nondiscrimination Requirements for Qualified Plans	1545-AM95
3156	26 USC 0401(l) Income Tax—Part 1—Application of Nondiscrimination Rules to Integrated Plans	1545-AI86
3157	26 USC 0401(m) Nondiscrimination Requirements for Employer Matching Contributions and Employee Contributions	1545-AI80
3158	26 USC 0404A Income Tax—Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
3159	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF83
3160	26 USC 0410(b) Coverage Rules	1545-AK41
3161	26 USC 0411 Income Tax—Part 1—Benefit Accrual Beyond Normal Retirement Age	1545-AI85
3162	26 USC 0411 Income Tax—Part 1—Minimum Vesting Standards	1545-AI88
3163	26 USC 0412 Minimum Funding Requirements Planned Restoration	1545-AP13
3164	26 USC 0414 Income Tax—Employees of an Affiliated Service Group	1545-AD90
3165	26 USC 0414 Income Tax Regulations—Affiliated Service Groups and Employee Leasing	1545-AE91
3166	26 USC 0414 Definition of Compensation	1545-AO66

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3167	26 USC 0414(r) Definition of Line of Business	1545-AL23
3168	26 USC 0441 Taxable Years of Certain Entities	1545-AK63
3169	26 USC 0444 Election of Taxable Year Other Than Required Year By Partnerships, S Corporations and Personal Service Corporations	1545-AL68
3170	26 USC 0446 Timing, Character and Source of Income With Respect to Notional Principal Contracts	1545-AN15
3171	26 USC 0448 Limitation of the Use of the Cash Method of Accounting	1545-AJ52
3172	26 USC 0448 Nonaccrual-Experience Method of Accounting—Clarification of Amounts Determined to be Uncollectible	1545-AM33
3173	26 USC 0448 Untimely Compliance with Section 448	1545-AO65
3174	26 USC 0451 Accounting for Long-Term Contracts; Corporations Filing Consolidated Returns With a Contractor	1545-AI19
3175	26 USC 0451(d) Elective Deferral of Federal Payments Received as a Result of Destruction or Damage to Crops Caused by Natural Disaster	1545-AO49
3176	26 USC 0453 Income Tax—General Rules for Installment Sales	1545-AB42
3177	26 USC 0453 Income Tax—Installment Reporting—Asset Sales and Liquidation	1545-AB43
3178	26 USC 0453 Income Tax—Installment Obligations Received in Transactions in Which Gain or Loss is Generally Not Recognized	1545-AB44
3179	26 USC 0453A Special Rules for Nondealers	1545-AN13
3180	26 USC 0458 Income Tax—Exclusion from Gross Income with Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year	1545-AB48
3181	26 USC 0461(h) Income Tax Regulations—The Economic Performance Requirement	1545-AH32
3182	26 USC 0464 Income Tax—Limitation on Deductions in Case of Farming Syndicates	1545-AB51
3183	26 USC 0465 Income Tax—Determination of Amounts at Risk with Respect to Certain Activities	1545-AB52
3184	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI41
3185	26 USC 0468A Nuclear Decommissioning Reserve Funds	1545-AO42
3186	26 USC 0468B Taxation of Settlement Funds	1545-AO99
3187	26 USC 0469 Limitations on Passive Activity Losses and Credits	1545-AB26
3188	26 USC 0469 Limitations on Passive Activity Losses and Credits—Miscellaneous Issues	1545-AM58
3189	26 USC 0469 Allocation of Interest Expense Among Expenditures	1545-AM83
3190	26 USC 0469 Application of Passive Activity Loss and Credit Limitations to Trusts, Estates, and Their Beneficiaries	1545-AN62
3191	26 USC 0469 Allocation of Interest Expense Among Expenditures	1545-AO93
3192	26 USC 0469(f) Limitations on Passive Activity Losses and Credits—Former Passive Activities	1545-AN66
3193	26 USC 0469(i) Limitations on Passive Activity Losses and Credits—$25,000 Offset for Rental Real Estate Activities	1545-AN65
3194	26 USC 0469(k) Application of Passive Activity Loss and Credit Limitations to Interests in Publicly Traded Partnerships	1545-AN63
3195	26 USC 0469(l) Limitations on Passive Activity Losses and Credits—Definition of Activity	1545-AM88
3196	26 USC 0469(l)(4) Special Rules for Allocation of Interest Expense Among Expenditures in the Case of Pass-Through Entities	1545-AM79
3197	26 USC 0472 Income Tax—Three-Year Averaging for Increases in Inventory Value when Electing LIFO Method of Accounting	1545-AB55
3198	26 USC 0474 Simplified Dollar Value LIFO Method for Certain Small Businesses	1545-AN09
3199	26 USC 0482 Taxation of Global Trading	1545-AP01
3200	26 USC 0501 Income Tax—Rules Clarifying the Regulations with Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
3201	26 USC 0585 Bad Debt Reserves of Financial Institutions	1545-AJ31
3202	26 USC 0593 Income Tax—Limitation on Additions to Bank Loss Reserves	1545-AB66
3203	26 USC 0597 Tax Consequences of Federal Financial Assistance Provided in Connection with Taxable Asset Acquisitions of Troubled Financial Institutions	1545-AN70
3204	26 USC 0613 The Excludability of Oil and Gas Bonus or Advance Royalty Payments for Purposes of the Bonus Exclusion Rule Under Section 1.613-2(c)(5) of the Income Tax Regulations	1545-AO55
3205	26 USC 0704(b) Treatment of Partnership Allocations 704(B)	1545-AP66
3206	26 USC 0706(b) Taxable Years of Certain Partnerships	1545-AJ47
3207	26 USC 0708 Partnership Termination Distributions	1545-AO20
3208	26 USC 0721 Whether Receipt of a Partnership Profits Interest is Taxable	1545-AP51
3209	26 USC 0752 Treatment of Partnership Liabilities	1545-AP75
3210	26 USC 0752 Treatment of Partnership Liabilities	1545-AP76
3211	26 USC 0809 Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
3212	26 USC 0832 Salvage and Reinsurance Recoverable	1545-AP37
3213	26 USC 0842 The Definition of Modified Endowment Contract and the Proper Treatment of Loans and Other Distributions From Such Contracts	1545-AN49
3214	26 USC 0846 Income Tax Regulations—Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AJ51
3215	26 USC 0851 Treatment of Designated Hedges by RICs	1545-AM82
3216	26 USC 0860F Real Estate Mortgage Investment Conduits (REMICs); Reporting Requirements	1545-AN52

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3217	26 USC 0861 Charitable Contributions	1545-AP30
3218	26 USC 0863 Special Rules for Determining Source	1545-AN94
3219	26 USC 0864 Allocation and Apportionment of Interest Expense and Certain Other Expenses	1545-AM20
3220	26 USC 0864(d) Treatment of Related Person Factoring Income; Certain Investments in United States Property; and Stock Redemptions Through Related Corporations	1545-AH85
3221	26 USC 0864(e) Transition Rules for Allocation and Apportionment of Interest Expense and Rules Concerning the Treatment of Financial Arrangements That Alter Effective Interest Expense	1545-AN10
3222	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and 2nd Level Withholding Taxes	1545-AJ73
3223	26 USC 0892 Income of Foreign Governments and International Organizations	1545-AL93
3224	26 USC 0897 Income Tax—Partnership Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
3225	26 USC 0897 Notice of Proposed Rulemaking—Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AK79
3226	26 USC 0901 Amendment of Section 1.901-2(e)(3)	1545-AJ90
3227	26 USC 0905 Income Tax—Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
3228	26 USC 0924 FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction and Other Special Rules for FSC	1545-AI16
3229	26 USC 0936 Income Tax—Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
3230	26 USC 0936(d)(4) CBI Investments of Section 936 Funds	1545-AM91
3231	26 USC 0953(c) Insurance Income	1545-AJ70
3232	26 USC 0954 Subpart F Definitions	1545-AM15
3233	26 USC 0985 Computation and Characterization of Income of Earnings and Profits Under the Dollar Approximate Separate Transactions Method of Accounting (DASTM)	1545-AP70
3234	26 USC 0986 Earnings and Profits of Controlled Foreign Corporations	1545-AM90
3235	26 USC 0987 Profit and Loss Transition Rules	1545-AM13
3236	26 USC 0988 Taxation of Exchange Gain or Loss on Foreign Currency Denominated Transactions	1545-AN28
3237	26 USC 0989 Change in Functional Currency and Definition of Weighted Averaged Exchange Rate	1545-AN53
3238	26 USC 0989(c) Transition Rule for Qualified Business Units Using a Net Worth Method of Accounting for Taxable Years Beginning Before January 1, 1987	1545-AL29
3239	26 USC 0995 Proposed Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Interest Charge DISCs	1545-AG71
3240	26 USC 1058 Income Tax—Transfers of Securities Under Certain Agreements	1545-AC20
3241	26 USC 1060 Income Tax—Special Allocation Rules for Certain Asset Acquisitions	1545-AJ06
3242	26 USC 1092 Character of Gains and Losses in Case of Straddles Where at Least One Position is Ordinary and at Least One Position is Capital	1545-AM57
3243	26 USC 1092(b) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
3244	26 USC 1092(b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
3245	26 USC 1254 Income Tax—Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
3246	26 USC 1275 Regulations Under Sections 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46
3247	26 USC 1275(d) The Treatment of Price Level Adjustment Mortgages Under the Original Issue Discount Provisions of the Code	1545-AO03
3248	26 USC 1286 Treatment of Certain Stripped Bonds and Stripped Coupons	1545-AQ03
3249	26 USC 1291(d)(2) Passive Foreign Investment Companies	1545-AI33
3250	26 USC 1361 Income Tax—The One Class of Stock Requirement for S Corporations	1545-AC37
3251	26 USC 1361 Income Tax—Definition of S Corporation	1545-AE86
3252	26 USC 1362 Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
3253	26 USC 1374 Temporary Regulation—Application of Section 1374 Built-in Gain Tax to C Corporation's Electing S Corporation Status	1545-AK91
3254	26 USC 1441 Withholding on Items of Income Covered by an Income Tax Convention	1545-AH86
3255	26 USC 1441 Withholding of Tax on Non-Resident Aliens	1545-AN75
3256	26 USC 1446 Temporary Regulation on Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL32
3257	26 USC 1502 Consolidated Return Regulations; Adjustment on Disposition of Stock of Subsidiary	1545-AL59
3258	26 USC 1502 Adjustments Reflecting a Restructuring of a Consolidated Group	1545-AL62
3259	26 USC 1502 Amendment of Consolidated Return Regulations Regarding Deferral of Gain or Loss on Complete Liquidations	1545-AL63
3260	26 USC 1502 Consolidated Investment Credit Recapture	1545-AM35
3261	26 USC 1502 Amendment of Consolidated Return Regulations to Address Treatment of Organizations Whose Tax Exempt Status was Repealed by the 1986 Act	1545-AM49
3262	26 USC 1502 Treatment of Dividend Distributions After the Sale of a Subsidiary	1545-AN12

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3263	26 USC 1502 Consolidated Return Regulations—Modification of Restoration Rules Relating to Deferred Gain Property Sold Outside the Group in Installment Sale	1545-AO44
3264	26 USC 1502 Corporations; Consolidated Returns—Special Rules Relating to Dispositions and Deconsolidations of Subsidiary Stock	1545-AP20
3265	26 USC 1503(d) Dual Resident Companies-Limitation on Consolidated Losses	1545-AM16
3266	26 USC 1504 Cross-Reference—Alaska Native Corporations; Requirements for Affiliation in Order To File a Consolidated Return	1545-AK88
3267	26 USC 2036 Estate & Gift Taxes—Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
3268	26 USC 2056 Estate and Gift Taxes—Increase in Limitations on Marital Deductions	1545-AC67
3269	26 USC 2511 Timeliness of a Disclaimer of Interest in Property Created Prior to Jan. 1, 1977	1545-AN27
3270	26 USC 2653(b) Estate Tax—Generation Skipping Transfer Tax	1545-AJ11
3271	26 USC 2663 Amend Section 26.2662-1(c) of the Temporary Regulations to Increase the Amount for Which the Executor is Liable	1545-AO89
3272	26 USC 2701 Retained Rights	1545-AP44
3273	26 USC 3121 Employment Tax—To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
3274	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
3275	26 USC 3406 Information Reporting and Backup Withholding	1545-AL99
3276	26 USC 3406 Clarifying Amendments to Section 35a.3406-1 Regarding Backup Withholding Due to an Incorrect TIN	1545-AM51
3277	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes—Reporting Requirements with Respect to Direct Sellers	1545-AE62
3278	26 USC 4001 Retail Excise Taxes on Certain Luxury Items	1545-AP24
3279	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors	1545-AI51
3280	26 USC 4081 Modification of the Gasohol Regulations to Increase the Tolerance Allowed to the 10 Percent Alcohol Mixture and to Clarify the Later Blending Rules	1545-AO59
3281	26 USC 4471 A Tax of $3.00 a Passenger is Imposed on Each Covered Voyage by a Commercial Vessel. This Tax is Paid by the Person Providing the Covered Voyage	1545-AO41
3282	26 USC 4472 Tax on Transportation by Water	1545-AP03
3283	26 USC 4681 Tax on Ozone Depleting Chemicals	1545-AO08
3284	26 USC 4681 Amendments to Section 4681 by Revenue Reconciliation Act of 1990	1545-AP32
3285	26 USC 4682 ODC Special Rule 4682	1545-AP84
3286	26 USC 4980A Excise Tax—Excess Distributions from Qualified Retirement Plans	1545-AI81
3287	26 USC 4992 Excise Tax—Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
3288	26 USC 4996 Excise Tax—Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
3289	26 USC 6011 Excise Tax—Part 54—Procedure and Administration—Part 301 —Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI83
3290	26 USC 6031 Income Tax—Amendments to Requirements for Return of Partnership Income	1545-AE40
3291	26 USC 6043 Reporting Requirements Concerning Changes in Corporate Control or Capital Structure Under Section 6043(c), I.R.C., as Amended by Section 7208(b) of the Revenue Reconciliation Act of 1989	1545-AO46
3292	26 USC 6045 Information Returns of Broker Transactions	1545-AG02
3293	26 USC 6045 Information Returns on Sales Through COD Accounts	1545-AG52
3294	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AJ25
3295	26 USC 6049 To Clarify the Obligation of Brokers to Report Original Issue Discount on Form 1099	1545-AM80
3296	26 USC 6050H Information Reporting of Points on Mortgage Loans	1545-AO57
3297	26 USC 6050I Amend Aggregation Rules for Filing Requirement	1545-AN42
3298	26 USC 6050I Return Requirement Where Cash Received in Trade or Business (RRA 1990, Section 11318(A))	1545-AP54
3299	26 USC 6050J Final Regulations Relating to Reports of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
3300	26 USC 6081 Notice of Proposed Rulemaking - Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return	1545-AL38
3301	26 USC 6103 Disclosure of Return Information to the Bureau of the Census	1545-AP42
3302	26 USC 6109(f) Employer Identification Numbers for Purposes of Administering the Food Stamp Act of 1977	1545-AP80
3303	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
3304	26 USC 613A Limitations on Percentage Depletion in the Case of Oil and Gas Wells	1545-AP56
3305	26 USC 6221 Application of Unified Partnership Audit Provisions of TEFRA to REMICs	1545-AN78
3306	26 USC 6241 Small S Corporation Exception and Definition of Subchapter S Item	1545-AJ99
3307	26 USC 6244 Definition of Tax Matters Person for an S Corporation	1545-AO34
3308	26 USC 6302(c) Revision of Procedural Rules Relating to Excise Taxes Reported on Form 720	1545-AO97
3309	26 USC 6302(c) Amendments to Section 40.6302 Relating to Computing Deposit of Communications and Air Transportation Taxes	1545-AP82
3310	26 USC 6332 Surrender of Property Subject to Levy	1545-AN45

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3311	26 USC 6402 Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency	1545-AG95
3312	26 USC 6402 Procedure and Administrative—Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency	1545-AK12
3313	26 USC 6402 Procedure and Administrations—Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency	1545-AL66
3314	26 USC 6404(e) Procedure and Administration - Abatement of Interest	1545-AK71
3315	26 USC 6501 Procedure and Administration Regulations—Extension of the Period for Assessment of Tax in Certain Circumstances	1545-AI23
3316	26 USC 6502 Collection After Assessment	1545-AM71
3317	26 USC 6611 Procedure and Administration Regulations—Modifications of Interest Payments for Certain Periods	1545-AF10
3318	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
3319	26 USC 6621(c) Increase in the Rate of Interest Imposed on Large Corporate Underpayments	1545-AP27
3320	26 USC 6651(f) Fraudulent Failure to File Tax Return; Imposition of Fraud Penalty	1545-AO84
3321	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
3322	26 USC 6662 Accuracy Related Penalties	1545-AO58
3323	26 USC 6694 Understatement of Taxpayer's Liability by Income Tax Return Preparer	1545-AO82
3324	26 USC 6721 Sections 6721-6724 as Revised by the Omnibus Reconciliation Act of 1989	1545-AP55
3325	26 USC 6851 Certificates of Compliance with Income Tax Laws by Departing Aliens	1545-AN97
3326	26 USC 7103(b) Procedure and Administration—Property Seized by the Internal Revenue Service Under the Money Laundering Control Act of 1986	1545-AL04
3327	26 USC 7216(b)(3) Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews. Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer	1545-AP34
3328	26 USC 7429 Review of Jeopardy Levy and Assessment Procedures	1545-AM68
3329	26 USC 7432 Civil Cause of Action For Failure to Release a Lien Under I.R.C. 6325	1545-AM63
3330	26 USC 7433 Civil Causes of Action for Unauthorized Collection Action	1545-AM65
3331	26 USC 7502 Procedure and Administration—Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
3332	26 USC 7514 Authority to Prescribe or Modify Seals	1545-AP63
3333	26 USC 7605(a) Procedures Involving Taxpayer Interviews (Time and Place of Examination)	1545-AO64
3334	26 USC 7624 Procedure and Administration Regulations—Reimbursement for State and Local Law Enforcement Agencies	1545-AN00
3335	26 USC 7701(a)(40) Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
3336	26 USC 7701(b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
3337	26 USC 7702 Reasonable Mortality Charges	1545-AO12
3338	26 USC 7704 When a Principal Activity of a Partnership is the Buying and Selling of Commodities	1545-AO39
3339	26 USC 7805 Excise Tax Relating to Gain or other Income Realized by Any Person on Receipt of Greenmail	1545-AL47
3340	26 USC 7805 The Time and Manner of Making Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988	1545-AN03
3341	26 USC 7811 Taxpayer Assistance Orders	1545-AN14
3342	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72
3343	26 USC 9100 Expanding Relief Under Section 301.9100-1 of Regulations to All Other Subtities Except A, T, & S by Amending the Regulation	1545-AP61
	861-8 Allocation	1545-AM08
3365	26 USC 0905 Suspension of Requirement to File a Receipt for Foreign Taxes Paid on a Return for Foreign Taxes Accrued	1545-AM43
3366	26 USC 0907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
3367	26 USC 0932(b) Regulations Under Section 932(b)	1545-AM89
3368	26 USC 1031 Regulations Relating to Inapplicability of Section 1031 to Exchanges of Partnership Interests and the Limitation on Deferred Exchanges	1545-AH43
3369	26 USC 1031 Additional Rules for Exchanges of Personal Property and for Exchanges of Multiple Properties	1545-AN38
3370	26 USC 1286 Income Tax—Treatment of Stripped Bonds and Stripped Coupon	1545-AH75
3371	26 USC 1446 Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL30
3372	26 USC 1502 Income Tax—Credit & Deductions etc., for Consolidated Returns	1545-AC48
3373	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
3374	26 USC 3121 Membership in Retirement System—State and Local Government Employees	1545-AP62
3375	26 USC 4081 Fuel Floor Stocks Tax	1545-AP22
3376	26 USC 4682 ODC Special Rule 4682	1545-AP83
3377	26 USC 6012(a) Return Filing Requirements for Insurance Companies	1545-AN23
3378	26 USC 6038A Information with Respect to Certain Foreign-Owned Corporations	1545-AO09

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3379	26 USC 6103 Disclosure of Return Information to the Bureau of the Census	1545-AO81
3380	26 USC 6302 Acceleration of Deposit Requirements	1545-AO86
3381	26 USC 6326 Administrative Appeal of the Erroneous Filing of Notice of Tax Lien	1545-AN07
3382	26 USC 6659 Procedure & Administration—Addition to Tax in the Case of Valuation Overstatements and Understatements, and Increase in the Negligence Penalty	1545-AD39
3383	26 USC 6721 Uniform Penalties for Failures to Comply with Certain Information Reporting Requirements	1545-AO95
3384	26 USC 6723 Penalty for Failure to Include Correct Information on Information Returns and Payee Statements	1545-AJ29
3385	26 USC 7609 Procedure and Administration - Suspension of Statutes of Limitations in Absence of Third-Party Recordkeeper Response to Summons	1545-AK72
3386	26 USC 7805 Excise Tax Relating to Gain or Other Income Realized by Any Person on Receipt of Greenmail	1545-AN41
3387	26 USC 7805 Technical Amendments to Section 602.101(c)	1545-AO88
3388	26 USC 7805 Statement of Procedural Rules	1545-AP05
3389	26 USC 9037 Financing of Presidential Election Campaigns	1545-AP21
3390	26 USC 9100 Extension of Time for Making Certain Elections	1545-AO85

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Internal Revenue Service (IRS)

2780. A DETAILING OF THE MINIMUM LIVING AREA WHICH MUST CONSTITUTE A BEDROOM FOR PURPOSES OF DETERMINING THE GROSS RENT LIMITATION APPLICABLE TO RENT-RESTRICTED UNITS

Legal Authority: 26 USC 42 (g)(2)(C) Internal Revenue Code of 1986

CFR Citation: 26 CFR 42

Legal Deadline: None

Abstract: The temporary regulations discuss the minimum living area of a bedroom used for determining the gross rent limitation applicable to rent-restricted units under section 42 (g)(2)(c) for purposes of the low-income housing credit.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: PS-010-90

Drafting Attorney: Deane Burke (202) 377-6349.

Reviewing Attorney: James F. Ranson (202) 377-6349.

Treasury Attorney: Heidi Ebel (202) 566-2175.

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RIN: 1545–AO52

2781. A DETAILING OF THE SUITABILITY OF A UNIT FOR OCCUPANCY FOR PURPOSES OF DETERMINING WHETHER A UNIT MAY BE TREATED AS A LOW-INCOME UNIT

Legal Authority: 26 USC 42(i)(3)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 42

Legal Deadline: None

Abstract: The temporary regulations discuss the standards used for determining that a low-income unit satisfies the suitability for occupancy required under section 42 (i)(3)(B)(ii) to continue qualifying as a low-income unit for purposes of the low-income housing credit.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: PS-011-90

Drafting attorney: Deane Burke (202) 377-6349.

Reviewing attorney: James F. Ranson (202) 377-6349.

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RIN: 1545–AO53

2782. INCOME TAX—PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 130 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-82-83.

Drafting attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: Michael Montemurro (202) 566-6302.

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AF39

2783. EXCLUSION FROM GROSS INCOME FOR INCOME FROM U.S. SAVINGS BONDS USED TO PAY TUITION AND FEES

Significance: Regulatory Program

Legal Authority: 26 USC 135 Internal Revenue Code Of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers concerning the exclusion from income of interest on United States Savings Bonds used to pay higher education tuition and fees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-013-89

Drafting Attorney: Celia Gabrysh (202) 566-6320.

Reviewing Attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6320**

RIN: 1545–AN18

2784. RECOVERY OF OVERPAYMENTS OF ARBITRAGE REBATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Under section 148 of the 1986 Code, arbitrage rebate payments are not refundable. However, provision should be made for recovery of overpayments of rebate if the issuer establishes to the satisfaction of the Commissioner that: (1) the issuer paid an amount in excess of the determined rebatable arbitrage, (2) the excess was paid in error, and (3) recovery of the overpayment at the date first requested would not result in rebatable arbitrage as of such date.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-067-89

Drafting Attorney: Suzanne Reynolds (202) 566-4310.

Reviewing attorney: Lon B. Smith (202) 566-4085.

Agency Contact: Suzanne W. Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4310**

RIN: 1545–AO15

2785. ALLOCATION RULES FOR BOND PROCEEDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for allocating proceeds of an issue to investments and expenditures for purposes of the Arbitrage rebate regulations. The rules will accommodate customary governmental accounting practices to the extent possible.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-066-89

Drafting Attorney: William Cejudo (202) 566-3283.

Reviewing Attorney: John Cross (202) 566-3723.

Agency Contact: William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3283**

RIN: 1545–AO14

2786. INCOME TAX—TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 (h) Internal Revenue Code of 1986; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-114-81.

Tax Law Specialist : Benjamin P. Foster (202) 343-0328.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Judd Kelley (202) 566-8527.

Agency Contact: Benjamin P. Foster, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 343-0328**

RIN: 1545–AB04

2787. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO RICS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337(d) Internal Revenue Code 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulations project is one of several dealing with the implementation of the repeal of the General Utilities doctrine by section 631 of the Tax Reform Act of 1986. This project deals with the regulations necessary to ensure the repeal is implemented with respect to RICs and REITs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-15-88

Drafting attorney: Matt Krasner (202) 566-3433.

Reviewing attorney: William Alexander (202) 566-3544.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: Matt Krasner, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3403

RIN: 1545–AL65

2788. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO CERTAIN DISTRIBUTIONS UNDER SECTION 355

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337(d) Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to cause the recognition of gain in certain section 355 transaction, including those under section 355(d).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-78-88

Drafting attorney: Konstantine P. Lekos (202) 566-3544.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Gregory Marich (202) 566-2175.

Agency Contact: Konstantine P. Lekos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3544

RIN: 1545–AM34

2789. APPLICATION OF INSTALLMENT METHOD TO DEEMED SALE OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.338(h)(10)

Legal Deadline: None

Abstract: The regulations will provide guidance for utilization of the installment method of reporting in a qualified stock purchase to which section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-88-88

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judd Kelley (202) 566-2175.

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RIN: 1545–AM84

2790. CORPORATE REORGANIZATION AMENDMENTS - BANKRUPTCY TAX ACT OF 1980

Legal Authority: 26 USC 354 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986; 26 USC 357 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance with respect to amendments to the Internal Revenue Code by the Bankruptcy Tax Act of 1980, dealing with bankruptcy and other insolvency reorganizations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-74-87.

Drafting attorney: Amy Sargent (202) 566-3433.

Reviewing attorney: Christopher Kane (202) 566-3433.

Agency Contact: Amy Sargent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3433

RIN: 1545–AK33

2791. CORPORATE CONTRACTIONS UNDER SECTION 382

Significance: Agency Priority

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations will identify certain cases in which acquisition indebtedness will be treated as a corporate contraction under section 382(e)(2).

TREAS—IRS

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-035-89

Drafting attorney: David Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Larry Garrett (202) 566-2175.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3205**

RIN: 1545–AO21

2792. FOREIGN CORPORATE FIRST TIER ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.382-2T(k)(6)

Legal Deadline: None

Abstract: The temporary regulations under section 382 of the Code require loss corporations to identify their five percent shareholders and any five percent shareholders of the loss corporation's corporate shareholders. Foreign corporations do not always have the ability to identify their five percent shareholders. This project will consider whether the attribution, aggregation, and segregation rules under section 382 should be modified when applied to foreign corporate shareholders of a loss corporation, and whether the Service should substitute a more convenient inquiry for foreign corporate shareholders than the current five percent shareholder identification.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-034-89

Drafting attorney: Amy Sargent (202) 566-3433.

Reviewing attorney: William D. Alexander (202) 566-3544.

Agency Contact: Amy Sargent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3433**

RIN: 1545–AN61

2793. LIMITATION ON USE OF PREACQUISITION LOSSES TO OFFSET BUILT-IN GAINS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 384 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to provide guidance concerning the application of section 384 of the Internal Revenue Code. This section limits a corporation's ability to offset gains that accrued prior to a merger or acquisition against pre-acquisition losses of a second corporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-99-88

Drafting Attorney: Roberta Mann (202) 566-3250.

Reviewing Attorney: William Alexander (202) 566-3544.

Agency Contact: Roberta Mann, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3250**

RIN: 1545–AM48

2794. BLOCKED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Computation of income subject to currency or exchange restrictions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-586-86

Drafting attorney: Christopher S. Warnock (202) 566-6795.

Reviewing attorney: Barbara A. Felker (202) 566-6284.

Treasury attorney: Carol Dunahoo (202) 566-4979.

Agency Contact: Christopher S. Warnock, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6795**

RIN: 1545–AL85

2795. INCOME TAX—INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 15A.453-1(b)(ii)

Legal Deadline: None

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-147-82.

Drafting attorney: Kathryn Nunzio (202) 343-2380.

Reviewing attorney: George Wright (202) 377-2383.

Agency Contact: Kathryn Nunzio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 343-2380**

RIN: 1545–AB46

TREAS—IRS

Prerule Stage

2796. SECTION 482 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To revise section 482 regulations per section 482 white paper.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-401-88

Drafting attorney: Howard A. Berger (202) 377-9059.

Reviewing attorney: Ken Wood (202) 287-4851.

Treasury attorney: Rom Watson (202) 566-8066.

Agency Contact: Howard A. Berger, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AL80

2797. SECTION 482 COST SHARING REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Transfer of intangibles between affiliates; intercompany pricing issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-372-88

Drafting attorney: Lisa L. Sams (202) 287-4851.

Reviewing attorney: Ken Wood (202) 287-4851.

Treasury attorney: Rom Watson (202) 566-8275.

Agency Contact: Lisa L. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, 202 287-4851

RIN: 1545–AM00

2798. TAX TREATMENT OF BENEFICIARIES OF CERTAIN FOREIGN GRANTOR TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 672 Internal Revenue Code of 1986

CFR Citation: 26 CFR 672

Legal Deadline: None

Abstract: Proposal would contain rules concerning grantor trusts where a United States beneficiary has made a gift (directly or indirectly) to a foreign grantor.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IL-001-91

Drafting attorney: Leslie A. Cracraft (202) 566-6442.

Reviewing attorney: Benedetta A. Kissel (202) 566-6442.

Treasury attorney: Unassigned.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AP38

2799. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 724 Internal Revenue Code of 1986; 26 USC 735(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-232-84.

Drafting attorney: James Quinn (202) 377-9847.

Reviewing attorney: Thomas S. Hines (202) 566-6813.

Agency Contact: James Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9847

RIN: 1545–AG85

2800. SPECIAL ESTIMATED TAX PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 847 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide rules for payment of special Estimated Taxes in an amount equal to the Tax Benefit of the special deduction allowed by section 847.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-022-89

Drafting Attorney: William Blagg (202) 566-3603.

Reviewing Attorney: Steve Hooe (202) 566-3459.

Treasury Attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3603

RIN: 1545–AN33

TREAS—IRS

Prerule Stage

2801. INCOME TAX—ESSENTIAL ISSUES RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance on real estate mortgage investment conduits, a new entity established to clarify the tax treatment of investment in real estate mortgages and mortgage backed securities.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-88-86.

Drafting attorney: Carol A. Schwartz (202) 566-3297.

Reviewing attorney: Thomas J. Lyden (202) 566-3297.

Treasury attorney: Anne Crovitz (202) 566-4902.

Agency Contact: Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3297

RIN: 1545–AJ35

2802. INTEREST AND DIVIDENDS OF 80-20 COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to the sourcing of dividends and interest paid by so-called "80-20" companies, that is, companies with 80% or more foreign source income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-950-86

Drafting attorney: William T. Lundeen (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Unassigned.

Agency Contact: William T. Lundeen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ58

2803. COMPUTATION OF INTEREST EXPENSE DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 882 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will revise the rules for the computation of the interest expense deduction of a foreign corporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-309-88

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Chisoon Lee (202) 566-5815.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC, 202 566-6284

RIN: 1545–AL84

2804. FIRPTA CLEANUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Reporting requirements for 5 percent shareholders; equity kickers; establish securities market definition; other related issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-785-87

Drafting attorney: James Sams (202) 566-6645.

Reviewing attorney: Robert Culbertson (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ72

2805. RESOURCING INCOME TO PREVENT AVOIDANCE OF FOREIGN TAX CREDIT LIMITATION RULES RELATING TO FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to require a taxpayer to resource the income of any member of an affiliated group of corporations, or, alternatively to modify the consolidated return regulations, to the extent necessary in order to prevent avoidance of the purposes of the foreign tax credit rules.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-6-90

Drafting Attorney: Kenneth D. Allison (202) 566-6442.

Reviewing Attorney: Charles P. Besecky (202) 566-6442.

TREAS—IRS **Prerule Stage**

Treasury Attorney: Peter Byrne (202) 566-4979.

Agency Contact: Kenneth D. Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 566-6442

RIN: 1545–AN87

2806. SOURCE RULES WITHIN THE VIRGIN ISLANDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide sourcing rules for the determination as to whether income is derived from sources within the Virgin Islands or the U.S. or is effectively connected with the conduct of a trade or business within the Virgin Islands or the U.S. To the extent possible, the rules will be similar to those set forth in IRC sections 861-865.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-613-87

Drafting attorney: Ricardo A. Cadenas (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Charles Cope (202) 343-0247.

Agency Contact: Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W. Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AL40

2807. SUBPART F - USE OF DEFICITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the extent to which current year deficits in unrelated income categories or prior year deficits may reduce the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for taxable years after 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-954-86

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Unassigned.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ71

2808. COMPUTATION OF A BRANCH'S TAXABLE INCOME TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Branch rules on how to translate branch income. Taxation of exchange gain or loss on branch remittances.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-965-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Charles Cope (202) 343-0247.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AM12

2809. INCOME TAX—NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1059 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1986 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-260-84.

Drafting attorney: Lesa Byrnes (202) 566-6212.

Reviewing attorney: Maura Sullivan (202) 566-4173.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Lesa Byrnes, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6212

RIN: 1545–AH41

2810. INCOME TAX—GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

TREAS—IRS

Prerule Stage

Legal Deadline: None

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-42-86

Drafting attorney: Karen S. Holden (202) 566-6442.

Reviewing attorney: Benedetta Kissel (202) 566-6442.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Karen S. Holden, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AC31

2811. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1276 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the treatment of gain realized on the disposition of any Market Discount Bond as ordinary income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-21-85.

Drafting attorney: Carol A. Schwartz (202) 566-3297.

Reviewing attorney: Thomas J. Lyden (202) 566-3297.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC20224, 202 566-3297

RIN: 1545–AH82

2812. CONSOLIDATED ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986; 26 USC 53 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986; 26 USC 59 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.55; 26 CFR 1.1502

Legal Deadline: None

Abstract: This regulation will provide corporate taxpayers joining in the filing of a consolidated federal income return with guidance necessary to calculate their alternative minimum tax liability.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-057-89

Drafting attorney: Martin Scully (202) 566-4104.

Reviewing attorney: Stephen Toomey (202) 566-4104.

Treasury attorney: Hal Gann (202) 566-4902.

Agency Contact: Martin Scully, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4104

RIN: 1545–AN73

2813. ● EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS, AND SEMITRAILERS, AND TRACTORS. MODIFICATION OF T.D. 8200

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations deal with the modification of the registration and certification requirements of Section 145.4052-1(a) (26 CFR 145).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-22-91

Drafting attorney: Edward Madden (202) 535-9758.

Reviewing attorney: Richard Kocak (202) 566-3434.

Treasury attorney: James Miller (202) 566-8277.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9758

RIN: 1545–AP59

2814. AVIATION TAX EXEMPTION FOR CERTAIN HELICOPTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4261 Internal Revenue Code of 1986; 26 USC 4091 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48; 26 CFR 49

Legal Deadline: None

Abstract: The regulations will provide rules relating to the exemption from the fuel taxes and transportation taxes for helicopters used in forestry, oil and gas

exploration, and emergency medical transportation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: PS-029-90

Drafting attorney: Tyrone Montague (202) 343-8556.

Reviewing attorney: Frank Boland (202) 566-4475.

Agency Contact: Tyrone Montague, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 343-8556**

RIN: 1545–AO92

2815. TAX ON PETROLEUM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4611 Internal Revenue Code of 1986; 26 USC 4612 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental taxes on petroleum.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-158-86.

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-5453.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4475**

RIN: 1545–AJ23

2816. CHEMICAL TAX UNDER SECTION 4461 AND IMPORTED SUBSTANCE TAX UNDER SECTION 4671

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4671 Internal Revenue Code of 1986; 26 USC 4661 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: These are proposed regulations relating to taxable chemicals and taxable imported substances.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-71-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-5453.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4475**

RIN: 1545–AL73

2817. ELECTRONIC FILING OF TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance and standards to taxpayers governing the electronic filing of individual income tax returns.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-21-87

Drafting attorney: Celia Gabrysh (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Celia A. Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6320**

RIN: 1545–AL01

2818. INFORMATION REPORTING AND RECORD MAINTENANCE UNDER SECTION 6038C

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7801 Internal Revenue Code of 1986; 26 USC 6038 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 6038C

Legal Deadline: None

Abstract: This regulation project will implement the directives of newly passed section 6038C.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-102-90

Drafting Attorney: Charles T. Plambeck (202) 566-6284.

Reviewing Attorney: Robert A. Katcher (202) 566-6795.

Treasury Attorney: Unassigned.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AP10

2819. 6114 REPORTING REQUIREMENTS WAIVED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6114 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulation will provide that reporting under section 6114 is required in situations where the residency of an individual is

determined under a treaty and apart from the Code.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: INTL-121-90

Drafting Attorney: David A. Juster (202) 566-3452.

Reviewing Attorney: Carol Doran Klein (202) 566-3452.

Treasury Attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AP35

2820. LEVY AND DISTRAINT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6331-1; 26 CFR 301.6331-2

Legal Deadline: None

Abstract: Section 6331 of the Internal Revenue Code was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to preclude certain levies. The Treasury regulations promulgated under Code section 6331 must be changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-709-88

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AM70

2821. PROPERTY EXEMPT FROM LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6334-1; 26 CFR 301.6334-2; 26 CFR 301.6334-3; 26 CFR 301.6334-4; 26 CFR 301.6334-5; 26 CFR 301.6334-6; 26 CFR 301.6334-7

Legal Deadline: None

Abstract: Section 6334 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to increase certain exemptions from levy, and to exempt a taxpayer's principal residence from levy in most instances. The Treasury regulations promulgated under this section must be changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-173-89

Drafting Attorney: Robert Miller (202) 535-9668.

Reviewing Attorney: Robert Miller (202) 535-9668.

Agency Contact: Robert Miller, Technical Assistant to ACC (GL), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-9668

RIN: 1545–AN46

2822. SALE OF SEIZED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6335-1

Legal Deadline: None

Abstract: Section 6335 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to allow the owner of property seized by the Internal Revenue Service to request that the property be sold within sixty days, or any longer period specified by the owner. The Treasury regulations promulgated under this section must be changed to reflect this new statutory provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-174-89

Drafting Attorney: Kevin B. Connelly (202) 535-9682.

Reviewing Attorney: Robert Miller (202) 535-9668.

Agency Contact: Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AN47

2823. AUTHORITY TO RELEASE LEVY AND RETURN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6343-1

Legal Deadline: None

Abstract: Section 6343 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to provide new procedures for the release of levies and return of property. The Treasury regulations promulgated under this section must be changed to reflect the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-175-89

TREAS—IRS **Prerule Stage**

Drafting Attorney: Jerome D. Sekula (202) 566-3780.

Reviewing Attorney: Robert Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AN48

2824. DETERMINING LARGE CORPORATION STATUS FOR CONSOLIDATED RETURN GROUPS PAYING ESTIMATED TAX

Legal Authority: 26 USC 6655(j) Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-5

Legal Deadline: None

Abstract: Section 6655(d)(2) of the IRC of 1986 requires large corporations to make estimated tax payments based on 90 percent of their current year's tax. Section 6655(g)(2) defines a large corporation as one who itself (or a predecessor corporation) had taxable income of $1,000,000 or more in any of the three previous taxable years. The regulation will address difficulties in applying the definition to an affiliated group of corporations filing a consolidated return.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-87-88

Drafting attorney: Brendan P. O'Hara (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Brendan O'Hara, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AM75

2825. AWARD AND COLLECTION OF SANCTIONS, PENALTIES, AND COSTS AWARDED TO THE U.S. BY A COURT OTHER THAN THE TAX COURT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide that awards to the United States are to be assessed and collected in the same manner as taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-037-90

Drafting Attorney: Stuart Spielman (202) 566-3980.

Reviewing Attorney: Rudi Planert (202) 566-9293.

Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constition Avenuen, NW., Washington, DC 20224, 202 566-3980

RIN: 1545–AO83

2826. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-273-82.

Drafting tax law specialist: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller, Jr. (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4442

RIN: 1545–AE99

2827. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-274-82.

Drafting attorney: Vincent G. Surabian (202) 566-4680.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Agency Contact: Vincent G. Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4680

RIN: 1545–AF01

2828. POLITICAL ACTIVITY INJUNCTION

Legal Authority: 26 USC 7409 Internal Revenue Code of 1986 as amended; 26 USC 6852 Internal Revenue Code of 1986 as amended

CFR Citation: 26 CFR 1.6852; 26 CFR 53.6852; 26 CFR 56.6852; 26 CFR 301.6852; 26 CFR 301.7409

Legal Deadline: None

Abstract: The regulation will provide the procedures necessary to enjoin and/or make termination assessments in the case of a flagrant political

expenditure by a section 501(c)(3) organization.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-48-90

Drafting Attorney: Cynthia Morton (202) 566-4465.

Reviewing Attorney: Paul Accettura (202) 566-3505.

Agency Contact: Cynthia Morton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4465**

RIN: 1545–AO77

2829. ● TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF SERVICE IN COMBAT ZONE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 7508

Legal Deadline: None

Abstract: This regulation will address how service in a combat zone affects the time for performing certain actions required or allowed under the internal revenue laws.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-006-91

Drafting attorney: Stuart Spielman (202) 566-5985.

Reviewing attorney: Alan Fraser (202) 566-4535.

Treasury attorney: Jim Miller (202) 566-8277.

Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-5985**

RIN: 1545–AP90

2830. TREATMENT OF LEASE PAYMENTS AS QUALIFIED WITHDRAWALS FROM A CAPITAL CONSTRUCTION FUND ESTABLISHED UNDER SEC. 607(A) OF THE MERCHANT MARINE ACT OF 1936

Legal Authority: 26 USC 7518 Internal Revenue Code of 1986

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The regulation is intended to permit shipping operators who have established capital construction funds under the Merchant Marine Act of 1936 as amended, to make "qualified withdrawals" from the funds to lease vessels, in addition to the present practice of purchasing vessels. There are no practical alternatives other than purchasing or leasing vessels. The potential costs of leasing are the same as purchasing; no more money than is deposited into a capital construction fund can be used. The owner of a fund can decide whether leasing or purchasing is cheaper. The benefit (purpose) is to permit shipping industry acquisition practices to be consistent with a long-term trend toward vessel acquisition through lease rather than purchase.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-050-89

Drafting tax law specialist: William Gordon (202) 377-6349.

Agency Contact: William Gordon, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-6349**

RIN: 1545–AN90

2831. PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 42 USC 664Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-85-85.

Drafting attorney: Wesley J. MacAdam (202) 566-3862.

Reviewing attorney: Stephen J. Toomey (202) 566-4104.

Agency Contact: Wesley J. MacAdam, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3862**

RIN: 1545–AH99

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Internal Revenue Service (IRS)

2832. MORTGAGE CREDIT CERTIFICATES AND TARGETED AREAS

Legal Authority: 26 USC 25 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The percentage of mortgage originations required by section 1.25-4T(g) (8%) was predicted of the 1:5 trade in rule contained in former section 25(c) of the Code to accommodate the new 1:4 rate contained in section 25(c). We are amending sections 1.25-4T(g).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-068-89

Drafting Attorney: Harold Diamond (202) 566-3340.

Agency Contact: Harold Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3340

RIN: 1545–AO05

2833. DEFINITION OF QUALIFIED RESEARCH AND COMPUTATION OF RESEARCH CREDIT UNDER SECTION 41 OF THE CODE, AFTER 1986 ACT AND 1989 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 101-239, Sec 7110

CFR Citation: 26 CFR 602; 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to provide clarification on the computation of the research credit, under section 41 of the Internal Revenue Code of 1986, for taxable years beginning after December 31, 1989.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-016-90

Drafting attorney: David S. Hudson (202) 566-4821.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Evelyn Brody (202) 566-5453.

Agency Contact: David Hudson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4821

RIN: 1545–AO51

2834. LOW INCOME HOUSING CREDIT RECAPTURE RULE

Legal Authority: 26 USC 38 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 142(d) Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 267(b) Internal Revenue Code of 1986; 26 USC 1274(d)(1) Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986; 26 USC 6622 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance with respect to the recapture requirements of section 42(j)for the low-income housing credit. In addition, these regulations will clarify the types of housing that will qualify for the credit.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-108-87

Drafting attorney: Christopher J. Wilson (202) 377-6349.

Reviewing attorney: James Ranson (202) 377-6350.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AL12

2835. APPLICATION OF SECTION 183 TO SECTION 42; STATE GRANTS AND BELOW MARKET STATE LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations discuss the application of the not-for-profit restrictions under section 183 to activities qualifying for the low-income housing credit under section 42.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: PS-044-90

Drafting attorney: Paul F. Handleman (202) 377-6349.

Reviewing attorney: James F. Ranson (202) 377-6349.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Paul Handleman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AO90

2836. 10-YEAR WAIVER REGULATIONS UNDER SECTION 42 IRC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules on certain buildings acquired during a 10-year period.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-025-90

Drafting attorney: Paul F. Handleman (202) 377-6349.

Reviewing attorney: James Ranson (202) 377-6349.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Paul Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AO94

2837. DEFINITIONS OF TERMS AND CERTAIN COMPLIANCE REQUIREMENTS UNDER LOW INCOME HOUSING CREDIT

Legal Authority: 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.42

Legal Deadline: None

Abstract: Most issues to be included in this regulation are yet to be determined. The regulation will likely include several general definitions applicable to 26 U.S.C. 42 which have not yet been promulgated in other regulations plus certain compliance provisions yet to be determined.

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-118-90

Drafting attorney: Charles Monahan (202) 377-6349.

Reviewing attorney: James F. Ranson (202) 377-6349.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Charles Monahan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AP50

2838. ● STATE GRANTS AND BELOW-MARKET LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations describe how state and municipal grants and below-market loans affect the eligible basis of property qualifying for the low-income housing credit under section 42. These issues were severed from PS-44-90.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-40-91

Drafting attorney: Paul F. Handleman (202) 377-6349.

Reviewing attorney: James F. Ranson (202) 377-6349.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Paul F. Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AP99

2839. ● CREDIT FOR COSTS RELATED TO ENHANCED OIL RECOVERY PROJECTS

Significance: Agency Priority

Legal Authority: PL 101-508 Revenue Reconciliation Act of 1990

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine when a credit is allowed for costs paid or incurred in connection with an enhanced oil recovery project, including which costs are included, the credit base, and the methods that qualify as qualified tertiary recovery methods.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-101-90

Drafting attorney: Brenda Stewart (202) 566-4919.

Reviewing attorney: Joseph Makurath (202) 535-9090.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4919

RIN: 1545–AP64

2840. INCOME TAX—ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-235-82.

Drafting attorney: Stephen J. Toomey (202) 566-3862.

Reviewing attorney: William Jackson (202) 566-4104.

Treasury attorneys: Ellen Aprill (202) 566-5453 and

Robert Scarborough (202) 566-4979.

Agency Contact: Stephen J. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3862

RIN: 1545–AE80

2841. MINIMUM TAX CREDIT AND OTHER MISCELLANEOUS RULES RELATING TO THE ALTERNATIVE MINIMUM TAX

Significance: Regulatory Program

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will address issues relating to the Alternative Minimum Tax for individuals and Corporations. Changes to the applicable law were made by the Tax Reform Act of 1986 and the Technical and Miscellaneous Revenue Act of 1988. The regulations will provide individual and corporate taxpayers with the guidance necessary to determine their alternative minimum tax and their minimum tax credit.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-2-87

Drafting attorney: Stephen J. Toomey (202) 566-3863.

Reviewing attorney: William Jackson (202) 566-4104.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: Stephen T. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3863

RIN: 1545–AJ86

2842. INCOME TAX—INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustments for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-85-87

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: William Jackson (202) 566-4104.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AL02

2843. INCOME TAX-MINIMUM TAX; ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-209-78.

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: Stephen J. Toomey (202) 566-3863.

Agency Contact: Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AA34

2844. AMENDMENT TO THE REGULATIONS UNDER SECTION 61 TO CONFORM THE TREATMENT OF BOND PREMIUM INCOME TO THE CONSTANT YIELD METHOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide a method for determining how to include bond premium into income. The method is the constant yield method.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-70-88

Drafting attorney: Robert B. Williams (202) 566-3287.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AL92

2845. ● NOTICE OF ALLOCATION OF ALLOCABLE INVESTMENT EXPENSE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposed regulation would provide that issuers of single-class REMICs furnish notice to interest holders in the manner generally provided for REMICs in section 1.6049-7 of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-61-91

Drafting attorney: James W.C. Canup (202) 566-3287.

Reviewing attorney: Laura A.M. Lauritzen (202) 566-3458.

Treasury attorney: Ann Crovitz (202) 566-4902.

Agency Contact: James W.C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AP97

2846. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on the application of rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The loan rules are provided in section 72(p) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-82.

Drafting attorney: Elizabeth Purcell (202) 566-3251.

Reviewing attorney: Michael Thrasher (202) 566-3576.

Agency Contact: Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AE41

2847. TEN PERCENT ADDITIONAL TAX ON EARLY DISTRIBUTION FROM QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 72

Legal Deadline: None

Abstract: Guidance concerning the application of the tax to early distributions and an explanation of the exceptions, such as substantially equal periodic payments.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: EE-080-89

Drafting Attorney: Robin Ehrenberg (202) 566-4747.

Reviewing Attorney: Gregory Stull (202) 566-4747.

Agency Contact: Robin Ehrenberg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AN16

2848. REMOVING GENDER DISTINCTION FROM MORTALITY TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will gender-neutralize the mortality table used under section 79 to determine the value of group-term life insurance's permanent benefits provided to employees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-111-88

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4465

RIN: 1545–AK50

2849. SECTION 79 TABLE I UPDATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will update the table used to determine the cost amount of group-term life insurance to be included in gross income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-82-89

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4465

RIN: 1545–AN54

2850. STUDY OF APPLICATION OF SECTION 302 AND SECTION 1.83(D)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 83 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.83-6

Legal Deadline: None

Abstract: Regulation section 1.83-6(d) will be revised to distinguish between a section 302 transaction and a 1032 transaction. Also, a special rule will be added for transfers of stock from a parent corporation to employees of a subsidiary.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-81-88

Drafting Attorney: Charles Deliee (202) 566-4741.

Agency Contact: Charles T. Deliee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4741

RIN: 1545–AN55

2851. TO PROVIDE REGULATIONS UNDER SECTION 147(B)—RELATING TO LIMITATION ON MATURITY OF PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide guidance with respect to computation of weighted average economic life and weighted average maturity. Rules limit the average length of the maturity of all private activity bonds (including qualified 501 (c) (3) bonds), other than mortgage revenue bonds and student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-220-82.

Drafting attorney: L. Michael Wachtel (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AE69

2852. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-156-84.

Drafting attorney: William P. Cejudo (202) 566-3283.

Agency Contact: William P. Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3283

RIN: 1545–AG84

2853. DEFINITION OF "REISSUANCE" UNDER SECTION 103

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation. Guidance on the definition of issuance appeared as Notice 88-130, 1988-52, IRB 12. The rules contained in the Notice will be incorporated in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: FI-29-86.

Drafting attorney: David White (202) 566-4545.

Treasury Attorney: David Walton (202) 566-2175.

Agency Contact: David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AI65

2854. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 143 Internal Revenue Code of 1986; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103A-2

Legal Deadline: None

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-307-84.

Drafting attorney: Allan Seller (202) 566-3332.

Reviewing attorney: Lon B. Smith (202) 566-4545.

Treasury attorney: Gregory Jenner (202) 566-5911.

Agency Contact: Allan Seller, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW., Washington, DC 20224, **202 566-3332**

RIN: 1545–AG88

2855. INCOME TAX—DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-91-81.

Drafting Attorney: Warren Joseph (202) 566-4430.

Reviewing Attorney: Sharon Hall (202) 566-4430.

Agency Contact: Warren Joseph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AA67

2856. ● CONSOLIDATED ATTRIBUTE REDUCTION UNDER SECTION 108(B)

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986

CFR Citation: 26 CFR 108(b)

Legal Deadline: None

Abstract: The regulations will provide for the reduction of consolidated attributes under section 108(b) when discharge of indebtedness income realized by a member of consolidated group is excluded from gross income under section 108(a).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-44-91

Drafting attorney: Amy Sargent (202) 566-3433.

Reviewing attorney: William Alexander (202) 566-3544.

Agency Contact: Christopher Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3430**

RIN: 1545–AP95

2857. ● PURCHASE MONEY DEBT REDUCTION TREATED AS PRICE REDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the application of section 108(e)(5) under which a debt of a purchaser of property to the seller of such property is treated as a purchase price reduction, rather than as income from the cancellation of indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-47-91

Drafting attorney: Sharon L. Hall (202) 566-4430.

Reviewing attorney: Michael D. Finley (202) 566-4430.

Treasury attorney: Anne A. Crovitz (202) 566-4902.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AQ00

2858. QUALIFIED TUITION REDUCTIONS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income. The proposed regulations also provide rules relating to the treatment of tuition reductions in the case of graduate student teaching and research assistants.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-35-85.

Drafting Attorney: Michael Schmit (202) 566-3862.

Reviewing Attorney: William Jackson (202) 566-4104.

Treasury Attorney: Jeanne Hoenicke (202) 566-5911.

Agency Contact: Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3862**

RIN: 1545–AI13

2859. INCOME TAX—TAX TREATMENT OF FACULTY HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 119 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the definition of a "qualified appraisal." In addition, the regulations will set forth the time and

manner in which the appraisal shall be reviewed and updated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-74-88.

Drafting attorney: Marie Cashman (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Marie Cashman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AJ21

2860. DEPENDENT CARE ASSISTANCE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 129 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance to employers and their employees concerning qualified dependent care assistance programs. Under 26 USC 129, an employee may exclude up to $5,000 from gross income for dependent care.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-090-88

Drafting Attorney: Monice Rosenbaum (202) 566-3505.

Reviewing Attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3505

RIN: 1545–AN17

2861. INCOME TAX—PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will explain what foster care payments a foster care provider may exclude from gross income.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing	06/25/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-83.

Drafting attorney: Victoria J. Driscoll (202) 566-3637.

Reviewing attorney: John Coulter (202) 566-3928.

Agency Contact: Victoria J. Driscoll, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AF52

2862. ● TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME OF CERTAIN FRINGE BENEFITS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed amendments amend two provisions of the working condition fringe benefit regulations. These proposed amendments (1) provide additional rules for transportation provided to certain employees because of bona fide business-oriented security concerns and (2) clarify the treatment of bona fide volunteers who perform services for exempt organizations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-46-91.

Drafting Attorney: Marianna Dyson (202) 566-4747.

Reviewing Attorney: Jerry E. Holmes (202) 566-4747.

Treasury Attorney: Terrill Hyde (202) 566-8277.

Agency Contact: Marianna Dyson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AP74

2863. DEFINITION OF "PRIVATE ACTIVITY BOND", "QUALIFIED BOND"

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1985; 26 USC 141 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides a definition of the term "private activity bond".

Timetable:

Action	Date	FR Cite
NPRM	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-72-88

Drafting attorney: Dave Selig (202) 566-4545.

Agency Contact: Dave Selig, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AM01

2864. TAX-EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to tax-exempt bonds issued to provide qualified residential rental projects.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-089-86

Drafting attorney: Michael Wachtel (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AJ66

2865. QUALIFIED 501(C)(3) BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the circumstances under which a private activity bond will be treated as a qualified 501(c)(3) bond.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-84-86.

Drafting attorney: Dave White (202) 566-4545.

Treasury attorney: David Walton (202) 566-2175.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AJ39

2866. STATE VOLUME CAP FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide state volume cap rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-85-86

Drafting attorney: David Selig (202) 566-4545.

Agency Contact: David Selig, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AJ37

2867. ADVANCE REFUNDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding advance refundings of certain private activity bonds and certain other bonds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-50-88

Drafting attorney: Scott Lilienthal (202) 566-3347.

Agency Contact: Scott Lilienthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-3347

RIN: 1545–AL91

2868. INCOME TAX—TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-190-77.

Drafting attorney: Karin G. Gross (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Office of Tax Legislative Counsel reviewing attorney: Ellen

Aprill (202) 566-5453.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AA79

2869. DEDUCTIONS WITH RESPECT TO NONCASH FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.162-25

Legal Deadline: None

Abstract: The project is to produce proposed rules relating to an alternative way for employers to take deductions with respect to noncash fringe benefits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-89-88

Drafting Attorney: Joel Rutstein (202) 566-4430.

Reviewing Attorney: Paul Kane (202) 566-4430.

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AM40

2870. QUALIFIED RESIDENCE INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the definition of qualified residence interest, including the definition of acquisition debt and guidance regarding the computation of the limitation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-27-88

Drafting Attorney: Sharon L. Hall (202) 566-4430.

Reviewing Attorney: John Fischer (202) 566-8131.

Treasury Attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, DC 20224, 202 566-4430

RIN: 1545–AL67

2871. SECTION 165 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 165

Legal Deadline: None

Abstract: This regulation project will finalize all outstanding proposed and temporary regulations under section 1.165-5.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-115-90

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Emily McMahon (202) 566-8275.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AP33

2872. INCOME TAX—ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; 26 USC 57(a)(12) Internal Revenue Code of 1954; 26 USC 312(k) Internal Revenue Code of 1954; 26 USC 172(b) Internal Revenue Code of 1954; 26 USC 812(b) Internal Revenue Code of 1954; 26 USC 46(b) Internal Revenue Code of 1954; 26 USC 53(c) Internal Revenue Code of 1954; 26 USC 381(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the accelerated cost recovery scheme. This cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	49 FR 5940
Hearing held	05/21/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-185-81.

Drafting attorney: Mark Pitzer (202) 566-3292.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AA87

2873. MODIFICATION OF ACRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules concerning the accelerated cost recovery system for property generally placed in service after December 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-88-86.

Drafting attorney: Mark Pitzer (202) 566-3292.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AJ38

2874. GENERAL ASSET ACCOUNTS UNDER THE ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules relating to the treatment of General Asset Accounts under the Accelerated Cost Recovery System. The regulation would apply to property generally placed in service after December 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-055-89

Drafting Attorney: Robert Robbins (202) 566-3292.

Reviewing Attorney: Susan Reaman (202) 566-3553.

Treasury Attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Robert Robbins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AN82

2875. DEFINITION OF RESEARCH AND EXPERIMENTAL EXPENDITURES UNDER SECTION 174 OF THE CODE

Legal Authority: 26 USC 7805(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.174-2; 26 CFR 1.41

Legal Deadline: None

Abstract: The regulations clarify the definition of "research and experimental expenditures" under section 174 of the Internal Revenue Code. The regulations also clarify the definition of "research and experimental expenditures" for purposes of section 41 of the Code, because section 41 relies on the definition of that item in section 174.

Timetable:

Action	Date	FR Cite
NPRM	05/17/89	54 FR 21224
NPRM Comment Period End	07/17/89	
Public Hearing	12/05/89	54 FR 37947
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-002-89

Drafting attorney: David Hudson (202) 535-9540.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Evelyn Brody (202) 535-6959.

Agency Contact: David Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4821

RIN: 1545–AM92

2876. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 183(e)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-73-84.

Drafting attorney: Bernard Englander (202) 566-4440.

Reviewing attorney: Robert Casey (202) 566-3637.

Agency Contact: Bernard Englander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-4440

RIN: 1545–AG27

2877. INCOME TAX—TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-36-81.

Drafting attorney: Paul F. Handleman (202) 377-6349.

Reviewing attorney: James Ranson (202) 377-6349.

Treasury attorney: Joan Leonard (202) 566-8380.

Agency Contact: Paul F. Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AB02

2878. DISTRIBUTIONS BY COOPERATIVE HOUSING ASSOCIATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 216 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide exceptions to the general rule of section 216 (e) under which no gain or loss shall be recognized on the distribution by a cooperative housing association of a dwelling unit to a stockholder in such

corporation if the exchange qualifies for nonrecognition under section 1034 (f).

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-047-90

Drafting attorney: Lisa Shuman (202) 566-4840.

Reviewing attorney: Walter Woo (202) 535-9545.

Agency Contact: Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4840**

RIN: 1545–AO91

2879. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 245

Legal Deadline: None

Abstract: Draft regulations under section 245 of the Code, incorporating changes made by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-943-86

Drafting attorney: Kathryn Horton O'Brien (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6442**

RIN: 1545–AL94

2880. INCOME TAX—DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246A Internal Revenue Code of 1986; 26 USC 7701 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-261-84.

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3861**

RIN: 1545–AH39

2881. NOTICE OF PROPOSED RULEMAKING—CAPITALIZATION OF INTEREST EXPENSE

Significance: Regulatory Program

Legal Authority: 26 USC 263A (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This second set of regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation interest to property subject to the capitalization rules for related parties and flow-through entities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-121-86.

Drafting attorney: Mary Goode (202) 566-3826

Reviewing attorney: Richard Davis (202) 566-3494.

Treasury attorney: Roy Strowd (202) 566-4902.

Agency Contact: Mary Goode, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3388**

RIN: 1545–AK01

2882. RULES FOR TREATMENT OF FOREIGN CORPORATION WHOSE STOCK IS STAPLED TO THE STOCK OF A DOMESTIC CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 268B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide a general rule that where a U.S. owned foreign corporation and a U.S. owned domestic corporation are stapled entities, the foreign corporation will be treated as a domestic corporation and that the deemed conversion will be treated as a reorganization under section 368(a)(1)(F) of the Code. The regulations will also provide exceptions to this general rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-237-89

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6645**

RIN: 1545–AN20

2883. INCOME TAX—DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-261-76.

Drafting Attorney: Joel S. Rutstein (202) 566-4430.

Reviewing Attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AB09

2884. LIMITATION OF DEDUCTIONS ON PASSENGER AUTOMOBILES AND OTHER LISTED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will clarify the rules limiting the Investment Tax Credit (if any) and Cost Recovery deductions allowable with respect to passenger automobiles and certain other "listed property".

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-015-89

Senior Tax Law Specialist: John E. Moffat (202) 566-3553.

Reviewing Attorney: Harold E. Burghart (202) 566-3292.

Treasury Attorney: John H. Parcell (202) 566-2784.

Agency Contact: John E. Moffat, Senior Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AN05

2885. THE SUBSTANTIATION OF DEDUCTIONS CLAIMED FOR THE USE OF CELLULAR TELEPHONES AND COMPUTERS IN A TAXPAYER'S TRADE OR BUSINESS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide the public with the guidance needed to substantiate the use of cellular telephones and computers in a trade or business. The regulations proposed for cellular telephones and computers follow the safe harbor rules of listed properties such as automobiles, and consider the possibility of exceptions to the rules for listed property when the use of a cellular telephone in a trade or business occurs under special conditions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-114-90

Senior Tax Law Specialist: John E. Moffat (202) 566-3553.

Reviewing Tax Law Specialist: Harold E. Burghart (202) 566- 3292.

Treasury Attorney: John H. Parcell (202) 566-2784.

Agency Contact: John E. Moffat, Senior Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AP46

2886. CERTAIN ATTRIBUTION RULES AND CERTAIN CORPORATE REORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 302(c)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-189-82.

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3450.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AF13

2887. AMEND REGULATIONS ON SECTION 306 STOCK AND EARNINGS AND PROFITS IN LIGHT OF COMMISSIONER V. CLARK

Legal Authority: 26 USC 356(a)(2) Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 306 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.381(c)(2)-1(a)(1); 26 CFR 1.306-3(d)

Legal Deadline: None

Abstract: In Commissioner v. Clark, the Supreme Court held that for purposes of section 356(a)(2), the boot distribution is treated as a distribution by the transferee in a hypothetical redemption of the shares of the transferee stock that the transferor shareholders would have received if they had accepted stock in lieu of boot. The regulations under section 381 and 306 will be amended to reflect the post-exchange analysis of CLARK.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-061-89

Drafting attorney: Kirsten L. Simpson (202) 566-6212.

Reviewing attorney: Robert M. Kesler (202) 566-6271.

Agency Contact: Kirsten L. Simpson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6212

RIN: 1545–AO35

2888. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e), and the consequences which result from making such an election.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-52-87

Drafting attorney: Theresa Abell (202) 566-4551.

Reviewing attorney: Maura Sullivan (202) 566-4173.

Treasury attorney: J. Judge Kelley (202) 567-2175.

Agency Contact: Theresa Abell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4551

RIN: 1545–AK29

2889. MANDATORY APPLICATION OF MADSP FORMULA FOR DETERMINATION OF DEEMED SALE PRICE FOR OLD TARGET'S ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will require the use of the MADSP formula in a qualified stock purchase to which Section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-87.

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judd Kelley (202) 566-2175.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AK25

2890. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338(H)(10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated Federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-50-87

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judd Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AK31

2891. GAIN OR LOSS IGNORED BY TARGET CORPORATION UPON ITS DEEMED SALE OF AFFECTED TARGET STOP

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to provide rules to alleviate the multiple taxation consequences of a section 338(g) election when a purchasing corporation acquires the stock of a target corporation in a qualified stock purchase and the target's assets include the stock of an 80-percent owned target affiliate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-656-89

Drafting Attorney: Kenneth D. Allison (202) 566-6442.

Reviewing Attorney: Benedetta A. Kissel (202) 566-6442.

Treasury Attorney: Marlin Risinger (202) 566-5992.

Agency Contact: Kenneth D. Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 566-6442

RIN: 1545–AN85

2892. AMENDMENT OF SECTION 1.338-5T REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address problems that have surfaced in the section 1.338-5T regulations since their publication, issues raised by the repeal of the General Utilities doctrine, as well as issues presented by the passage of section 338(h)(16) in 1988.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-177-90

Drafting attorney: Karen S. Holden (202) 566-6442.

Reviewing attorney: Charles Besecky (202) 566-6442.

Treasury attorney: Unassigned.

Agency Contact: Karen S. Holden, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AO73

2893. MULTIPLE TAXATION

Significance: Agency Priority

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules on the determination of the amount of gain or loss recognized by a target corporation upon its deemed sale under section 338(a) of the stock of certain affiliates of the target corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-051-89

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: William D. Alexander (202) 566-3544.

Treasury attorney: Judd Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AP02

2894. ● INFORMATION REPORTING REQUIREMENTS FOR SECTION 338 (H)(10) TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 338(h)(10)

Legal Deadline: None

Abstract: The regulations will provide rules for the allocation of basis among assets of the target corporation(s) where an election under section 338(h)(10) has been made.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-012-91

Drafting attorney: Amy Sargent (202) 566-3433.

Reviewing attorney; Keith Medleau (202) 566-4551.

Agency Contact: Christopher Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3430

RIN: 1545–AP96

2895. ● CONSISTENCY RULES UNDER SECTION 338

Significance: Agency Priority

Legal Authority: 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.338-1T to 6T; 26 CFR 1.338(b)-1T to 4T; 26 CFR 1.338(h)(10)-1T

Legal Deadline: None

Abstract: These regulations will modify or revise the consistency rules under Section 338.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-111-90

Drafting attorney: Michael Fulton (202) 566-2455.

Reviewing attorney: Don Leatherman (202) 566-2454.

Treasury attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Michael Fulton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AQ05

2896. INCOME TAX—TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-993-71.

Drafting attorney: Roberta Mann (202) 566-3250.

Reviewing attorney: Christopher Kane (202) 566-3551.

Treasury Attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Roberta Mann, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3250

RIN: 1545–AB21

2897. FRINGE BENEFIT SOURCING UNDER SECTION 861

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address the clarification that an allocation of income of an individual for the performance of services both within and without the United States is appropriately made only on the time basis.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-107-90

Drafting Attorney: James K. Sams (202) 566-6645.

Reviewing Attorney: Thomas P. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AO72

2898. SECTION 361 OUTBOUND TRANSFERS OF PROPERTY TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The income tax regulations under section 367(a) will be amended to reflect the changes made to that section by the Technical and Miscellaneous Corrections Act of 1988. Section 367(a)(5) now provides that a transfer of assets to a foreign corporation in an exchange described in section 361 is subject to section 367(a)(1) unless certain ownership requirements and other conditions are met. The regulations will provide guidance regarding the application of this section. The change in the statute was necessitated by the repeal of "General Utilities."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-089-89

Drafting attorney: Elizabeth U. Karzon (202) 566-6442.

Reviewing attorney: Bernard T. Bress (202) 566-3452.

Treasury attorney: Marlin Risinger (202) 566-5992.

Agency Contact: Elizabeth U. Karzon, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AM97

2899. ● TRANSFERS OF STOCK ON SECURITIES BY U.S. PERSONS TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These proposed regulations will replace, when finalized, the temporary income tax regulations under section 1.367(a)-1T(c) (2) and section 1.367(a)-3T. They provide guidance on the application of section 367(a) to transfers of stock or securities by U.S. persons to foreign corporations. This regulation has been broken out of a larger regulation project (listed under INTL-610-86, RIN 1545-AK74) that will amend the remainder of the temporary income tax regulations under section 367(a).

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-54-91

Drafting attorney: Elizabeth U. Karzon (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5992.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AP81

2900. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-67-87

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AK27

2901. SECTION 382 LIMITATION ON GROUPS FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This NPRM provides rules for applying section 382 to consolidated groups.

Timetable:

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4195
NPRM Comment Period End	03/29/91	56 FR 4195
Hearing	04/08/91	56 FR 4243

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-132-87

Drafting attorney: David P. Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AL36

2902. OPTION ATTRIBUTION UNDER SECTION 382(L)(5)

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Operation of option attribution rules to qualify under section 382(l)(5).

Timetable:

Action	Date	FR Cite
NPRM	09/05/90	55 FR 36657

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-062-89

Drafting attorney: David Madden (202) 566-3205.

Reviewing attorney: Nelson Crouch (202) 566-3255.

Treasury attorney: Larry Garrett (202) 566-2175.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AO11

2903. REORGANIZATIONS IN BANKRUPTCY; STOCK-FOR-DEBT EXCHANGES; USE OF PARENT CORPORATION STOCK; TRIANGULAR "G" REORGANIZATIONS

Legal Authority: 26 USC 108 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for members of an affiliated group of corporations filing consolidated returns which are reorganized in bankruptcy. The issuance of parent corporation stock in cancellation of subsidiary corporation indebtedness will come within the common law stock-for-debt exception to cancellation of indebtedness income (as limited by Section 108 (e) (8) and Section 108 (e) (10) without resort to a recapitalization analysis (whether deemed or actual). When creditors of more than one bankrupt member of the group receive parent corporation stock, the stock received by all the creditors may be aggregated for purposes of determining whether each ownership change meets the requirements of Section 382 (l) (5). Collateral consolidated return and reorganization issues will be considered.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-078-89

Drafting attorney: Victor Penico (202) 566-3618.

Reviewing attorney: Nelson Crouch (202) 566-3255.

Agency Contact: Victor Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3618

RIN: 1545–AO30

2904. AMENDMENTS OF SECTION 1.382-2T(R)(4)(X) TO EXCEPT ADDITIONAL OPTIONS FROM THE OPTION ATTRIBUTION RULES OF SECTION 1.382-2T(H)(4)(I)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The primary purpose of this project is to amend the temporary regulations under section 382 of the Internal Revenue Code to provide additional options to be excepted from the attribution rules of section 1.382-2T(h)(4)(i).

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-18-90

Drafting attorney: Keith E. Stanley (202) 566-3618.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Keith Stanley, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, 202 566-3618

RIN: 1545–AO54

2905. SHORT TAXABLE YEARS AND CONTROL GROUPS

Legal Authority: 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations will provide rules regarding the application of section 382 in the case of short taxable years and of controlled groups of corporations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4183
NPRM Comment Period End	03/29/91	56 FR 4183
Hearing	04/08/91	56 FR 4243

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-77-90

Drafting attorney: David Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AP14

2906. SUSPENSION OF PARTNERSHIP INCOME AND EXPENSES ARISING FROM UNPAID GUARANTEED PAYMENTS ACCRUED BY CERTAIN PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These proposed regulations suspend the recognition of income and expenses if certain partners, such as loss corporations accrue unpaid guaranteed payments. The partner's income as well as the partnership's expense will be recognized in the taxable year in which the partnership pays, with an unrestricted transfer of money, the accrued guaranteed payment. The proposed regulations prevent loss corporations, and other covered taxpayers not subject to U.S. tax, from structuring partnership guaranteed payment that diverts taxable income to the loss corporation or other non U.S. taxpayer which is greater than the ultimate economic benefit realized from the guaranteed payment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-95-90

Drafting attorney: Susan Pace Hamill (202) 377-9470.

Reviewing attorney: David R. Haglund (202) 343-8459.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Susan Pace Hamill, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AP43

2907. ● PROPOSED AMENDMENT TO TEMPORARY REGULATIONS SECTION 1.382-2T

Legal Authority: 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.382-2T

Legal Deadline: None

Abstract: To provide an exemption for mutual funds from the segregation of stock ownership rules of Section 1.382-2T(j)(2)(iii)(B)(ii) and (C).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: CO-18-91

Drafting attorney: Lori J. Jones (202) 566-4551.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Larry Garrett (202) 566-2175.

Agency Contact: Lori J. Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4551

RIN: 1545–AP79

2908. ● PERMISSIBILITY OF SECTION 401(H) ACCOUNT IN COMBINATION WITH AN ESOP

Significance: Agency Priority

Legal Authority: 26 USC 401(h) Internal Revenue Code of 1986; 26 USC 4975 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the permissibility of retiree health accounts under section 401(h) in combination with employee stock ownership plans.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-52-91

Drafting attorney: John Ricotta (202) 566-4747.

Reviewing attorney: Steven Miller (202) 343-6954.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AP88

2909. NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 403(B) ANNUITIES

Legal Authority: 26 USC 403(b)(12) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the nondiscrimination and other rules

applicable to tax-sheltered section 403(b) annuities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-163-86

Drafting attorney: Richard M. Lent (202) 566-3050.

Reviewing Attorney: Nancy Marks (202) 343-6954.

Treasury Attorney: Kurt Lawson (202) 566-5453.

Agency Contact: Richard M. Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AI90

2910. INCOME TAX—PART 1; ESTATE TAX—PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986

Legal Authority: 26 USC 409 Internal Revenue Code of 1986; 26 USC 401(a)(28) Internal Revenue Code of 1986; 26 USC 401(a)(23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404(k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None

Abstract: The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-164-86

Drafting attorney: John Ricotta (202) 566-4747.

Reviewing attorney: Michael Thrasher (202) 566-3576.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AI87

2911. SPECIAL RULES IN MERGER AND ACQUISITION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to provide special rules for employee plans in mergers and acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-108-88

Drafting attorney: Richard M. Lent (202) 566-3050.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Agency Contact: Richard Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AM94

2912. REVISING THE DRAFTING OF THE FULL FUNDING LIMITATION FOR PURPOSES OF THE MINIMUM FUNDING REQUIREMENT FOR PENSION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412(c)(7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, August 5, 1988.

Abstract: This project will interpret the new full funding limitation on deductible contributions to pension plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-62-88

Drafting attorney: Linda Marshall (202) 566-4741.

Reviewing attorney: Steve Miller (202) 566-6646.

Treasury attorney: Thomas Terry (202) 566-2318.

Agency Contact: Linda Marshall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AL53

2913. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239 (d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-66-84.

Drafting attorney: Michael J. Roach (202) 566-4741.

Reviewing attorney: Mark Schwimmer (202) 566-4741.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Michael J. Roach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4741

RIN: 1545–AG14

2914. INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 422A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.422A-1; 26 CFR 1.422A-2

Legal Deadline: None

Abstract: Outstanding proposed regulations will be revised to reflect changes to section 422A made by the Tax Reform Act of 1986, PL 99-514. The revised regulations will be reissued in proposed form.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-110-88

Drafting Attorney: Charles Delice (202) 566-4741.

Agency Contact: Charles Deliee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4741

RIN: 1545–AN26

2915. INC. TAX—PART 1—AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section 1.442-1 will be amended to reflect Revenue Procedure 85-58.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-06-86.

Drafting attorney: Cynthia Morton (202) 566-4465.

Reviewing attorney: Paul G. Accettura (202) 566-3496.

Agency Contact: Cynthia Morton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4465

RIN: 1545–AI68

2916. CHANGES TO METHOD OF ACCOUNTING FOR CERTAIN TAXPAYERS USING ACCRUAL METHOD OF ACCOUNTING FOR REDEMPTION OF TRADING STAMPS AND COUPONS PURSUANT TO SECTION 461(H) OF THE CODE

Significance: Agency Priority

Legal Authority: 26 USC 451 Internal Revenue Code of 1986; 26 USC 461 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The current regulations allow reserves for future estimated redemption expenses for trading stamp companies. This is contrary to rules set forth in section 461 of the Internal Revenue Code. The current section should either be removed or amended.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-075-90

Drafting attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: Robert Casey (202) 566-3637.

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AP04

2917. INCOME TAX—GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-103-81.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Richard E. Ennis (202) 566-3637.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AB41

2918. INCOME TAX—INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-2-81.

Drafting attorney: Kathryn K. Nunzio (202) 343-2380.

Reviewing attorney: George F. Wright (202) 343-2383.

Agency Contact: Kathryn K. Nunzio, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-2380

RIN: 1545–AB45

2919. INCOME TAX REGULATIONS—PART 1—SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 15A.453-1(e)

Legal Deadline: None

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-54-84.

Drafting attorney: Kathryn Nunzio (202) 343-2380.

Reviewing attorney: George Wright (202) 343-2383.

Agency Contact: Kathryn Nunzio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-2380

RIN: 1545–AG37

2920. INCOME TAX—DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Internal Revenue Code section 457 provides an exclusion from gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts attributable to the amounts so deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-166-86

Drafting attorney: Brant Goldwyn (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Agency Contact: Brant Goldwyn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AI89

2921. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-192-78.

Drafting attorney: Charles Alton (202) 377-9660.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AF86

2922. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-85.

Drafting Attorney: Charles Alton (202) 377-9660.

Reviewing Attorney: Frances D. Schafer (202) 566-3629.

Treasury Attorney: John H. Parcell (202) 566-2784.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AI02

2923. APPLICATION OF AT-RISK LIMITATIONS TO THE HOLDING OF REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC 752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain the application of the at risk limitations to the activity of holding real property and the exception for qualified nonrecourse financing.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-124-86.

Drafting attorney: Christine Ellison (202) 377-9665.

Reviewing attorney: Francis D. Schafer (202) 566-3629.

Treasury attorney: John H. Parcell (202) 566-2784.

Agency Contact: Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9665

RIN: 1545–AK08

2924. REGULATIONS WILL PROVIDE GUIDANCE ON WHAT CONSTITUTES AN INTEREST OTHER THAN THAT OF A CREDITOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on what constitutes an interest other then that of a creditor.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-063-89

Drafting attorneys: Charles Alton (202) 377-9660 & Christine Ellison (202) 377-9665.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: John Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W, Washington, DC 20224, 202 377-9660

RIN: 1545–AO32

2925. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-292-84.

Drafting attorney: Sharon L. Hall (202) 566-4430

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AG81

2926. DISPOSITION OF AN INTEREST IN A NUCLEAR POWER PLANT

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.468A-6, (New); 26 CFR 1.468A-1(b), (Revision); 26 CFR 1.468A-3, (Revision); 26 CFR 1.468A-8(b), (Revision); 26 CFR 1.468A-5(a)

Legal Deadline: None

Abstract: Final regulations relating to Nuclear Decommissioning Funds did not include provisions for treatment upon disposition of an interest in a nuclear power plant. The proposed regulations will provide guidance to determine the tax consequences of such disposition on a Nuclear Decommissioning Fund and on taxpayers that establish such funds In addition, the proposed regulations will make a number of needed changes and clarifications to the existing regulations that will aid in the administration and processing of requests for schedules of ruling amounts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 491 Electric Services; 493 Combination Electric and Gas, and Other Utility Services

Additional Information: PS-004-89

Drafting Attorney: Peter C. Friedman (202) 566-3553.

Reviewing Attorney: Noel Sheehan (202) 566-3292.

Treasury Attorney: Eve Elgin (202) 535-6966.

Agency Contact: Peter C. Friedman, Senior Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AN06

2927. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS-SELF CHARGED ITEMS

Legal Authority: 26 USC 0469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-7

Legal Deadline: None

Abstract: The regulation will address the treatment of self-charged items of income and expense in connection with transactions between passthrough entities and owners of interests in those entities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: PS-039-89

Drafting attorney: Dexter Johnson (202) 566-4751.

Reviewing attorney: Margaret M. O'Connor (202) 566-6016.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AN64

2928. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-31-87

Drafting attorney: Richard O. Davis (202) 566-3494.

Reviewing attorney: Eric Pleet (202) 566-3490.

Treasury accountant-advisor: Roy Strowd (202) 535-6964.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3494

RIN: 1545–AK64

2929. ● TAXATION OF TAX-EXEMPT ORGANIZATIONS' INCOME FROM ORDINARY AND ROUTINE INVESTMENTS IN CONNECTION WITH A SECURITIES PORTFOLIO

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.512(b)-1(a)

Legal Deadline: None

Abstract: Should tax-exempt organizations pay unrelated business income tax on income from ordinary and routine investments in connection with a securities portfolio?

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-70-91

Drafting attorney: Jerome P. Walsh Skelly (202) 566-3496.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Treasury attorney: Robert R. Wooton (202) 566-2316.

Agency Contact: Jerome P. Walsh Skelly, Special Assistant (Technical), Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Room 5235, CC:EE, Washington, DC 20224, 202 566-3505

RIN: 1545–AP93

2930. INCOME TAX—UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512 (a) Internal Revenue Code of 1986; 26 USC 514 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 566-3505.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3505

RIN: 1545–AE00

2931. TAXATION OF CERTAIN QUALIFIED EXEMPT ORGANIZATIONS ON INCOME FROM DEBT-FINANCED PROPERTY OWNED THROUGH A PARTNERSHIP

Significance: Agency Priority

Legal Authority: 26 USC 514(c)(9) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules governing the application of section 514(c)(9)(E) of the IRC to certain partnerships in which one or more (but not all) of the partners are qualified tax-exempt organizations within the meaning of 514(c)(9)(C).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-056-90

Drafting attorney: Christopher Kehoe (202) 377-9665.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: Evelyn Brody (202) 566-5453.

Agency Contact: Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9665

RIN: 1545–AO78

2932. BAD DEBT RESERVE RECAPTURE FOR THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 593 Internal Revenue Code of 1986; 26 USC 446 Internal Revenue Code of 1986; 26 USC 481 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation addresses the recapture of bad debt reserves of thrift institutions that either fail the 60% asset test or convert their charter to that of a commercial bank.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-042-90

Drafting attorney: Bernita Thigpen (202) 566-3829.

Reviewing attorney: Sharon Galm (202) 566-3326.

Treasury attorney: Gregory Marich (202) 566-8277.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3829

RIN: 1545–AO69

2933. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 595 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-083-82.

Drafting attorney: James W. C. Canup (202) 566-3287.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Agency Contact: James W. C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AF00

2934. TAX CONSEQUENCES OF FEDERAL FINANCIAL ASSISTANCE PROVIDED IN CONNECTION WITH TAXABLE ASSET ACQUISITIONS OF TROUBLED FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Purpose of regulation is to implement changes to Section 597 by FIRREA. The FDIC needs this guidance to facilitate the reorganization of failed S&L's.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-046-89

Drafting attorney: Bernita Thigpen (202) 566-3829.

Reviewing attorney: Steven Glickstein (202) 566-3287.

Treasury attorney: Gregory Marich (202) 566-8277.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3829

RIN: 1545–AN71

2935. INCOME TAX—RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 612 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-71.

Drafting attorney: Walter Woo (202) 535-9545.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Walter Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9545

RIN: 1545–AB69

2936. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC: 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-34-85.

Drafting attorney: Carol E. Schultze (202) 566-3625.

Reviewing attorney: Thomas J. Hines (202) 566-6813.

Agency Contact: Carol E. Schultze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3625

RIN: 1545–AI06

2937. CLARIFICATION OF SECTION 1.643(A)(3) RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643(a)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-85.

Drafting Attorney: Bernard Harvey (202) 535-9759.

Reviewing Attorney: Arthur H. Ernst (202) 566-3158.

Treasury Attorney: William M. Paul (202) 566-5455.

Agency Contact: Bernard Harvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9759

RIN: 1545–AI31

2938. ACCUMULATION TRUSTS

Legal Authority: 26 USC 667 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.667(a); 26 CFR 1.641; 26 CFR 1.643; 26 CFR 1.652; 26 CFR 1.661; 26 CFR 1.666; 26 CFR 1.668

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 provides for a new method of computing the tax on distributions of income accumulated by a trust in prior years. The new method, in effect, determines the tax attributable to an accumulation distribution by averaging the distribution over the number of years during which the income was earned by the trust. This is accomplished by including, for purposes of tentative computations, a fraction of the income received from the trust in the beneficiaries' income for 3 of the 5 preceding years. Those 3 years are determined by taking from the 5 preceding years the year with the highest taxable income and the year with the lowest. The fraction of the income included in each of the 3 years is based upon the number of years during which the income is accumulated by the trust. The average yearly additional tax determined by recomputing the tax for the 3 years is then multiplied by the number of years during which the distribution was accumulated. The resulting tax so computed may be offset by a credit for any taxes previously paid by the trust with respect to the accumulated income. (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-184-76

Drafting attorney: James F. Hogan (202) 566-3502.

Reviewing attorney: Tom Hines (202) 566-6813.

Treasury attorney: Bob Weaver (202) 535-6959.

ABSTRACT CONT: Any remaining tax liability is then due and payable in the same year as the tax on the beneficiary's other income in the year of the distribution.

Agency Contact: James F. Hogan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3502

RIN: 1545–AM78

2939. REVISION OF REPORTING REQUIREMENTS FOR GRANTOR TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 671 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.671-4, (Revision); 26 CFR 1.6012-3; 26 CFR 1.6049-4; 26 CFR 1.6042-2; 26 CFR 5f.6045-1

Legal Deadline: None

Abstract: Grantor trusts would file 1099's or nothing at all with the Service, and provide a statement of earnings deductions and credits to each grantor. This will enable the Service to match the reported income from grantor trusts with the grantor's tax return. Different procedures will be required for trusts with single grantors as opposed to multiple grantors. Corporation grantors will be included. Other considerations will be whether backup withholdings rules apply and whether there is a legal basis for requiring a payor to report income directly to the grantor rather than the trust.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-49-89

Drafting tax law specialist: Mary Jane Kossar (202) 566-3453.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Mary Jane Kossar, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3453

RIN: 1545–AN77

2940. INCOME TAXATION OF TRUSTS AND ESTATES

Legal Authority: 26 USC 645 Internal Revenue Code of 1986; 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986; 26 USC 6654 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding taxable years of trusts and estates, taxation of grantor trusts, and payment of estimated tax by trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-86.

Drafting attorney: Bernard Harvey (202) 535-9759.

Reviewing attorney: Arthur H. Ernst (202) 566-3158.

Treasury attorney: William M. Paul (202) 566-5455.

Agency Contact: Bernard Harvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9759

RIN: 1545–AJ20

2941. FOREIGN GRANTOR TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 679 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance to taxpayers concerning the income tax treatment of transfers by U.S. persons to foreign trusts having U.S. beneficiaries. The amendments will conform to changes made by section 1013 of the Tax Reform Act of 1976.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-243-89

Drafting attorney: Leslie A. Cracraft (202) 566-6442.

Reviewing attorney: Benedetta A. Kissel (202) 566-6442.

Treasury attorney: Peter Byrne (202) 566-4979.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washignton, DC 20224, 202 566-6442

RIN: 1545–AO75

2942. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-164-84.

Drafting Attorney: David Edquist (202) 343-8459.

Reviewing attorney: Claire Toth (202) 566-4320.

Treasury attorney: Heidi Ebel (202) 566-2175..

Agency Contact: David Edquist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-8459

RIN: 1545–AG98

2943. INCOME TAX—ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-265-76.

Drafting Attorney: Ann Veninga (202) 377-9660.

Reviewing Attorney: Claire E. Toth (202) 566-4320.

Treasury Attorney: Greg Marich (202)566-2927.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AB81

2944. INCOME TAX—TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-234-84.

Drafting attorney: Brad Saunders (202) 377-9470.

Reviewing attorney: David R. Haglund (202) 343-8459.

Treasury attorney: Greg Marich (202) 566-2175.

Agency Contact: Brad Saunders, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AG83

2945. TREATMENT OF TRANSACTIONS BETWEEN PARTNERS AND PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-163-84.

Drafting Attorney: Susan T. Edlavitch (202) 343-8459.

Reviewing Attorney: David R. Haglund (202) 343-8459.

Treasury Attorney: Greg Marich (202) 566-4979.

Agency Contact: Susan T. Edlavitch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-8459

RIN: 1545–AH22

2946. DISTRIBUTION OF CORPORATE STOCK TO A CORPORATE PARTNER

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 731 Internal Revenue Code of 1986; 26 USC 732 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These proposed regulations under IRC section codes 731 and 732 provide special rules relating to a distribution of corporate stock to a corporate partner that results in the corporate partner having ownership of stock in the corporation meeting the requirements of section code 1504(a)(2).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-099-90

Drafting attorney: Susan T. Edlavitch (202) 343-8459.

Reviewing attorney: David R. Haglund (202) 343-8459.

Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: Susan T. Edlavitch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-8459

RIN: 1545–AP40

2947. SECTION 761 ELECTION BY NATURAL GAS PRODUCERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 761 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide additional requirements for producers of natural gas electing under section 761 to be excluded from the subchapter K partnership rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-103-90

Drafting attorney: H. Grace Kim (202) 566-4082.

Reviewing attorney: Richard G. Blumenreich (202) 566-4082.

Treasury attorney: S. Barksdale Penick (202) 566-5453.

Agency Contact: H. Grace Kim, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4082

RIN: 1545–AP23

2948. TAXATION OF FOREIGN INSURANCE COMPANIES DOING BUSINESS IN THE UNITED STATES INCLUDING THE EXPLICATION OF THE MINIMUM NET INVESTMENT INCOME CALCULATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.842, (New); Not yet determined

Legal Deadline: None

Abstract: The regulation will describe the proper rules applicable to the taxation of Foreign Insurance Companies doing business in the United States. In particular, the regulation will address the computation of an Insurance Company's minimum effectively connected net Investment Income. Also the procedures by which an Insurance Company may elect to use its worldwide current investment yields will be discussed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-020-89

Drafting Attorney: Fred Campbell-Mohn and Phil Garlett (202) 566-3288.

Reviewing Attorney: Steve Hooe (202) 566-3294.

Treasury Attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Frederick S. Campbell-Mohn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AN31

2949. FOREIGN INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986; 26 USC 864(c)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will prescribe rules for determining income effectively

connected with the conduct of an insurance business in the United States.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-024-88

Drafting attorney: Mary Gillmarten (202) 566-6284.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Carol Dunahoo (202) 566-4979.

Agency Contact: Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AL82

2950. ● EXTENSION OF TIME FOR REAL ESTATE MORTGAGE INVESTMENT CONDUITS TO PROVIDE REPORTING INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860F Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposed regulation would extend the deadline for REMICs or issuers of CDOs to furnish Reporting information.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-38-91

Drafting attorney: James W.C. Canup (202) 566-3287.

Reviewing attorney: Laura A.M. Lauritzen (202) 566-3458.

Treasury attorney: Anne Crovitz (202) 566-4902.

Agency Contact: James W.C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AP73

2951. ● RECOMPUTATION OF ALLOCATION AND APPORTIONMENT OF DEDUCTION FOR STATE INCOME TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will address acceptable methods of recomputing allocation and apportionment of deduction for state income taxes after recomputation of state tax liability.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-009-91

Drafting attorney: David F. Chan (202) 566-6645.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: Emily McMahon (202) 566-8275.

Agency Contact: David F. Chan, Legislative Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AP86

2952. TRANSPORTATION INCOME SOURCE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-947-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-5815.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ68

2953. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 —SOURCE OF INCOME RULES FOR INCOME DERIVED FROM SPACE AND OCEAN ACTIVITIES INCLUDING TELECOMMUNICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(d) Internal Revenue Code of 1986; 26 USC 863(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance relating to determining the source of income derived from space, and certain ocean activities (excluding mining within the continental shelf.) The regulation will also provide guidance on determining the source of income derived from international telecommunications activities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-949-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Barbara A. Felker (202) 566-6284.

Treasury attorney: Unassigned.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AJ84

2954. TIERED PARTNERSHIP RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address whether a foreign partner in a tiered partnership arrangement is engaged in a trade or business in the U.S. by virtue of membership in that tiered partnership where the second tier partnership meets the requirements of being in U.S. trade or business. The alternatives are 1) to conclude the foreign partner is engaged in U.S. trade or business because any member of the tiered partnership arrangements is; and 2) to conclude the foreign partner is not engaged in a U.S. trade of business where the first tier partnership is not so engaged. Other considerations include the meaning of "principal place of business" and whether an entity may have more than one, and attribution rules applicable to the entities. A problem with the second alternative is that it arguably gives priority to form over substance, however, there are several methods by which the first alternative could be avoided and their appears to be no policy reason to prefer one form of doing business over another. Furthermore, no additional tax would be collected by following alternative 1.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-063-90

Drafting attorney: Mary Gillmarten (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Unassigned.

Agency Contact: Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AO26

2955. TREATMENT OF DEFERRED PAYMENTS AND APPRECIATION ARISING OUT OF BUSINESS CONDUCTED WITHIN THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the treatment of certain deferred payments and property transactions in sourcing effectively connected income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-662-88

Drafting attorney: Christine K. Schlaman (202) 566-3452.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Unassigned.

Agency Contact: Christine K. Schlaman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AM53

2956. SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-946-86

Drafting attorney: Carol P. Tello (202) 377-9059.

Reviewing attorney: Thomas J. Fuller (202) 377-9059.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AJ83

2957. INCOME TAX—RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986; 26 USC 872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. corporations for purposes of section 883 of the Code, or to U.S. citizens for purposes of section 872 of the Code.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-948-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-5815.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ57

2958. INCOME TAX—PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN UNITED STATES REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 1445(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for foreign partners disposing of an interest in a partnership holding United States real property interests, to determine the amount of gain or loss from such disposition for purposes of section 897(a).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-384-88

Drafting attorney: James Sams (202) 566-6645.

Reviewing attorney: Charles Besecky (202) 566-6442.

Treasury attorney: Peter Byrne (202) 566-4979.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AL77

2959. DEEMED PAID CREDIT UNDER SECTIONS 902 AND 960 DETERMINED ON ACCUMULATED BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902(c)(7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-933-86

Drafting attorney: Caren S. Shein (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Unassigned.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AL98

2960. CONFORMING TAXABLE YEARS OF CFCS AND FPHCS: 1989 CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 898 Internal Revenue Code of 1986; 26 USC 902 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides guidance to taxpayers concerning new section 898 of the Internal Revenue Code, added to the Code by the Omnibus Budget Reconciliation Act of 1989. Section 898 requires the taxable years of certain specified foreign corporations to conform to the taxable years of their majority U.S. shareholders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-848-89

Drafting attorney: David R. Cooper (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Carol Dunahoo (202) 566-4979.

Agency Contact: David R. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AO22

2961. CARRYBACK AND CARRYFORWARD OF FOREIGN TAX CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the carryback and carryforward of excess foreign tax credits under the provisions of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-945-86

Drafting attorney: Bobby Burns (202) 377-9059.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Unassigned.

Agency Contact: Bobby Burns, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AM18

2962. SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the impact of the Technical Corrections and Miscellaneous Revenue Act of 1988 on section 904(d), the foreign tax credit limitation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-790-88

Drafting attorney: Caren S. Shein (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Unassigned.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AM54

2963. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset a taxpayer's other foreign source income before such losses offset the taxpayer's U.S. source income. The regulation will provide rules for the allocation of foreign source losses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-338-89

Drafting attorney: Willard W. Yates (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Unassigned.

Agency Contact: Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AM11

2964. SECTION 905(B) REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address the substantiation of foreign tax credits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-087-90

Drafting Attorney: Carl M. Cooper (202) 566-6645.

Reviewing Attorney: Phyllis E. Marcus (202) 566-6645.

Treasury Attorney: Unassigned.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6645**

RIN: 1545–AP36

2965. EXCLUSION OF POSSESSION SOURCE INCOME FROM GROSS INCOME OF CERTAIN INDIVIDUALS AND TREATMENT OF CORPORATIONS ORGANIZED IN GUAM, SAMOA OR CNMI

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 876 Internal Revenue Code of 1986; 26 USC 931 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 eliminates the requirement that there be a mirrored system of taxation in Guam and the CNMI, and coordinates the tax system of these possessions and of American Samoa with the U.S. tax system. Guam the CNMI and American Samoa are granted full authority over their own local income tax systems, with respect to income of bona fide residents sourced within or effectively connected with the conduct of a trade or business within any of these possessions. This grant of authority is effective, however, only if and so long as an implementing agreement is in effect between the possession at issue and the United States which provides for elimination of double taxation, prevention of evasion or avoidance of U.S. tax exchange of information and other administrative matters. Regulations are needed to clarify who qualifies as a bona fide resident and to determine sourcing rules.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-968-86

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Rom Watson (202) 566-8275.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, **202 287-4851**

RIN: 1545–AJ80

2966. COORDINATION OF U.S. AND VIRGIN ISLANDS TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 932 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986, inhabitants of the Virgin Islands satisfied their U.S. tax liability

by filing a return with the Virgin Islands. The Tax Reform Act of 1986 repealed the inhabitant rule to correct an erroneous interpretation of its operation in connection with the Virgin Islands mirror code. Section 1274 of the Tax Reform Act of 1986 clarifies the filing obligations of individuals in the Virgin Islands. Bona fide residents of the Virgin Islands are required to file only one return with the Virgin Islands in which they report worldwide income and identify the sources of income from the Virgin Islands will be required to file two identical tax returns one with the US and one with the Virgin Islands and pay a pro rata amount of tax to each. Regulations are needed to clarify who qualifies as a bona fide resident. It is anticipated that the regulations will provide a facts and circumstances test for determining bona fide resident status. It is unknown what the operational costs will be.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-969-86

Drafting attorney: Grace Perez-Navarro (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Rom Watson (202) 566-8275.

Agency Contact: Grace Perez-Navarro, Special Counsel, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AJ55

2967. AMENDMENT OF SECTION 936(H) WITH RESPECT TO ELECTION OF PRODUCT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would require that once a product election was made it could not be amended for the taxable year of the election.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-450-87

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Jacob Feldman (202) 566-6645.

Treasury attorney: Unassigned.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AK77

2968. FOREIGN INSURANCE COMPANY - DOMESTIC ELECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide substantive and procedural rules regarding the election under section 953(d) to treat certain controlled foreign corporations engaged in the insurance business as domestic corporations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-765-89

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Carol Dunahoo (202) 566-4979.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AO25

2969. SUBPART F SHIPPING AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address statutory changes under the Tax Reform Act of 1986, with respect to foreign base company shipping income and amounts invested in and withdrawn from foreign base company shipping operations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-654-88

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: Jack Feldman (202) 566-6645.

Treasury attorney: Unassigned.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AM46

2970. EFFECT OF ACQUISITIVE REORGANIZATIONS ON EARNINGS AND PROFITS POOLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 964 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would address the effect of acquisitive reorganizations on earnings and profits pools as required by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INTL-105-90

Drafting Attorney: Richard L. Chewning (202) 566-6284.

Reviewing Attorney: Robert A. Katcher (202) 566-6795.

Treasury Attorney: Unassigned.

Agency Contact: Richard L. Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AO71

2971. DETERMINATION OF FOREIGN TAXES AND FOREIGN CORPORATION'S EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 986 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for translating foreign earnings and profits and taxes into dollars, as well as timing and computation rules relating to the taxation of exchange gain or loss on previously taxed income that is distributed through a chain of controlled foreign corporations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-107-89

Drafting attorney: Mary Gillmarten (202) 566-6284.

Reviewing attorney: Barbara Felker (202) 566-6795.

Treasury attorney: Rom Watson (202) 566-8275.

Agency Contact: Mary Gillmarten, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AN37

2972. ● MARK TO MARKET METHOD OF ACCOUNTING UNDER SECTION 988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations allow taxpayers to elect to account for exchange gains and losses under a mark to market method of accounting. The proposed regulation also addresses other matters including dual currency bonds, contingent payment bonds denominated in a nonfunctional currency, hyper-inflationary instruments and certain hedging transactions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-015-91

Drafting attorney: Jeffrey L. Dorfman (202) 377-9059.

Reviewing attorney: Jeffrey L. Dorfman (202) 377-9059.

Treasury attorney: Rom Watson (202) 566-5791.

Agency Contact: Jeffrey L. Dorfman, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9059**

RIN: 1545–AP78

2973. DISC REGULATION MODIFICATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 992 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will remove or amend sections 1.992-1(d)(1) and 1.992-1(a)(6) of the regulations to remove "paid in" capital and separate bank account requirements pursuant to the Durbin Paper Stock Company case.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-106-90

Drafting attorney: Thomas L. Ralph (202) 377-9059.

Reviewing attorney: Thomas Fuller (202) 377-9059.

Treasury attorney: Unassigned.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9059**

RIN: 1545–AO76

2974. DISC REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Conforming DISC regulations to FSC regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-114-88

Drafting attorney: E. Leslie Berkowitz (202) 566-3452.

Reviewing attorney: Richard L. Chewning (202) 566-3452.

Treasury attorney: Unassigned.

Agency Contact: E. Leslie Berkowitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AM05

2975. ● BASIS REDUCTION DUE TO CANCELLATION OF INDEBTEDNESS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC

1017(b)(1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will explain the ordering rules that a taxpayer must use to reduce its tax attributes in accordance with sections 108(b) and 1017 of the Internal Revenue Code for discharges of indebtedness that occur after December 31, 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-48-91

Drafting attorney: Leo F. Nolan II (202) 535-9363.

Agency Contact: Leo F. Nolan II, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9363

RIN: 1545–AP77

2976. SOURCING OF PASS-THROUGH PAYMENTS AND FEES PAID IN INTERNATIONAL SHORT SALES OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: When securities are sold short and payments in lieu of dividends or interest are paid by a U.S. person to a foreigner or vice versa, no rules exist to determine the source of such payments. These regulations will provide such rules. The payments will either be sourced by reference to the residence of the payor or residence of the recipient. Taxpayers now are likely using whatever rule avoids taxation; these regulations will at least provide some revenue to the FISC.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-106-89

Drafting attorney: Teresa B. Hughes (202) 566-6284.

Reviewing attorney: Barbara A. Felker (202) 566-6284.

Treasury attorney: Emily McMahon (202) 343-0247.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AN34

2977. ● SOURCING OF PASS-THROUGH PAYMENTS AND FEES PAID IN INTERNATIONAL SHORT SALES OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: When securities are sold short and payments in lieu of dividends or interest are paid by a U.S. person to a foreigner or vice versa, no rules exist to determine the source of such payments. These regulations will provide such rules. The payments will either be sourced by reference to the residence of the payor or residence of the recipient. Taxpayers now are likely using whatever rule avoids taxation; these regulations will at least provide some revenue to the FISC.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-106-89

Drafting Attorney: Teresa B. Hughes (202) 566-6284.

Reviewing Attorney: Barbara A. Felker (202) 566-6284.

Treasury Attorney: Emily McMahon (202) 343-0247.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AP71

2978. ● GUIDANCE CONCERNING THE AMENDMENTS MADE TO SECTION 1060 BY THE OMNIBUS RECONCILIATION ACT OF 1990

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1060

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the amendments made to section 1060 by the Omnibus Reconciliation Act of 1990.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-013-91

Drafting attorney: Keith Medleau (202) 566-4551.

Reviewing attorney: Christopher Kane (202) 566-3430.

Agency Contact: Christopher Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3430

RIN: 1545–AP94

2979. INCOME TAX—TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 263 (g) Internal Revenue Code of 1986; 26 USC 1256 Internal Revenue Code of 1986; 26 USC 1212 Internal Revenue Code of 1986; 26 USC 1236 Internal Revenue Code of 1986; 26 USC 1234A Internal Revenue Code of 1986; 26 USC 1232 Internal Revenue Code of 1986; 26 USC 1221 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for

tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-187-81.

Drafting attorney: James W. C. Canup (202) 566-3287.

Reviewing attorney: Unassigned

Treasury attorney: Unassigned

Agency Contact: James W. C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AC21

2980. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations that amend the regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not required.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-039-87

Drafting attorney: David F. Bergkuist (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AL89

2981. INCOME TAX—TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1253 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-183-81.

Drafting attorney: John M. Coulter, Jr. (202) 566-3928.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3928

RIN: 1545–AC34

2982. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL, GAS, GEOTHERMAL OR OTHER MINERAL PROPERTIES BY S CORPORATIONS AND THEIR SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment by S corporations and their shareholders from the disposition of certain oil, gas, geothermal, or other mineral properties. Gain subject to recapture under section 1254 will be accorded ordinary income treatment. The regulations also will determine the tax treatment of sales of shares of stock in an S corporation that holds oil, gas, geothermal, or other mineral properties.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-7-89

Drafting attorney: Brenda Stewart (202) 566-4919.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4919

RIN: 1545–AM98

2983. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: FI-11-86.

Drafting attorney: Robert B. Williams (202) 566-3287.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AI59

2984. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: FI-10-86.

Drafting attorney: Robert B. Williams (202) 566-3287.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AI72

2985. TREATMENT OF SHAREHOLDERS OF PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1291 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation relates to the treatment of shareholders of passive foreign investment companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-656-87

Drafting attorney: Gayle Novig (202) 377-9059.

Reviewing attorney: Tom Fuller (202) 377-9059.

Treasury attorney: Anne Fisher (202) 566-4979.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AC06

2986. QEF SHAREHOLDER ELECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address QEF shareholder election as it applies to section 1295.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-579-88

Drafting Attorney: Joseph S. Henderson (202) 566-3452.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

Agency Contact: Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AM41

2987. INCOME TAX—PASS-THROUGH OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-261-82.

Drafting Attorney: Christine Ellison (202) 377-9665.

Reviewing Attorney: William O'Shea (202) 566-3244.

Agency Contact: Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9665

RIN: 1545–AE85

2988. INCOME TAX—RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules for adjusting the

basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-264-82.

Drafting Attorney: Judith C. Winkler (202) 377-9665.

Reviewing Attorney: Margaret O'Connor (202) 566-6016.

Treasury Attorney: James Miller (202) 566-8277.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9665**

RIN: 1545–AE88

2989. INCOME TAX—APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide guidance in applying the rules of subchapter C to subchapter S.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-265-82.

Drafting Attorney: Judith C. Winkler (202) 377-9666.

Reviewing Attorney: Frances Schafer (202) 566-3629.

Treasury Attorney: Joan Leonard (202) 566-2794.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9666**

RIN: 1545–AE90

2990. CROSS-REFERENCE—APPLICATION OF SECTION 1374 BUILT-IN GAINS TAX C CORPORATIONS ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Nelson F. Crouch (202) 566-3255.

Treasury attorney: James Miller (202) 566-2455.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-2455**

RIN: 1545–AK93

2991. INCOME TAX—DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would define and interpret special rules contained in Sections 1377 and 1379 of the Internal Revenue Code of 1986, thereby giving guidance to the public on how the Internal Revenue Service intends to interpret those sections.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-268-82.

Drafting Attorney: Daniel McCabe (202) 343-8558.

Reviewing Attorney: Thomas Hines (202) 566-6843.

Treasury Attorney: Jim Miller (202) 566-8277.

Agency Contact: Daniel McCabe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 343-8558**

RIN: 1545–AE94

2992. GENERAL REVISION OF SECTION 1441 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: General revision of section 1441 withholding regulations to accommodate changes to the tax law since these rules were issued.

Timetable:

Action	Date	FR Cite
ANPRM	04/25/90	55 FR 17455

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: INTL-062-90

Drafting attorney: Eric P. Turner (202) 377-9493.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Unassigned.

Agency Contact: Eric P. Turner, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9493**

RIN: 1545–AO27

2993. REVISION OF REGULATIONS UNDER SECTIONS 1491, 1492, AND 1494

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1491 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986; 26 USC 1494 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of these regulations is to provide guidance to taxpayers regarding both the types of outbound property transfers that are subject to the tax imposed by section 1491 and the types of outbound property transfers that are exempt from the tax by reasons of section 1492.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: INTL-102-89

Drafting attorney: Elizabeth Karzon (202) 566-6442.

Reviewing attorney: Charles Besecky (202) 566-6442.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AN39

2994. NONTAXABLE TRANSFERS UNDER SECTION 1491

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to exempt transfers of property to foreign partnerships from the excise tax imposed by section 1491, on the condition that gain attributable to the property at the time of transfer is taxed to the transferor when subsequently disposed of by the foreign transferee partnership. The regulations will set forth the necessary conditions and exceptions to the exemption.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-260-88

Drafting attorney: Elizabeth Karzon (202) 566-6442.

Reviewing attorney: Charles Besecky (202) 566-6442.

Treasury attorney: Marlin Risinger (202) 566-5992.

Agency Contact: Elizabeth Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AL96

2995. INCOME TAX—APPLICATION OF SECTION 465 AT RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-79.

Drafting attorney: Richard E. Coss (202) 566-6212.

Reviewing attorney: Peter G. Lynard (202) 566-6358.

Treasury attorney: Bryan Collins (202) 566-2175.

Agency Contact: Richard E. Coss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6212

RIN: 1545–AC55

2996. CLARIFYING DELETION OF REQUIREMENT OF SECTION 1.1502-47(D)(12) (C) THAT IN APPLYING THE TACKING RULE, PROFIT LIFE ACTIVITIES NOT BE SEPARATED FROM LOSS LIFE ACTIVITIES

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502

Legal Deadline: None

Abstract: Section 1.1502-47(d)(12)(C) restricted the separation of profitable life activities from loss life activities to prevent the gaming that otherwise could occur under the "bottom-line" consolidation rule mandated by section 818(f) as in existence prior to the Enactment of the Tax Reform Act of 1984 (TRA 1984), Public Law 98-369. As a result of the new method of taxing life insurance companies enacted in the TRA 1984, the bottom-line consolidation abuse potential is eliminated, thus eliminating the need for section 1.1502-47(d)(12)(C). Removing this provision will remove an unnecessary restraint on transactions, and a potential device to voluntarily deconsolidate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-157-86

Drafting Attorney: William Barry (202) 566-3354.

Reviewing Attorney: Edward Cohen (202) 566-3484.

Treasury Attorney: Don Rocap (202) 566-8278.

Agency Contact: William F. Barry, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, **202 566-3354**

RIN: 1545–AI98

2997. CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides revisions of consolidated return regulations under sections 1.1502-14 and 1.1502-31.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-4-88

Drafting attorney: Sharon Horn (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3877.

Agency Contact: Sharon Horn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4324**

RIN: 1545–AL44

2998. REVISION OF SECTION 1.1502-33

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide new rules for determining earnings and profits of each member of the consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-68-88

Drafting attorney: David Kessler (202) 566-3226.

Reviewing attorney: John Broadbent (202) 566-4324.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: David Kessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3226**

RIN: 1545–AL60

2999. PAYMENT OF REFUNDS TO CERTAIN FIDUCIARIES OF INSOLVENT MEMBERS OF AFFILIATED GROUPS

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986; 26 USC 6402 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1502; 26 CFR 6402

Legal Deadline: None

Abstract: The regulations will address in what instances a refund can be paid to the court appointed fiduciary of an insolvent corporation which is a member of an affiliated group of corporations filing a consolidated return when to the extent, that the Secretary determines the refund is attributable to losses or credits of the insolvent corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-98-88

Drafting attorney: Rose Williams (202) 566-3354.

Reviewing attorney: Lewis Brickates (202) 566-3877.

Agency Contact: Rose Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3354**

RIN: 1545–AM74

3000. TRANSACTIONS BETWEEN MEMBERS INVOLVING COMMON NONTAXABLE EXCHANGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-13

Legal Deadline: None

Abstract: Section 1.1502-13 of the Income Tax Regulations provides the general rule that the term intercompany transaction means a transaction during a consolidated return year between corporations which are members of the same group. Section 1.1502-13 (f) provides as a general rule that deferred gain attributable to a selling member will be triggered when the asset leaves the group. The regulation, in effect, does not deal with a situation where a selling member exchanges property subject to Section 1.1502-13 rules in a nontaxable exchange to an outside party. Moreover, the current regulations do not adequately cover tax free transactions between members. This proposed regulation will provide rules for certain common nontaxable exchanges within the affiliated group.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-028-89

Drafting attorney: Roy Hirschhorn (202) 566-4324.

Reviewing attorney: Edward S. Cohen (202) 566-3484.

Treasury attorney: Andrew Dubroff (202) 566-8277.

Agency Contact: Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4324**

RIN: 1545–AN25

3001. MODIFICATION OF RULES RELATING TO INTERCOMPANY TRANSACTIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-13

Legal Deadline: None

Abstract: The proposed regulations concern the creation and restoration of deferred gain or loss in intercompany transactions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-11-91

Drafting attorney: Roy A. Hirschhorn (202) 566-4324.

Reviewing attorney: Edward S. Cohen (202) 566-3484.

Reviewing attorney: Don Leatherman (202) 566-2451.

Treasury attorney: J. Judge Kelley (202) 566-8529.

Agency Contact: Roy A. Hirschhorn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AP06

3002. LIMITATIONS ON THE USE OF CERTAIN LOSSES AND BUILT-IN DEDUCTIONS

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations provide rules for computing the limitation with respect to separate return limitation year losses.

Timetable:

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4229
NPRM Comment Period End	03/29/91	56 FR 4229
Hearing	04/08/91	56 FR 4243

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-078-90

Drafting attorney: David Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Andrew Dubroff (202) 566-5453

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AP15

3003. INCOME TAX—INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 1.1504(d)

Legal Deadline: None

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-338-88

Drafting attorney: Kenneth Allison (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Unassigned.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AC58

3004. INCOME TAX—AMENDMENT OF REGULATIONS UNDER SECTION 1504(A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-152-84.

Drafting attorney: Kenneth Cohen (202) 566-3422.

Reviewing attorney: Edward Cohen (202) 566-3484.

Treasury Attorney: J. Judge Kelley (202) 566-8529.

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3422

RIN: 1545–AH09

3005. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012(a) Internal Revenue Code of 1986; 26 USC 2012(c) Internal Revenue Code of 1986; 26 USC 2013(b) Internal Revenue Code of 1986; 26 USC 2013(e)(1) Internal Revenue Code of 1986; 26 USC 2014(b)(2) Internal Revenue Code of 1986; 26 USC 2035 Internal Revenue Code of 1986; 26 USC 2038(a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Legal Deadline: None

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-212-76.

Drafting attorney: Deborah S. Ryan (202) 535-9511.

Reviewing attorney: Lee A. Dunn (202) 566-4626.

Agency Contact: Deborah S. Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington DC 20224, **202 535-9511**

RIN: 1545–AC60

3006. ESTATE TAX—VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013 (f) Internal Revenue Code of 1986; 26 USC 1016 (c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 1

Legal Deadline: None

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-209-81.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-9312.

Treasury Attorney: Robert Weaver (202) 535-6965.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 535-9512**

RIN: 1545–AC62

3007. ● ESTATE TAX ANNUITY EXCLUSION REPEAL

Legal Authority: 26 USC 2039 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20.2039; 26 CFR 25.2517

Legal Deadline: None

Abstract: Section 2039 of the Internal Revenue Code, as amended by section 525(a) of the Tax Reform Act of 1984 and section 1852(e)(3) of the Tax Reform Act of 1986, provides for the inclusion in a decedent's gross estate of the value of a survivor annuity or other payment attributable to an employer's contribution and the value of an individual retirement annuity or payment. The regulations will address the application of the transitional rules set forth in section 525(a) of TRA 84 and section 1852(e)(3) of TRA 86. It will also address the repeal of the gift tax treatment of the transfer of an annuity under section 2517.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-31-91

Drafting attorney: William L. Blodgett (202) 566-4788.

Reviewing attorney: George Masnik (202) 535-9508.

Agency Contact: William Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4788**

RIN: 1545–AP60

3008. REFORMATION OF CHARITABLE TRANSFERS; DEFINITION OF GUARANTEED ANNUITY AND LEAD UNITRUST INTEREST

Legal Authority: 26 USC 2055 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20.2055

Legal Deadline: None

Abstract: This project will address a number of issues including the following: (1) defining commencement under the 90-day rule; (2) defining what is a reformable interest; (3) reforming a nonremainder interest; and (4) reforming a remainder interest in a trust.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-070-89

Drafting attorney: Laura Howell (202) 566-9312.

Reviewing attorney: George Masnik (202) 566-4788.

Treasury attorney: Bob Weaver (202) 535-6964.

Agency Contact: Laura Howell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 535-9508**

RIN: 1545–AO31

3009. ALIEN SPOUSE MARITAL DEDUCTION

Legal Authority: 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2056A Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986; 26 USC 6324 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property where the surviving spouse or donee spouse is not a United States citizen. The regulations will prescribe how certain transfers to a qualified domestic trust for the benefit of an alien spouse will qualify for the estate tax marital deduction. The regulations will also describe the manner on which an estate tax is imposed in the case of any principal distribution from a qualified domestic

trust before the death of the surviving spouse and upon the value of the property remaining in the trust upon the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-102-88

Drafting attorney: Susan Hurwitz (202) 535-9546.

Reviewing attorney: George Masnik (202) 535-9508.

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9546

RIN: 1545–AM85

3010. SITUS OF PARTNERSHIP INTERESTS HELD BY A NONRESIDENT ALIEN FOR ESTATE TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2105 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: This regulation will determine the amount of a partnership interests that will have a United States situs for estate tax purposes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-079-90

Drafting Attorney: Leslie A. Cracraft (202) 566-6442.

Reviewing Attorney: Benedetta A. Kissel (202) 566-6442.

Treasury Attorney: Carol Dunahoo (202) 566-4979.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AP07

3011. ● DISCLAIMER OF JOINT PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25, (Revision)

Legal Deadline: None

Abstract: This document contains a proposed amendment to the gift tax regulations under section 2518 providing that a surviving joint tenant may disclaim a survivorship interest in jointly owned property within 9 months of the death of the first joint tenant to die. The proposed amendments will conform the regulations to several recent court decisions that held the regulations as currently drafted invalid. The proposed amendments will affect those individuals who disclaim joint interests.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-002-91

Drafting attorney: Dale Carlton (202) 535-9505.

Reviewing attorney: George Masnik (202) 535-9508.

Agency Contact: Dale Carlton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9505

RIN: 1545–AP65

3012. ESTATE TAX—GENERATION-SKIPPING TRANSFER TAX

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26

Legal Deadline: None

Abstract: The regulations will provide rules relating to certain definitions, the allocation of the transferor's GST exemption, and the determination of inclusion ratio.The project will also consider amendments made in 1989 by sections 7811(j)(2) and (4) of P.L. 101-239 to code sections 2642(b)(1) and (3) and 2654(a)(1).

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-73-88

Drafting attorney: John B. Franklin (202) 535-9508.

Reviewing attorney: Fred Grundeman (202) 535-9512.

Treasury attorney: Robert Weaver (202) 535-6964.

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9508

RIN: 1545–AL75

3013. EXPLAIN RULES UNDER NEW SECTION 2704

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2701 Internal Revenue Code of 1986; 26 USC 2702 Internal Revenue Code of 1986; 26 USC 2704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25

Legal Deadline: None

Abstract: Special adjustment provisions where interests previously valued under sections 2701 and 2702 are subsequently transferred and the transfer tax consequences of certain lapsing rights and certain restrictions on rights.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-030-91

Drafting attorney: Fred Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-9312.

Treasury attorney: Robert Weaver (202) 535-6965.

Agency Contact: Fred Grundeman, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9512

RIN: 1545–AM86

3014. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 (c) Internal Revenue Code of 1886

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-142-87.

Drafting attorney: Gregory J. Stull (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AF97

3015. IMPROVEMENTS IN ADMINISTRATION OF GASOLINE EXCISE TAX

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4082 Internal Revenue Code of 1986

CFR Citation: 26 CFR 4081; 26 CFR 4082

Legal Deadline: None

Abstract: Regulation will provide rules for liability for tax; imposition of tax; definitions; blend stocks and additives; gasohol

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-120-90

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Richard Kocak (202) 566-4077.

Treasury attorney: Larry Garrett (202) 566-2175.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AP48

3016. EXCISE TAX ON DIESEL FUEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4091 to 4093 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation provides guidance on the collection of diesel fuel excise tax under the Revenue Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-3-88

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Ray Strowd (202) 566-5453.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AL43

3017. ● COAL TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: Update of coal tax regulations; rules to determine moisture content of coal.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-53-91

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Richard Kocak (202) 566-4077.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AQ02

3018. PERSONAL USE EXEMPTION CONTAINED IN REG. SECTION 48.4218-2

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4218 Internal Revenue Code of 1986

CFR Citation: 26 CFR 78.4218-2

Legal Deadline: None

Abstract: This regulation is going to clarify the personal use exemption.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-66-90

Drafting attorney: Tyrone J. Montague (202) 343-8556.

Reviewing attorney: Richard A. Kocak (202) 566-3134.

Agency Contact: Tyrone J. Montague, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, NW., Washington, DC 20224, 202 343-8556

RIN: 1545–AP47

3019. ● REVISION AND UPDATE OF COMMUNICATIONS TAX REGS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4251 Internal Revenue Code of 1986; 26 USC 4252 Internal Revenue Code of 1986; 26 USC 4253 Internal Revenue Code of 1986; 26 USC 4254 Internal Revenue Code of 1986

CFR Citation: 26 CFR 49

Legal Deadline: None

Abstract: The regulations will provide rules with respect to the application of the communications excise tax.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-017-91

Drafting attorney: Bernard Weberman (202) 566-3824.

Reviewing attorney: Edward Madden (202) 786-7673.

Agency Contact: Bernard Weberman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3824

RIN: 1545–AP67

3020. ● REVISION AND UPDATE OF AIR TRANSPORTATION TAX REGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4091 Internal Revenue Code of 1986; 26 USC 4261 Internal Revenue Code of 1986; 26 USC 4271 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48; 26 CFR 49

Legal Deadline: None

Abstract: The regulations will revise rules relating to the tax on the transportation of persons by air and provide rules for the tax on the transportation of property by air, and will provide rules relating to fuel taxes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: PS-16-91

Drafting attorney: Tyrone Montague (202) 343-8556.

Reviewing attorney: Frank Boland (202) 566-4475.

Agency Contact: Tyrone Montague, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-8556

RIN: 1545–AP68

3021. INCOME TAX—EXCISE TAX—PROCEDURE AND ADMINISTRATION—VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4940 Internal Revenue Code of 1986; 26 USC 4941 Internal Revenue Code of 1986; 26 USC 4942 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53

Legal Deadline: None

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-76-84.

Drafting attorney: J.P. Walsh Skelly (202) 566-3505.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: J.P. Walsh Skelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3505

RIN: 1545–AG18

3022. EXCISE TAX—PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1966.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-165-86

Tax Law Specialist Vernon Carter (202) 566-3539.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Vernon S. Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3539

RIN: 1545–AI82

3023. TELEFILE USING VOICE PRINT SIGNATURE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6012-7T; 26 CFR 1.6061-2T; 26 CFR 1.6065-2T

Legal Deadline: None

Abstract: These regulations provide that certain individual taxpayers under the TeleFile Test project shall make and file their individual income tax returns by telephone, providing voice print signatures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-075-91

Drafting Attorney: Mary Goode (202) 566-3826.

Reviewing Attorney: William Jackson (202) 566-4104.

Agency Contact: Mary Goode, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3826**

RIN: 1545–AP17

3024. ● TELEFILE USING VOICE PRINT SIGNATURE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6012-7T; 26 CFR 1.6061-2T; 26 CFR 1.6065-2T

Legal Deadline: None

Abstract: These regulations provide that certain individual taxpayers under the TeleFile Test Project shall make and file their individual income tax returns by telephone, providing voice print signatures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-75-91

Drafting Attorney: Mary Goode (202) 566-3826.

Reviewing Attorney: William Jackson (202) 566-4104.

Agency Contact: Mary Goode, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, **202 566-3826**

RIN: 1545–AP89

3025. AMENDMENT OF SECTION 1.6033-2 (G) (5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101 (d) (1) Tax Reform Act of 1969

CFR Citation: 26 CFR 1.6033-2(g)

Legal Deadline: None

Abstract: These regulations will revise the definition of integrated auxiliary of a church in Section 1.6033-2 (g) (5) of the Treasury Regulations to be consistent with Rev. Proc. 86-23, 1986-1 CB 564.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-41-86.

Drafting attorney: Terri Harris (202) 566-3496.

Reviewing attorney: Paul Accettura (202) 566-3496.

Agency Contact: Terri Harris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3496**

RIN: 1545–AI52

3026. ● INFORMATION RETURNS REQUIRED OF UNITED STATES PERSONS WITH RESPECT TO CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6038 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6038

Legal Deadline: None

Abstract: This notice of proposed rulemaking would clarify certain requirements of section 1.6038-2 of the income tax regulations relating to Form 5471 (Information Return requires of certain U.S. persons with respect to annual accounting periods of certain foreign corporations).

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IL-079-91

Drafting Attorney: Carl Cooper (202) 566-6645

Reviewing Attorney: David Bower (202) 566-6645

Treasury Attorney: Unassigned

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6645**

RIN: 1545–AQ06

3027. INFORMATION FROM PASSPORT AND IMMIGRATION APPLICANTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on Passport and Green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-978-86

Drafting attorney: Ricardo A. Cadenas (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, **202 287-4851**

RIN: 1545–AJ93

3028. AMENDMENT TO REGULATIONS TO SPECIFY REQUIREMENTS FOR SUBSTITUTE INFORMATION REPORTING STATEMENTS

Significance: Agency Priority

Legal Authority: 26 USC 408(i) Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986; 26 USC 6042 Internal Revenue Code of 1986; 26 USC 6044 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986; 26 USC 6047 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986; 26 USC 6050N Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.408-5; 26 CFR 1.6041A-1; 26 CFR 1.6042-4; 26 CFR

1.6042-5; 26 CFR 1.6044-5; 26 CFR 1.6044-6; 26 CFR 1.6045-1; 26 CFR 1.6045-2; 26 CFR 1.6045-3T; 26 CFR 1.6049-6; 26 CFR 1.6049-7T

Legal Deadline: None

Abstract: Currently, the information reporting requirements in the Internal Revenue Code and the Income Tax Regulations allow substitute 1099 Forms to be furnished to recipients in most instances. The requirements for the substitute forms vary, some allowing "substantially similar" forms or "reasonable facsimiles" while some sections actually require copies of official Forms 1099. This project will amend the regulations to specify the requirements for substitute information reporting statements, which will be standardized.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-061-90

Drafting attorney: Lisa Bernardini (202) 566-4440.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928/ Vincent L. Flannery (202) 566-3319.

Agency Contact: Lisa Bernardini, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4440

RIN: 1545–AO98

3029. BROKER REPORTING OF OPTION TRANSACTIONS

Legal Authority: 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6045-1(m)

Legal Deadline: None

Abstract: The proposed regulation will establish standards for brokers to report options transactions to the Service.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-004-90

Drafting attorney: Jonathan Silver (202) 566-3297.

Reviewing attorney: Thomas Lyden (202) 566-3297.

Agency Contact: Jonathan Silver, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3297

RIN: 1545–AO40

3030. INCOME TAX REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-879-86

Drafting attorney: Kathryn Horton O'Brien (202) 566-6442.

Reviewing attorney: Charles Besecky (202) 566-6442.

Treasury attorney: Unassigned.

Agency Contact: Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AK75

3031. EMPLOYMENT TAX—REPORTING OF PLAN DISTRIBUTIONS AND WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6047 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: Legislative changes require that increased numbers of retirees and plan participants must make complex calculations of the taxable amount of distributions they receive from qualified plans. The regulations will require the payor of a qualified plan distribution (or the plan administrator) to calculate the taxable amount and to report it on the appropriate information return. Proposed regulations would also clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-109-88

Drafting attorney: Jean Whalen (202) 566-4747.

Reviewing Attorney: Gregory Stull (202) 566-4747.

This project now includes EE-115-82 (RIN 1545-AE98) which was merged into it.

Agency Contact: Jean Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AL54

3032. INCOME TAX—TO REQUIRE ISSUERS OF CERTIFICATES OF DEPOSIT TO FURNISH ISSUE PRICE TO BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would amend existing regulations to require

issuers to furnish the issue price to brokers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-63-87

Drafting attorney: Carol P. Nachman (202) 566-3287.

Reviewing attorney: Laura Ann M. Lauritzen (202) 566-3458.

Treasury attorney: Anne Crovitz (202) 566-4902.

Agency Contact: Carol P. Nachman, Attorney, Department of the Treasury, Internal Revenue Service, llll Constitution Ave., NW., Washington, D. C. 20224, **202 566-3458**

RIN: 1545–AK36

3033. IRC SECTION 6051

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6051 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6051

Legal Deadline: None

Abstract: Project will modify existing regulations to require employers who terminate their business or otherwise cease operations to file Forms W-2 and W-3 within 30 calendar days after termination.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-083-89

Drafting Attorney: John Ricotta (202) 566-4747.

Reviewing Attorney: Jerry Holmes (202) 566-4747.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4747**

RIN: 1545–AN57

3034. AUTOMATIC EXTENSION OF TIME FOR FILING INDIVIDUAL INCOME TAX RETURN

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6081-4

Legal Deadline: None

Abstract: The regulation provides an automatic extension of time for filing an individual income tax return to taxpayers who meet certain criteria.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-067-90

Drafting attorney: Stuart Spielman (202) 566-3980.

Reviewing tax law specialist: Gail Winkler (202) 566-4442.

Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3980**

RIN: 1545–AP39

3035. AGREEMENTS FOR PAYMENT FOR TAX LIABILITY IN INSTALLMENTS

Legal Authority: 26 USC 6159 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6159

Legal Deadline: None

Abstract: Prior law did not address the authority of the Internal Revenue Service to enter into installment payment agreements with taxpayers. New code section 6159, as added by the Technical and Miscellaneous Revenue Act of 1988, authorizes such agreements and specifies the circumstances under which the Service may modify or terminate such an agreement and when the Service must provide prior notice of a determination to modify or terminate an agreement. New regulations implementing section 6159 will be drafted in order to provide taxpayers and the Service specific guidance on the requirements and responsibilities imposed by this provision.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-708-88

Drafting attorney: Michael R. Arner (202) 566-4574.

Reviewing attorney: Robert Miller (202) 535-9668.

Agency Contact: Michael R. Arner, Assistant to Assistant Chief Counsel (GL), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4574**

RIN: 1545–AM66

3036. ESTATE TAX—PROCEDURE AND ADMINISTRATION—DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6166 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-210-76.

Drafting attorney: Donald W. Kanuk (202) 566-3826.

Reviewing attorney: Vincent G. Cardella (202) 566-4425.

Agency Contact: Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3826

RIN: 1545–AD23

3037. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13231
NPRM Comment Period End	06/17/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-205-82.

Drafting attorney: Lindsay Russell (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: S. Barksdale Penick (202) 566-5453.

Agency Contact: Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AE51

3038. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 51

Legal Deadline: None

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-269-82.

Drafting Attorney: Noah Baer (202) 377-9470.

Reviewing Attorney: Dianna K. Miosi (202) 566-4070.

Treasury Attorney: Greg Marich (202) 566-2175.

Agency Contact: Noah Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AE96

3039. RAILROAD UNEMPLOYMENT REPAYMENT TAX

Legal Authority: 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The new regulations will restore the authority of the Service to require quarterly payments of the Railroad Unemployment Repayment Tax. The authority was inadvertently eliminated under section 7106 of TAMRA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-079-89

Drafting Attorney: Thomas Wolf (202) 566-3496.

Reviewing Attorney: Phil Corn (202) 566-4748.

Agency Contact: Thomas Wolf, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3496

RIN: 1545–AN40

3040. ● DEPOSITS OF EMPLOYMENT TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31.6302

Legal Deadline: None

Abstract: This notice of proposed rulemaking revises and updates regulations setting forth deposit rules for employment taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-028-91

Drafting attorney: Vincent Surabian (202) 566-2985.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-5985

RIN: 1545–AP91

3041. ● DEPOSIT OF TAX WITHHELD FROM NON-RESIDENT ALIENS AND OTHERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6302

Legal Deadline: None

Abstract: This notice of proposed rulemaking revises and updates regulations setting forth deposit requirement for income tax withheld at source from nonresident aliens and foreign corporations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-19-91

Drafting attorney: Vincent Surabian (202) 566-5985.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-5985

RIN: 1545–AP92

3042. ● AMENDMENTS TO SECTION 40.6302 RELATING TO COMPUTING DEPOSITS OF COMMUNICATION AND AIR TRANSPORTATION TAXES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 40

Legal Deadline: None

Abstract: Notice of proposed rulemaking cross-references to temporary regulations on deposits of Chapter 33 taxes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-27-91

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Edward Madden (202) 535-9758.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AQ04

3043. PROCEDURE AND ADMINISTRATION REGULATIONS—PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such instruments are drawn may be liable for unpaid taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-549-87.

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AI24

3044. NOTICE OF LIEN ON PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6323 (f)(1)(ii),(Revision); 26 CFR 1.6323 (f)(5)

Legal Deadline: None

Abstract: The purpose of these regulations is to solve the problem that arose in the case of United States v. Air Florida, Inc. 56 B.R. 732 (S.D. Fla. 1985). The regulations will provide that if a State has adopted a Federal law establishing a place for the filing of liens under a national filing system, the State is not considered to have a second office for filing of the notice of lien. The regulations will also provide that the filing of a notice of Federal tax lien is governed solely by the Internal Revenue Code and is not subject to any other Federal law establishing a national filing system.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-719-88

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AM64

3045. PROCEDURE AND ADMINISTRATION—RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy

available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-547-87.

Drafting attorney: Kevin B. Connelly (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 566-9668.

Agency Contact: Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AE82

3046. EFFECT OF HONORING A LEVY

Legal Authority: 26 USC 6332 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6332-1(c)

Legal Deadline: None

Abstract: Section 1.6332-1(c) currently provides that any person in possession of or obligated with respect to property or rights to property subject to levy and upon which levy has been made who surrenders the property or rights to property, or discharges the obligation to the district director is discharged from any obligation or liability to the delinquent taxpayer. Section 1015(t) of Technical and Miscellaneous Revenue Act of 1988 amends Section 6332 of the Internal Revenue Code to provide that a person who honors a levy is protected from any obligation or liability to any other person as well as the delinquent taxpayer. This should cause a reduction in the number of interpleader actions filed because of concerns over liability to third parties.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: GL-720-88

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AM72

3047. REQUIREMENT FOR GUARANTEED REMITTANCE TO REDEEM PROPERTY

Legal Authority: 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6337

Legal Deadline: None

Abstract: To resolve any uncertainty as to how payments to redeem real property sold by the Internal Revenue Service after levy must be made. The present regulations do not state the form in which the redemption price is to be paid. Thus, controversy exists as to whether personal checks or other non-guaranteed forms of payment would be sufficient to constitute tender.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-425-89

Drafting attorney: Kevin Connelly (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Kevin Connelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AN44

3048. ● ABATEMENTS, CREDITS, AND REFUNDS—SPECIAL RULES FOR AN INSOLVENT FINANCIAL INSTITUTION THAT WAS A MEMBER OF A CONSOLIDATED GROUP

Significance: Agency Priority

Legal Authority: 26 USC 6402 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 6411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6402; 26 CFR 1502; 26 CFR 6411

Legal Deadline: None

Abstract: The notice of proposed rulemaking is a cross-reference to a temporary regulation, which will address in what instances a refund can be paid to the court appointed fiduciary of an insolvent corporation which is a member of an affiliated group of corporations filing a consolidated return when to the extent that the secretary determines the refund is attributable to losses or credits of the insolvent corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-98-88

Drafting attorney: Rose L. Williams (202) 566-3231.

Reviewing attorney: Lewis Brickates (202) 566-3484.

Treasury attorney: Andrew Dubroff (202) 566-0453.

Agency Contact: Rose L. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3231

RIN: 1545–AP57

3049. ● SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS DURING PROCEEDING TO ENFORCE DESIGNATED SUMMONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6503 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6503

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers with regard to the changes made to section 6503 by the Omnibus Budget Reconciliation Act of 1990. Under those changes, the period of limitations for assessment with respect to a corporation is suspended when a court proceeding is instituted to enforce or quash a designated summons or related summons issued within 30 days of the issuance of the designated summons.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-804-90

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AQ01

3050. CHANGE OF DUE DATES FOR CERTAIN AMOUNTS AGAINST WHICH AN OVERPAYMENT IS CREDITED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Under section 6611(b)(1), if an overpayment is credited against an underpayment, interest on the overpayment runs from the date of the overpayment until the due date of the amount against which the credit is taken. Section 301.6611-1(h)(2)(v) of the regulations provides that in the case of a credit against assessed interest, the due date is the assessment of such interest. Section 301.6611-1(h)(2)(vi) of the regulations provides that in the case of a credit against an amount assessed as an additional amount, addition to the tax or assessable penalty, the due date is the date of assessment. A literal application of these regulations' provisions may give a taxpayer interest where none should be paid. The proposed regulations correct this problem by changing the due dates of interest and certain additions to the tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-055-90

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 202224, 202 566-3861

RIN: 1545–AO79

3051. DIFFERENTIAL INTEREST RATES AND EXPANDED CREDITING OF OVERPAYMENTS AGAINST UNDERPAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-123-86

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AK06

3052. FAILURE TO MAKE A DEPOSIT OF TAXES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6656 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6656

Legal Deadline: None

Abstract: Proposal will provide rules for application of the four-tiered failure-to-deposit penalty imposed by section 6656 of the Internal Revenue Code. The proposal will also deal with the manner in which a taxpayer's account will be credited for deposits being made in light of the time-sensitive nature of the penalty.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-027-90

Drafting attorney: Vincent Surabian (202) 566-4680.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4680

RIN: 1545–AO87

3053. USE OF FACSIMILE SIGNATURES BY INCOME TAX RETURN PREPARERS OF FORMS 1041, U.S. FIDUCIARY INCOME TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6695 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6695-1 (b)

Legal Deadline: None

Abstract: Section 1.6695-1 (b) currently requires that, with one exception, income tax return preparers must manually sign returns or claims for refund signed by them. The exception

does allow preparers of returns and refund claims for nonresident aliens to use facsimile signatures under certain circumstances. Section 645 (a) of the Internal Revenue Code, added by section 1403 (a) of the Tax Reform Act of 1986, requires trusts, with certain limited exceptions, to use a calendar taxable year. The calendar year requirement means that, instead of being able to spread their duty to sign trust returns over the entire course of a year, preparers must now sign all trust returns before April 15 in order to present them to clients for timely filing. To alleviate this hardship, we are examining the advisability of permitting income tax return preparers of Forms 1041, U.S. Fiduciary Income Tax Returns, to use facsimile signatures and under what conditions such use would be permitted and appropriate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-238-88

Drafting attorney: Kevin Connelly (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Kevin Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 535-9682**

RIN: 1545–AL49

3054. INCOME TAX—PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6867

Legal Deadline: None

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at the highest rate of tax specified in section 1, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6881.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-548-87.

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3780**

RIN: 1545–AE30

3055. FORFEITURE OF LAND SALES CONTRACT WITH RESPECT TO DISCHARGE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7425

Legal Deadline: None

Abstract: The regulation will address the issue of when a land sales contract is considered to be forfeited for Federal tax purposes. It may be necessary, in so doing, to provide a definition or other guidelines as to what constitutes a land sales contract for purposes of this provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-550-87

Drafting attorney: Kevin Connelly (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Kevin Connelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 535-9682**

RIN: 1545–AK24

3056. REDEMPTIONS OF REAL PROPERTY UNDER IRC 7425 - EXCESS EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7425 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Section 301.7425-4(b)(3)(ii), which deals with excess expenses incurred by a purchaser of property after a foreclosure sale and before redemption, provides that the Service may request a written itemized statement from the purchaser regarding excess expenses. If the purchaser does not respond within 15 days, it shall be presumed that no excess expenses are payable. However, even after the 15-day period expires, a payment for excess expenses shall be made after the redemption within a reasonable time following the verification by the district director of a written itemized statement submitted by the purchaser. There is no specific time frame set for the purchaser to submit his claim after the redemption and after the expiration of the 15-day period. We are examining the feasibility of establishing a 30-day time limit within which a final claim for excess expenses must be submitted by the purchaser after the sale of the property. This will eliminate claims for reimbursement of expenses that may be submitted after redemption and sale of the property, where the liens were fully satisfied and released, and all surplus funds returned to the taxpayer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-520-87

Drafting attorney: Barton J. Uze (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Barton J. Uze, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AL20

3057. WRONGFUL LEVY ACTIONS INVOLVING GOVERNMENT AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The existing language of the regulations under IRC section 7426 is ambiguous and confusing. It has been used in at least one court case as support for the proposition that whenever the Service attempts to seize property of a delinquent taxpayer that is in the custody of a Government agency, regardless of the form of the seizure (i.e. service of a Notice of Levy or of a Request for Setoff), such a seizure is always a setoff, and any third party injured by such a seizure has no cause of action under IRC section 7426. This is not the Service's position. The regulations should be clarified to rectify this misinterpretation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: GL-0351-90

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AO60

3058. RECOVERY OF ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7430 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7430

Legal Deadline: None

Abstract: Section 6239 of the Technical and Miscellaneous Revenue Act expands section 7430 of the Internal Revenue Code to allow the recovery of administrative costs incurred after the earlier of the date of the receipt by the taxpayer of the notice of decision of the IRS Office of Appeals or the date of the notice of deficiency, if the taxpayer prevails against a position of the U.S. that is not substantially justified. The regulations will define essential terms in the statute and develop procedures to administer the statute.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: IA-3-89

Drafting attorney: George Kelley (202) 566-5929.

Reviewing attorney: Michael Montemurro (202) 566-6302.

Agency Contact: George Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-5929

RIN: 1545–AN02

3059. ESTATE AND GIFT TAX VALUATION TABLES

Legal Authority: 26 USC 7520 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7520; 26 CFR 1.642, (Revision); 26 CFR 1.664, (Revision); 26 CFR 20.2031, (Revision); 26 CFR 25.2512, (Revision)

Legal Deadline: None

Abstract: Section 7520 of the Internal Revenue Code, as added by section 5031 of the Technical and Miscellaneous Revenue Act of 1988, requires that the value of any annuity, any interest for life or a term of years, and any remainder or reversionary interest be determined under valuation tables, revised periodically and the applicable Federal interest rate for the month of the valuation of the interest. The regulations will address the use of the tables, which will be published separately, and will contain rules for making an election where charitable transfers are involved. It will also include rules for rounding the applicable interest rates. In addition, the regulations will modify the current regulations for gift, estate, and charitable transfers of annuity trusts, and unitrusts and pooled income funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-100-88

Drafting attorney: William L. Blodgett (202) 566-4788.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Robert Weaver (202) 535-6965.

Agency Contact: William L. Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4788

RIN: 1545–AM81

3060. EXTENSION OF STATUTE OF LIMITATIONS IN JOHN DOE SUMMONS DISPUTES

Legal Authority: 26 USC 7609 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7609

Legal Deadline: None

Abstract: Under the Tax Reform Act of 1986, statutes of limitations are suspended in certain cases in which there is no resolution of a third-party recordkeeper's response to a summons. Section 7609(e)(2) was amended by the Technical and Miscellaneous Revenue Act of 1988 so that the suspension applies to all John Doe summonses, whether or not the summoned party is a third-party recordkeeper as defined in IRC section 7609(a)(3). The new regulations will make changes to 26 CFR 301.7609 to conform with the 1986 and 1988 amendments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-723-88

Drafting attorney: Jerome D. Sekula (202) 566-4557.

Reviewing attorney: Robert Miller (202) 566-9668.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AM67

3061. COORDINATION OF U.S. AND CERTAIN POSSESSION INCOME TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7654 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to section 7654 of the Internal Revenue Code of 1986 which generally provides that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of Federal personnel while bona fide residents of specified possessions, must be covered into the Treasury of the specified possession of which such individuals are bona fide residents.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-971-86

Drafting attorney: Ricardo A. Cadenas (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Charles Cope (202) 343-0247.

Agency Contact: Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AL18

3062. ● COORDINATION OF U.S. AND CERTAIN POSSESSION INCOME TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7654 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to section 7654 of the Internal Revenue Code of 1986 which generally provides that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of Federal personnel while bona fide residents of specified possessions, must be covered into the Treasury of the specified possession of which such individuals are bona fide residents.

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-971-86

Drafting Attorney: Ricardo A. Cadenas (202) 287-4851.

Reviewing Attorney: George Sellinger (202) 287-4851.

Treasury Attorney: Charles Cope (202) 343-0247.

Agency Contact: Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Washington, DC 20024, 202 287-4851

RIN: 1545–AP85

3063. ● TAXABLE MORTGAGE POOLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7701

Legal Deadline: None

Abstract: This regulation will provide rules related to taxable mortgage pools.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-055-91

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Laura M. Lauritzen (202) 566-3458.

Agency Contact: Susan E. Overlander, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 290224, 202 566-3458

RIN: 1545–AP98

3064. DEFINITION OF LIFE INSURANCE CONTRACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: None

Legal Deadline: None

Abstract: The regulation will provide rules to define a life insurance contract.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-107-87

Drafting Attorney: Emanuel S. Burstein (202) 566-3603.

Reviewing Attorney: Stephen D. Hooe (202) 566-3289.

Agency Contact: Emanuel S. Burstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3603

RIN: 1545–AL08

3065. CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1.704-1T

Legal Deadline: None

Abstract: The regulations provide rules relating to the classification of publicly traded partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-13-88

Drafting Attorney: Ann Veninga (202) 377-9661.

Reviewing Attorney: William P. O'Shea (202) 566-3244.

TREAS—IRS

Proposed Rule Stage

Treasury Attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9661**

RIN: 1545–AL57

3066. CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS—TRANSITION PROVISIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7704-2T; 26 CFR 301.7704-2T

Legal Deadline: None

Abstract: This regulation defines the phrases "Existing Partnership" and "Substantial New Line of Business" in the transition rule applicable to section 7704 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-056-89

Drafting Attorney: Ann Veninga (202) 377-9661.

Reviewing Attorney: William P. O'Shea (202) 566-3244.

Treasury Attorney: S. Barksdale Penick (202) 566-5453.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9661**

RIN: 1545–AN92

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Final Rule Stage

3067. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Legal Deadline: None

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	50 FR 19383
Hearing	08/14/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-245-84.

Drafting attorney: Harold N. Diamond (202) 566-3340.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3340**

RIN: 1545–AH06

3068. INCOME TAX—INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35572
NPRM Comment Period End	11/04/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: FI-114-85.

Drafting attorney: Harold N. Diamond (202) 566-3340.

Reviewing attorney: Lon B. Smith (202) 566-4085.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3340**

RIN: 1545–AI39

3069. MORTGAGE CREDIT CERTIFICATES IN TARGETED AREAS

Legal Authority: 26 USC 25(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The percentage of mortgage originations required by section 1.25-4T(g)(8%) was predicated on the 1:5 trade in rate contained in former section 25(c) of the Code. To accommodate the new 1:4 rate contained in section 25(c), we are amending section 1.25-4T(g).

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-068-89

Drafting Attorney: Harold Diamond (202) 566-3340.

Agency Contact: Harold Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3340**

RIN: 1545–AN93

3070. LOW-INCOME HOUSING CREDIT ALLOCATION RULES AND INFORMATION REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide low-income housing credit allocation and reporting rules.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23471
NPRM Comment Period End	08/21/87	52 FR 23471
Hearing	11/09/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-83-86

Drafting attorney: Paul F. Handleman (202) 377-6349.

Reviewing attorney: James F. Ranson (202) 377-6349.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Paul Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-6349**

RIN: 1545–AJ65

3071. FIRREA REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation addresses the question of whether a building funded in part with below market loans made under an affordable housing program established pursuant to section 721 of the Financial Institutions Reform Recovery and Enforcement Act of 1989 is a federally subsidized building for purposes of determining the correct applicable percentage to apply to the building under section 42 of the Code.

Timetable:

Action	Date	FR Cite
NPRM	02/05/91	56 FR 4588
NPRM Comment Period End	04/30/91	56 FR 4588

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-089-90

Drafting attorney: Christopher J. Wilson (202) 377-6349.

Reviewing attorney: Richard Smith (202) 566-3820.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Christopher Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-6349**

RIN: 1545–AP16

3072. SPECIAL RULES TO AVOID SUBSTANTIAL DISTORTION FOR RECOVERY OF BASIS ON A CONTINGENT SALE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 453

Legal Deadline: None

Abstract: Regulations will clarify that the Internal Revenue Service may require an alternative method of basis recovery in the event that the general rules of section 15a.453-(1)(c) substantially and inappropriately defer recovery of basis.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-071-90

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: George Kelley (202) 566-6302.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AP41

3073. INCOME TAX—SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 (l) Internal Revenue Code of 1986; PL 96-223, Sec 223 (c)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	47 FR 03559
Hearing	06/03/82	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-176-80.

Drafting attorney: Winston H. Douglas (202) 566-3553.

Reviewing attorney: Susan Reaman (202) 566-3553.

Agency Contact: Winston H. Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3553**

RIN: 1545–AA26

TREAS—IRS

Final Rule Stage

3074. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 196 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35438
NPRM Comment Period End	11/20/87	52 FR 35438
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-183-82.

Drafting attorney: Patrick T. McGroarty (202) 377-6349.

Reviewing attorney: James Ranson (202) 377-6349.

Agency Contact: Patrick T. McGroarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AF06

3075. INCOME TAX—INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustment for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-84-87

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: William Jackson (202) 566-4104.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AL03

3076. ● ADJUSTED CURRENT EARNINGS

Significance: Agency Priority

Legal Authority: 26 USC 56(g) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 1.56

Legal Deadline: None

Abstract: The proposed regulations relate to the alternative minimum tax for corporations. The Tax Reform Act of 1986, the Technical and Miscellaneous Revenue Act of 1988, the Revenue Reconciliation Acts of 1989, and 1990, all made changes to the applicable law. These regulations affect corporate taxpayers and provide them with guidance necessary to determine their alternative minimum tax.

Timetable:

Action	Date	FR Cite
NPRM	03/15/91	56 FR 11122
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-14-91

Drafting attorney: Nicholas G. Bogos (202) 566-6320.

Reviewing attorney: William A. Jackson (202) 566-4104.

Agency Contact: Nicholas G. Bogos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AP58

3077. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 58(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19409
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-56-87

Drafting attorney: Kelly Berg (202) 566-3862.

Reviewing attorney: William Jackson (202) 566-4104.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: Kelly Richardson Berg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3862

RIN: 1545–AK20

3078. APPLICATION OF SECTION 58(H) OF THE 1954 CODE TO SITUATIONS INVOLVING NOL CARRYBACKS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 58(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: This regulation will give guidance on how to apply the special 58(h) tax benefit rule when a taxpayer receives no tax benefit from items of tax preference because of net operating losses.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-060-89

Drafting attorney: Kelly Berg (202) 566-3862.

Reviewing attorney: William Jackson (202) 566-4104.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Kelly Richardson Berg, Tax Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3862

RIN: 1545–AO36

3079. INCOME TAX-NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax exempt charitable organizations such as non-profit hospitals for their employees.

Timetable:

Action	Date	FR Cite
NPRM	02/03/78	44 FR 53539
NPRM Comment Period End	04/03/78	44 FR 53539
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-33-90

Drafting attorney: John A. Tolleris (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine (202) 566-3060.

Treasury attorney: Unassigned

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3060

RIN: 1545–AA35

3080. ● TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME OF CERTAIN FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed amendments amend two provisions of the fringe benefit regulations. These proposed amendments provide (1) a new valuation rule for certain transportation provided by an employer to or from an employee's workplace due to unsafe conditions surrounding the employee's workplace or residence and (2) increase the dollar amount of the de minimis exclusion for public transit passes provided to employees for travel on public transit systems.

Timetable:

Action	Date	FR Cite
NPRM	05/20/91	56 FR 23039
NPRM Comment Period End	06/24/91	56 FR 23039
Hearing	07/01/91	56 FR 23041
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-42-91.

Drafting attorney: Marianna Dyson (202) 566-4747.

Reviewing attorney: Jerry E. Holmes (202) 566-4747.

Treasury attorney: Terrill Hyde (202) 566-8277.

Agency Contact: Marianna Dyson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AP72

3081. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
NPRM	03/28/88	53 FR 9951
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-97-86.

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorney: George B. Baker (202) 566-9292.

Treasury attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3980

RIN: 1545–AJ49

3082. TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 71 Internal Revenue Code of 1986; 26 USC 215 Internal Revenue Code of 1986; 26 USC 1041 Internal Revenue Code of 1986; 26 USC 152 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to assist taxpayers in determining whether alimony and separate maintenance payments are deductible from income by the payor and includible in income by the payee, whether property transferred between spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34528
NPRM Comment Period End	10/20/84	49 FR 34528
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-153-84.

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: Stephen J. Toomey (202) 566-3863.

Agency Contact: Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AI49

3083. PROPOSED UNIFORM PREMIUM TABLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation extends the Table for determining the cost of group term life insurance to include ages over 64.

Timetable:

Action	Date	FR Cite
NPRM	11/20/89	54 FR 47995
NPRM Comment Period End	01/20/90	54 FR 47995
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-081-89

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Cross-Reference to EE-89-88.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4465

RIN: 1545–AN51

3084. NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the following: an explanation of the eligibility, benefits and alternative tests contained in section 89; an explanation as to which plans are subject to section 89 requirements; and, rules concerning how the requirements will be applied in actual operation. Also, these regulations will provide additional guidance for cafeteria plans under section 125.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9460
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-174-86

Drafting attorney: Munroe/Zech (202) 566-3251.

Reviewing attorney: Nancy Marks (202) 343-6954.

Agency Contact: David Munroe/Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AI78

3085. INCOME TAX—EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 142 (e) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	49 FR 33283
Hearing	01/30/85	49 FR 45449

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-190-78.

Drafting attorney: L. Michael Wachtel (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: David Walton (202) 566-2175.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AA49

3086. INCOME TAX—TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6274
NPRM Comment Period End	04/22/86	51 FR 6274
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

TREAS—IRS **Final Rule Stage**

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-59-74.

Drafting attorney: Dave White (202) 566-4545.

Treasury attorney: David Walton (202) 566-2175.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AA56

3087. INCOME TAX—MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules which interpret the provisions of section 103A, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
NPRM - Previous	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	46 FR 55513

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-10-81.

Drafting attorney: Suzanne Reynolds (202) 566-4310.

Agency Contact: Suzanne Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4310

RIN: 1545–AA63

3088. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (a) Internal Revenue Code of 1986; 26 USC 163 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51414
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-255-82.

Drafting attorney: Dianne O. Umberger (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Dianne O. Umberger, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AE18

3089. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)—RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	48 FR 21166
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-221-82.

Drafting attorney: Eric E. Boody (202) 566-3458.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AE24

3090. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144(a)(10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the circumstances under which a bond is not treated as a qualified small issue bond if any test period beneficiary of the bond has more than $40 million of tax-exempt financing. These regulations would also provide guidance regarding how the proceeds of an issue of

industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6270
NPRM Comment Period End	04/22/86	51 FR 6270
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-157-84.

Drafting attorney: Dave White (202) 566-4545.

Treasury attorney: David Walton (202) 566-2175.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4545**

RIN: 1545–AH19

3091. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-8

Legal Deadline: None

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 46303
NPRM Comment Period End	01/06/86	
Hearing	02/10/86	51 FR 1392

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-269-84.

Drafting attorney: L. Michael Wachtel (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3458**

RIN: 1545–AH68

3092. CLARIFICATION REGARDING THE CONCLUSIVENESS OF THE CERTIFICATION UNDER SECTION 1.103-13(A)(2) OF THE INCOME TAX REGULATIONS

Legal Authority: 26 USC 103 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None

Abstract: This regulation clarifies the extent to which a certification is conclusive as to the reasonable expectations of the issuer under section 1.103-13 (a) (2) of the Income Tax Regulations, when the issuer either certifies in bad faith or takes subsequent and deliberate actions to produce arbitrage.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-031-89

Drafting attorney: David White (202) 566-4545.

Agency Contact: David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4545**

RIN: 1545–AN08

3093. PROPOSED REGULATIONS UNDER SECTION 108; DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 108 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for determining whether stock is nominal or token.

Timetable:

Action	Date	FR Cite
NPRM	12/07/90	55 FR 50568
NPRM Comment Period End	02/04/91	55 FR 50568
Hearing	03/08/91	55 FR 53005
Final Action	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: CO-076-90

Drafting Attorney: Lori Jones (202) 566-4551.

Reviewing Attorney: Nelson Crouch (202) 566-3255.

Treasury Attorney: Anne Crovitz (202) 566-4902.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4551**

RIN: 1545–AP19

3094. INCOME FROM DISCHARGE OF INDEBTEDNESS—ACQUISITION OF INDEBTEDNESS BY PERSON RELATED TO THE DEBTOR

Legal Authority: 26 USC 108(e)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This notice of proposed rulemaking contains proposed income tax regulations under section 108(e)(4) of the Internal Revenue Code of 1986. New section 1.108-2 provides that the acquisition of outstanding indebtedness by a person related to the debtor from a person who is not related to the debtor results in the realization by the debtor of income from discharge of indebtedness (to the extent required by section 61(a)(12) and section 108) measured by reference to the fair market value of the indebtedness on the acquisition date.

Timetable:

Action	Date	FR Cite
NPRM	03/22/91	56 FR 12135
Hearing	06/03/91	56 FR 12141

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-90-90

Drafting attorney: Victor L. Penico (202) 566-3618.

Reviewing attorney: William Alexander (202) 566-3544.

Treasury attorney: Anne Crovitz (202) 566-4902.

Agency Contact: Victor L. Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3618

RIN: 1545–AP28

3095. COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 112 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.112-1

Legal Deadline: None

Abstract: Regulations are an update of regulations on combat zone compensation excludable from gross income under section 112. The regulations provide guidance to armed forces payroll centers and to service members for determining the conditions for the exclusion and the amount excludable.

Timetable:

Action	Date	FR Cite
NPRM	03/11/91	56 FR 10211
NPRM Comment Period End	05/10/91	56 FR 10211
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: EE-4-91

Drafting attorney: Gregory J. Stull (202) 566-4747.

Reviewing attorney: Mary Oppenheimer (202) 566-6628.

Treasury attorney: Jim Miller (202) 566-8277.

Agency Contact: Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AP53

3096. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 116 Internal Revenue Code of 1986 PL 96-223, Sec 404

CFR Citation: 26 CFR 116

Legal Deadline: None

Abstract: This regulations project is necessary to conform the regulations relating to section 116 of the Internal Revenue Code of 1986 to amendments to section 404 made by the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223. This regulation will provide guidance to individuals who administer section 116 and taxpayers who are subject to and must comply with these sections of the code. Section 116 relates to the partial exclusion of dividends and interest received by individuals.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-80

Drafting attorney: Donald W. Kanuk (202) 566-3826.

Reviewing attorney: Stephen J. Toomey (202) 566-3863.

Agency Contact: Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3826

RIN: 1545–AM73

3097. EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship. Regulations will also provide rules relating to withholding from certain payments and return of information requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21688
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-3-87

Drafting Attorney: Kelly Berg (202) 566-3862.

Reviewing Attorney: William Jackson (202) 566-4104.

Treasury Attorney: Kathleen Ferrell (202) 566-5911.

Agency Contact: Kelly Richardson Berg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution, NW., Washington, DC 20224, 202 566-3862

RIN: 1545–AJ87

3098. INCOME TAX—TAX TREATMENT OF CAFETERIA PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period End	01/30/85	
Hearing	03/11/85	
NPRM	03/07/89	54 FR 9500
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-16-79.

Drafting attorney: Felix Zech (202) 566-3251.

Reviewing attorney: Harry Beker (202) 566-3251.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kurt Lawson (202) 566-8277.

TREAS—IRS

Final Rule Stage

Agency Contact: Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AD63

3099. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	46 FR 27723
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-222-78.

Drafting attorney: Brenda M. Stewart (202) 566-4919.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Agency Contact: Brenda M. Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4919

RIN: 1545–AA73

3100. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to arbitrage restrictions on tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	05/15/89	54 FR 20861
NPRM Comment Period End	11/15/89	54 FR 37947
Public Hearing	12/13/89	54 FR 37947
NPRM	04/25/91	56 FR 19045

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-91-86

Drafting attorney: William Cejudo (202) 566-3283.

Reviewing attorney: Lon B. Smith (202) 566-4085.

Treasury attorney: David Walton (202) 566-2175.

Agency Contact: William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3283

RIN: 1545–AJ67

3101. YIELD ADJUSTMENT PAYMENT RULES FOR QUALIFIED STUDENT LOAN BONDS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.148-10T

Legal Deadline: None

Abstract: Procedures and methodology for computing and making yield adjustment payments to the United States with respect to arbitrage earned on qualified student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2534
NPRM Comment Period End	03/26/90	55 FR 2534
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-075-89

Treasury attorney: David A. Walton (202) 566-2175.

Agency Contact: David Walton, Attorney, Department of the Treasury, Internal Revenue Service, Tax Legislative Counsel, 1500 Pennsylvania Ave., NW., Washington, DC 20220, 202 566-2175

RIN: 1545–AO19

3102. CLARIFYING WHEN PROCEEDS OF AN OBLIGATION DESCRIBED IN SECTION 103(A) ALLOCATED TO REIMBURSE PREVIOUSLY PAID EXPENDITURES ARE DEEMED SPENT FOR PURPOSES OF SECTION 148 OF THE CODE

Significance: Agency Priority

Legal Authority: 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Addresses the issue of whether proceeds of a a tax exempt bond used to reimburse an expenditure previously made by the bond issue will be deemed to be spent and thereby no longer subject to arbitrage and rebate requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/25/91	56 FR 19046
Hearing	08/08/91	56 FR 19049

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: FI-059-89

Drafting attorney: William Cejudo (202) 566-3283.

Agency Contact: William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3283

RIN: 1545–AO37

3103. SUBSEQUENT INTENTIONAL ACTS TO EARN ARBITRAGE AND THE REASONABLE EXPECTATIONS TEST FOR ARBITRAGE BONDS

Legal Authority: 26 USC 148 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None

Abstract: The proposed regulations provide that if subsequent intentional acts are taken after the date of issue to earn arbitrage, the reasonable expectations test does not prevent a bond from being declared an arbitrage bond.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-044-89

Drafting attorney: David White (202) 566-4545.

Agency Contact: David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AN69

3104. 2-YEAR ARBITRAGE REBATE EXCEPTION

Significance: Agency Priority

Legal Authority: 26 USC 148(f)(4)(B)(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance concerning the two-year exception from arbitrage rebate continued in Section 148(f)(4)(B)(i) of the Code.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-001-90

Drafting attorney: Jack Malgeri (202) 566-4545.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AO33

3105. INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	03/11/87	52 FR 7408
NPRM Comment Period End	05/11/87	52 FR 7408
Hearing	06/26/87	
Final Action	04/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-146-86

Drafting Attorney: Eric E. Boody (202) 566-3458.

Reviewing Attorney: Alice Bennett (202) 566-3287.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AJ63

3106. EXCEPTIONS FROM PROHIBITION OF FEDERAL GUARANTEES—PERMITTED INVESTMENTS OF TAX EXEMPT BOND PROCEEDS

Legal Authority: 26 USC 149(b)(3)(B)(v)Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These temporary regulations except investments in obligations issued by the Resolution Funding Corporation from the prohibition of Federal guarantees applicable to tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	10/15/90	55 FR 41695
Final Action	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: FI-084-90

Drafting Attorney: William Cejudo (202) 566-3283.

Reviewing Attorney: Lon Smith (202) 566-4085.

Treasury Attorney: David Walton (202) 566-2175.

Agency Contact: William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3283

RIN: 1545–AP11

3107. CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106(b) Internal Revenue Code of 1986; 26 USC 162(i)(2) Internal Revenue Code of 1986; 26 USC 162(k) Internal Revenue Code of 1986; 26 USC 4980B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22716
NPRM Comment Period End	08/14/87	52 FR 22716
Hearing	11/04/87	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-143-86

Drafting attorney: Russell Weinheimer (202) 566-6244.

Review attorney: Mark Schwimmer (202) 566-4741.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Russell Weinheimer, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW., Washington, DC 20224, 202 566-6244

RIN: 1545–AI93

3108. INCOME TAX REGULATIONS—LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	12/22/87	52 FR 48452

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-137-86

Drafting Attorney: Sharon L. Hall (202) 566-4430.

Reviewing Attorney: John Fischer (202) 566-8131.

Treasury Attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AK17

3109. EARNINGS STRIPPING PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation addresses the deductibility of interest under section 163 being limited when paid by a corporation to related persons not subject to U.S. tax.

Timetable:

Action	Date	FR Cite
NPRM	06/18/91	56 FR 27907
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-870-89

Drafting attorney: Jacob Feldman (202) 566-6645.

Reviewing attorney: Jeffrey L. Dorfman (202) 377-9059.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AO24

3110. INCOME TAX REGULATIONS—TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 and section 1808 (d) of the Tax Reform Act of 1986, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	49 FR 33458
Hearing	11/29/84	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-147-84.

Drafting attorney: Karl T. Walli (202) 566-3297.

Reviewing attorney: Steven R. Glickstein (202) 566-3297.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl T. Walli, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3297

RIN: 1545–AG57

3111. ● CONCLUSIVE PRESUMPTION OF WORTHLESSNESS—BANKS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 166 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document provides greater certainty in the tax treatment of a bank's bad debts by providing for a conclusive presumption of worthlessness established by the bank's supervisory authority.

Timetable:

Action	Date	FR Cite
NPRM	05/29/91	56 FR 24154
NPRM Comment Period End	07/29/91	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-034-91

Drafting attorney: Bernita Thigpen (202) 566-3297.

Reviewing attorney: James Malloy (202) 566-3373.

Treasury attorney: Eve Elgin (202) 535-6966.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3297

RIN: 1545–AP69

3112. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules concerning tax-exempt entity leasing and service contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	50 FR 27297
Hearing	11/25/85	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-31-85.

Drafting attorney: Edward C. Schwartz (202) 566-3861.

Reviewing attorney: Stephen J. Toomey (202) 566-3863.

Treasury attorney: Evelyn Brody (202) 566-5453.

Agency Contact: Edward C. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AH76

3113. APPLICABLE CONVENTIONS UNDER THE ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules relating to the half-year and mid-quarter conventions under the accelerated cost recovery system applicable to property generally placed in service after December 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	55 FR 53571
NPRM Comment Period End	02/14/91	55 FR 53571
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-054-89

Drafting Attorney: Mark Pitzer (202) 566-3292.

Reviewing Attorney: Peter Friedman (202) 566-3292.

Treasury Attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AN81

3114. DEDUCTIONS IN EXCESS OF $5000 CLAIMED FOR CHARITABLE CONTRIBUTIONS OF CERTAIN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170(a)(1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide substantiation requirements with which a donor must comply in order to take a deduction for a charitable contribution of certain property.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16156
Hearing	09/23/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-87

Drafting attorney: Stuart Spielman (202) 566-3980.

Reviewing attorney: Rudi Planert (202) 566-9293.

Treasury attorney: Evelyn Brody (202) 566-5453.

Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3980

RIN: 1545–AL09

3115. ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules rules relating to the changes made to section 179 by the Tax Reform Act of 1986. This includes changes to the dollar limitation and recapture provision as well as the new trade or business income limitation.

Timetable:

Action	Date	FR Cite
NPRM	03/28/91	56 FR 12868
NPRM Comment Period End	05/28/91	56 FR 12868
Hearing	08/08/91	56 FR 12879
Final Action	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-52-88

Drafting attorney: Winston H. Douglas (202) 566-3553.

Reviewing attorney: Harold Burghart (202) 566-3292.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Winston Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AL74

3116. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 220 Internal Revenue Code of 1986; 26 USC 404 (h) Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3306 Internal Revenue Code of 1986; 26 USC 4973 Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	46 FR 36198
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Benefits Tax Counsel (Treasury) reviewing attorney: Evelyn A. Petschek (202) 566-2175.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AD59

3117. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 415 Internal Revenue Code of 1986; 26 USC 2039 Internal Revenue Code of 1986; 26 USC 2517 Internal Revenue Code of 1986; 26 USC 6652 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Legal Deadline: None

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	49 FR 2794
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Benefits Tax Counsel (Treasury) reviewing attorney: Evelyn A. Petschek (202) 566-2175.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AD66

3118. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	52 FR 10118
NPRM Comment Period End	05/29/87	
Hearing	12/07/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-168-86.

Drafting attorney: Ellen McElroy (202) 566-5155.

Reviewing attorney: Tom Luxner (202) 566-3499.

Treasury attorney: Roy Strowd (202) 535-6959.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-5155

RIN: 1545–AK05

3119. CAPITALIZATION OF INTEREST EXPENSE RELATING TO PRODUCTION OF PROPERTY

Significance: Regulatory Program

Legal Authority: 26 USC 263A(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The second set of regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation of interest to property subject to the capitalization rules for related parties and flow-through entities.

Timetable:

Action	Date	FR Cite
NPRM	08/16/91	56 FR 40815
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-120-86.

Drafting attorney: Mary Goode (202) 566-3826/Carol Conjura

(202) 566-3319.

Reviewing attorney: Richard Davis (202) 566-3494.

Treasury attorney: Roy Strowd (202) 566-4902.

Agency Contact: Mary Goode, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3388

RIN: 1545–AK03

3120. LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0267 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The primary purpose of this project is to provide final regulations under section 267 of the Internal Revenue Code concerning the deferral and restoration of loss on the intercompany sale of property from one member of a controlled group of corporations to another member.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	49 FR 47048

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-023-89

Drafting Attorney: Keith E. Stanley (202) 566-3618.

Reviewing Attorney: Nelson R. Crouch (202) 566-3255.

Treasury attorney: Judge Kelley (202) 566-8527.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AN19

3121. DEDUCTIONS OF AMOUNTS OWED TO RELATED FOREIGN PERSONS UNDER SECTIONS 267(A)(3) AND 163(E)(3)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267(a)(3) Internal Revenue Code of 1986; 26 USC 163(e)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for the deduction of amounts owed to a related foreign person.

Timetable:

Action	Date	FR Cite
NPRM	03/19/91	56 FR 11531
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-625-89

Drafting attorney: James K. Sams (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Carol Dunahoo (202) 566-4979.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AN83

3122. INCOME TAX—PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	48 FR 13438
Hearing	07/19/83	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-188-82.

Drafting attorney: Brendan O'Hara (202) 566-2455.

Reviewing attorney: Nelson Crouch (202) 566-3651.

Agency Contact: Brendan O'Hara, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AF11

3123. APPLICATION OF SECTION 269 TO OWNERSHIP CHANGES DESCRIBED IN SECTION 382(L)(5) WHEN THERE IS NO CONTINUITY OF BUSINESS ENTERPRISE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will make clear that Section 269 continue to apply to acquisitions of control which are specifically addressed by Section 382 (as amended by the Tax Reform Act of 1986). Creditors who receive stock of a debtor corporation in satisfaction of indebtedness will not be treated as owning the stock of the corporation for purposes of Section 269 before the time of the stock-for-debt exchange. The Section 382 (c) continuity of business enterprise requirement will not apply to ownership changes excepted from the application of Section 382 (a) by Section 382 (l) (5).

Timetable:

Action	Date	FR Cite
NPRM	08/14/90	55 FR 33137
NPRM Comment Period End	09/28/90	55 FR 33137
Hearing	12/03/90	55 FR 42729
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-077-89

Drafting attorney: Victor Penico (202) 566-3618.

Reviewing attorney: Nelson Crouch (202) 566-3255.

Treasury attorney: Tom Wessel (202) 566-8277.

Agency Contact: Victor Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3618

RIN: 1545–AO29

3124. EMPLOYEE ACHIEVEMENT AWARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 74 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

CFR Citation: 26 CFR 274; 26 CFR 74; 26 CFR 102

Legal Deadline: None

Abstract: Final regulations concerning employee achievement awards. Specific guidance concerning the phrase "tangible personal property."

Timetable:

Action	Date	FR Cite
NPRM	01/09/89	54 FR 627
Public Hearing on Prop. Regs.	06/02/89	54 FR 18117
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-084-89

Drafting Attorney: Marie Cashman (202) 566-4747.

Reviewing Attorney: Jerry Holmes (202) 566-4747.

Treasury Attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Marie Cashman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AN56

3125. INCOME TAX—SUBSTANTIATION REQUIREMENTS WITH RESPECT TO LISTED PROPERTY AND SUBSTANTIATION REQUIREMENTS RELATING TO THE TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

Timetable:

Action	Date	FR Cite
NPRM	11/06/85	50 FR 46006
NPRM Comment Period End	01/06/86	50 FR 46006
Hearing	03/04/86	51 FR 02898

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-140-86.

Drafting Attorney: Joel Rutstein (202) 566-4430.

Reviewing Attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AJ40

3126. AUTOMOBILE INCLUSION AMOUNTS FOR CALENDAR YEARS AFTER 1988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide the requirements and tables to be used to determine the dollar amount, if any, that a lessee of a passenger automobile or other listed property must add to gross income. Further, the tax law applicable to automobiles placed in service after 1988, requires annual adjustments in the tables to reflect the automobile price inflation index.

Timetable:

Action	Date	FR Cite
NPRM	04/12/90	55 FR 13808
NPRM Comment Period End	06/11/90	55 FR 13808

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-53-89

Senior tax law specialist: John E. Moffat (202) 566-3553.

Reviewing attorney: Harold E. Burghart (202) 566-3292.

Treasury attorney: John H. Parcell (202) 566-2784.

Agency Contact: John E. Moffat, Senior Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AN80

3127. THE SUBSTANTIATION OF DEDUCTIONS CLAIMED FOR THE USE OF CELLULAR TELEPHONES AND COMPUTERS IN A TAXPAYER'S TRADE OR BUSINESS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide the public with the guidance needed to substantiate the use of cellular telephones and computers in a trade or business. The regulations proposed for cellular telephones and computers follow the safe harbor rules for listed property, when the use of a cellular telephone in a trade or business occurs under special conditions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-114-90

Senior Tax Law Specialist: John E. Moffat (202) 566-3553.

Reviewing Tax Law Specialist: Harold E. Burghart (202) 566- 3292.

Treasury attorney: John E. Parcell (202) 566-2784.

Agency Contact: John E. Moffat, Senior Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AP45

3128. GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

CFR Citation: 26 CFR 280G

Legal Deadline: None

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19390
NPRM Comment Period End	07/05/89	
Hearing	11/21/89	54 FR 39548
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-30-90

Drafting attorney: Robert Misner (202) 566-4741.

Reviewing attorney: Unassigned

Treasury attorney: Thomas Terry (202) 566-2318.

Agency Contact: Robert Misner, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4741

RIN: 1545–AH49

3129. MODIFICATION OF RULES RELATING TO THE APPLICABILITY OF OTHER PROVISIONS OF LAW IN THE CONTEXT OF THE CONSOLIDATED RETURN REGULATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation would provide that section 304 will not apply to acquisitions of stock of a corporation by one member of a consolidated group from another member.

Timetable:

Action	Date	FR Cite
NPRM	07/25/91	56 FR 34044

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-2-88

Drafting attorney: John N. Geracimos (202) 566-3341.

Reviewing attorney: Don A. Leatherman (202) 566-2454.

Agency Contact: John N. Geracimos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3341

RIN: 1545–AL41

3130. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e) and the consequences which result from making such an election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-51-87

Drafting attorney: Theresa Abell (202) 566-4551.

Reviewing attorney: Maura Sullivan (202) 566-4173.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Agency Contact: Theresa Abell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4551

RIN: 1545–AK30

3131. RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY

Significance: Regulatory Program

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), thereby requiring corporations to recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. This project addresses issues related to the operating rules of sections 311, 331, 334, 336, and 337. Additional areas related to GU repeal, such as the scope of the repeal, will be addressed in a specific project.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-117-86.

Drafting Attorney: Tom Matragrano (202) 566-2456.

Reviewing Attorney: Don A. Leatherman (202) 566-2454.

Treasury Attorney: Gregory J. Marich (202) 566-2175.

Agency Contact: Tom Matragrano, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2456

RIN: 1545–AJ01

3132. SCOPE OF GENERAL UTILITIES REPEAL

Legal Authority: 26 USC 337(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), thereby requiring corporations to recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. It has been determined that GU repeal can be circumvented in certain circumstances, including, downstream mergers, conversion into tax exempt entities, and cross ownership. This project will seek to identify these areas and promulgate regulations to assure corporate level gain recognition as required by the Act.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-014-89

Drafting attorney: Stephen R. Cleary (202) 566-3341.

Reviewing attorney: Don Leatherman (202) 566-2454.

Agency Contact: Stephen R. Cleary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3341

RIN: 1545–AN21

3133. IMPLEMENT THE GUIDANCE IN NOTICE 89-37, WHICH TREATS THE RECEIPT OF A CORPORATE PARTNER'S STOCK BY THE CORPORATE PARTNER AS A CIRCUMVENTION OF GENERAL UTILITIES REPEAL

Legal Authority: 26 USC 337(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.337(d)

Legal Deadline: None

Abstract: The regulation will implement the guidance provided in Notice 89-37, 1989-1 C.B. 679, on the treatment of the receipt of a corporation partner's stock by other corporation partner in exchange for appreciated property from the other corporation partner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-91-90

Drafting attorney: Dexter Johnson (202) 566-4751.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AP52

3134. DEEMED PURCHASE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23790
NPRM Comment Period End	09/02/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-191-82.

Drafting attorney: Keith Medleau (202) 566-4551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Office of Tax Legislative Counsel reviewing attorney: Judd Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4551

RIN: 1545–AF29

3135. INCOME TAX—ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period End	11/05/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-26-83.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AF38

3136. REGULATIONS UNDER SECTION 338(H)(10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 763
NPRM Comment Period End	03/10/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-218-83.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3430.

Office of Tax Legislative Counsel reviewing attorney: Judd Kelley (202)-566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Final Rule Stage**

Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AF93

3137. QUESTIONS AND ANSWERS RELATING TO MISCELLANEOUS MATTERS UNDER SECTION 338

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance on a broad range of issues under section 338.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 16430

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-33-85.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 3551.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AH88

3138. STATEMENTS OF ELECTION AND DUE DATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17989
NPRM Comment Period End	07/15/86	51 FR 17989

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-8-86.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AI53

3139. MANDATORY APPLICATION OF MADSP FORMULA FOR DETERMINATION OF DEEMED SALE PRICE FOR OLD TARGET'S ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will require the use of the MADSP formula in a qualified stock purchase to which section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-76-86

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judd Kelley (202) 566-2175.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AJ07

3140. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338(H)(10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338(h)(10) when the selling group is an affiliated group of corporations which does not file a consolidated Federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-49-87

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AK32

3141. MULTIPLE TAXATION

Significance: Agency Priority

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules on the determination of the amount of gain or loss recognized by a target corporation upon its deemed

sale under section 338(a) of the stock of certain affiliates of the target corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-051-89

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: William D. Alexander (202) 566-3544.

Treasury attorney: Judd Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AN86

3142. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17990
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-610-86

Drafting attorney: Elizabeth U. Karzon (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5992.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AK74

3143. INCOME TAX—PART 1—TEMPORARY-WHETHER EARNINGS AND PROFITS SHOULD BE ALLOCATED TO AN ACQUIRING CFC FROM AN ACQUIRED CFC FOLLOWING A NON-RECOGNITION TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Should earnings and profits be allocated to an acquiring CFC from an acquired CFC following a transaction which qualified for non-recognition treatment.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-178-86

Drafting attorney: Bernard Bress (202) 566-3452.

Reviewing attorney: Bernard Bress (202) 566-3452.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Bernard T. Bress, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Room 4109, Washington, DC 20224, 202 566-3452

RIN: 1545–AI32

3144. CERTAIN CORPORATE DISTRIBUTIONS TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal deals with whether gain should be recognized under section 367 (e) (1) and (2) on the distributor of stock, securities or other property.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1472
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-704-87

Drafting attorney: Leslie A. Cracraft (202) 566-6442.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AL35

3145. INCOME TAX—EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368(a)(2)(F) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies. (Proposed regs. section 1.368-4)

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-135-76.

Drafting attorney: Roberta Mann (202) 566-3250.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Agency Contact: Roberta Mann, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3250

RIN: 1545–AB31

3146. INCOME TAX—OWNERSHIP CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on what constitutes "ownership change" under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporation stock ownership (after which the corporation's net operating loss carryovers are limited)).

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29704
NPRM Comment Period End	10/13/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-106-86.

Drafting Attorney: Keith E. Stanley (202) 566-3367.

Reviewing Attorney: Charles M. Whedbee (202) 566-3280.

Treasury Attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AJ00

3147. ALLOCATION OF A LOSS CORPORATION'S INCOME OR LOSS FOR THE TAXABLE YEAR THAT INCLUDES THE CHANGE DATE BETWEEN THE PERIODS ENDING WITH AND AFTER THE CHANGE DATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Except as provided in regulations, sections 382(b)(3)(A) and (d)(1) of the Internal Revenue Code of 1986 provide for a ratable allocation of income or net operating loss, respectively, for the taxable year that includes the change date. Notice 87-79, 1987-2 C.B. 387, states that regulations will, in certain cases, provide taxpayers with an election to allocate income and loss between the periods ending with and after the change date on the basis of a closing of their books as of the change date (rather than on the basis of a ratable allocation). The purpose of this regulations project is to implement the above mentioned portion of Notice 87-79 and to provide guidance in certain related areas. The regulation will also provide for mandatory exclusion of extraordinary items from the ratable allocation of income or loss between the pre-change and post-change periods, in the absence of a closing of the books election. Such extraordinary items will be allocated on the basis of a closing of the books.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-49-88

Drafting attorney: Roberta Mann (202) 566-3250.

Treasury attorney: Larry Garrett (202) 566-8277.

Agency Contact: Roberta Mann, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3250

RIN: 1545–AL58

3148. AMENDMENT OF SEC. 1.382-2T(H)(4)(X) TO GRANT THE IRS AUTHORITY TO DESIGNATE IN THE INTERNAL REVENUE BULLETIN ADDITIONAL OPTIONS TO BE EXCEPTED FROM ATTRIBUTION RULES OF SEC. 1.382-2T(H)(4)(I)

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of this project is to amend the temporary regulations under section 382 of the Internal Revenue Code to grant the Internal Revenue Service the authority to designate in the Internal Revenue Bulletin additional options to be excepted from the attribution rules of section 1.382-2T(h)(4)(i).

Timetable:

Action	Date	FR Cite
NPRM	12/27/89	54 FR 52955
NPRM Comment Period End	02/26/90	54 FR 52955
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-010-89

Drafting attorney: Keith Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AN76

3149. PROPOSED AMENDMENT TO TEMPORARY REGULATIONS UNDER SECTION 382 OF THE IRC OF 1986; LIMITATIONS ON CORPORATE NET OPERATING LOSS CARRYFORWARDS

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

TREAS—IRS

Final Rule Stage

Legal Deadline: None

Abstract: The regulations amend the definition of entity in section 1.382-2T (f)(7).

Timetable:

Action	Date	FR Cite
NPRM	11/21/90	55 FR 48639
Final Action	12/01/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: CO-081-90

Drafting Attorney: Lori Jones (202) 566-4551.

Reviewing Attorney: Nelson Crouch (202) 566-3255.

Treasury Attorney: Larry Garrett (202) 566-2175.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4551

RIN: 1545–AP18

3150. INCOME TAX—REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	48 FR 10374
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AD68

3151. INCOME TAX—REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408(a)(6) Internal Revenue Code of 1986; 26 USC 401(a)(9) Internal Revenue Code of 1986; 26 USC 408(b)(3) Internal Revenue Code of 1986; 26 USC 408(d)(3)(C) Internal Revenue Code of 1986; 26 USC 219(d)(4) Internal Revenue Code of 1986; 26 USC 403(b)(10) Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28070
HEARING	12/04/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-3050.

Reviewing attorney: Thomas A. Brisendine (202) 566-3050.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AE95

3152. NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS; APPLICATION OF THE AVERAGE BENEFIT PERCENTAGE TEST TO ESOPS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations amend certain provisions of the proposed section 401(a)(4) regulations that were published on May 14, 1990, and certain provisions of the proposed section 410(b) regulations that were published on May 18, 1989, to clarify the restructuring rules for nondiscrimination testing; to clarify certain safe harbors in the proposed regulations; to provide that ESOPs are to be aggregated with other qualified plans for purposes of the average benefit percentage test; and to clarify certain provisions in the proposed regulations regarding disaggregating plans for purposes of those regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/14/90	55 FR 37888
NPRM Comment Period End	11/13/90	55 FR 37888
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-49-90

Drafting attorney: Rebecca Wilson/David Munroe (202) 566-3251.

Reviewing attorney: Nancy Marks (202)377-9372

Treasury attorney: Richard Shea (202) 535-6965.

Agency Contact: David Munroe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AO56

TREAS—IRS **Final Rule Stage**

3153. MISCELLANEOUS REGULATIONS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(17) Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986; 26 USC 401(l) Internal Revenue Code of 1986; 26 USC 401(m) Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance about the $200,000 compensation limitation under section 401(a)(17). This document also contains amendments to the proposed regulations under section 401(k), 401(m), 401(l), and 410(b) of the Code to provide further guidance.

Timetable:

Action	Date	FR Cite
NPRM	05/14/90	55 FR 19947
NPRM Comment Period End	07/13/90	55 FR 19947
Hearing	09/26/90	55 FR 19946
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-22-90

Drafting attorney: Rebecca Wilson/David Munroe (202) 566-3251.

Reviewing attorney: Nancy Marks (202) 535-3818.

Agency Contact: David Munroe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AO62

3154. INCOME TAX—PART 1—ADDITIONAL PARTICIPATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
02/01/88 Deadline for final regulations

Abstract: The regulations set forth rules relating to minimum participation requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6710
NPRM Comment Period End	04/17/89	54 FR 6710
Hearing	10/30/89	54 FR 32453
NPRM Prior NPRM Withdrawn	05/14/90	55 FR 19935
Hearing	09/26/90	55 FR 19946
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-44-87

Drafting attorney: Terri Harris (202) 343-6954.

Reviewing attorney: Nancy Marks (202) 343-6954.

Agency Contact: Terri Harris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 343-6954

RIN: 1545–AK46

3155. NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation is intended to provide guidance concerning the application of sections 401(a)(4) and 410(b) of Internal Revenue Code. These sections require tax-qualified pension plans to meet certain nondiscrimination requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/14/90	55 FR 19897
NPRM Comment Period End	07/13/90	55 FR 19897
Hearing	09/26/90	55 FR 19946
NPRM	12/03/90	55 FR 49906
NPRM Comment Period End	02/01/91	55 FR 49906
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-61-88

Drafting attorney: Rebecca Wilson/Dave Munroe (202) 377-9372.

Reviewing attorneys: Nancy Marks (202) 343-6954.

Agency Contact: Rebecca S. Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-6954

RIN: 1545–AM95

3156. INCOME TAX—PART 1—APPLICATION OF NONDISCRIMINATION RULES TO INTEGRATED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(l) Internal Revenue Code of 1986; 26 USC 401(a)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to the application of the nondiscrimination rules to integrated plans.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45917
NPRM Comment Period End	01/17/89	53 FR 45917
Public Hearing	06/29/89	54 FR 12925
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-159-86

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Nancy Marks (202) 343-6954.

Treasury attorney: Evelyn Petschek (202) 566-2175.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AI86

3157. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(m)

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to nondiscrimination requirements for employer matching contributions and employee contributions. The regulations will also provide rules on computing the excise tax on excess contributions made under a cash or deferred arrangement and on excess aggregate contributions.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
NPRM Comment Period End	10/07/88	53 FR 29719
Hearing	03/14/89	54 FR 4045
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-160-86

Drafting attorney: Catherine L. Fernandez (202) 566-3050.

Reviewing attorney: Richard Lent (202) 566-3050.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Catherine L. Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AI80

3158. INCOME TAX—DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	50 FR 13821
Hearing	09/20/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-14-81.

Drafting attorney: Elizabeth A. Purcell (202) 566-3251.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AD81

3159. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-65-83

Drafting attorney: William Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Benefits Tax Counsel (Treasury) reviewing attorney: Evelyn Petschek (202) 566-2175

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AF83

3160. COVERAGE RULES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules relating to minimum coverage requirements for tax-qualified retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	05/18/89	54 FR 21437
NPRM Comment Period End	07/17/89	54 FR 21437
Hearing	11/20/89	54 FR 34790
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information: EE-173-86

Drafting attorney: Rebecca Wilson (202) 343-6954.

Reviewing attorney: Nancy J. Marks (202)343-6954.

Agency Contact: Rebecca Wilson, Attorney, Department of the Treasury,

TREAS—IRS **Final Rule Stage**

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 343-6954

RIN: 1545–AK41

3161. INCOME TAX—PART 1—BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411(b)(1)(H) Internal Revenue Code of 1986; 26 USC 411(b)(2) Internal Revenue Code of 1986; 26 USC 410(a)(2) Internal Revenue Code of 1986; 26 USC 411(a)(8)(B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

Timetable:

Action	Date	FR Cite
NPRM	04/11/88	53 FR 11876
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-184-86

Drafting attorney: Linda Marshall (202) 566-3050.

Agency Contact: Linda Marshall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AI85

3162. INCOME TAX—PART 1—MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986."

Abstract: These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

Timetable:

Action	Date	FR Cite
NPRM	01/06/88	53 FR 261
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-167-86

Drafting attorney: T. Wolf (202) 566-3496.

Reviewing attorney: James Brokaw (202) 566-3496.

Cross-Reference to EE-73-87

Agency Contact: T. Wolf, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3496

RIN: 1545–AI88

3163. MINIMUM FUNDING REQUIREMENTS PLANNED RESTORATION

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.412(c)(1)-3

Legal Deadline: None

Abstract: This document provides proposed rules by cross-reference to temporary regulations for the treatment of plans that have been or are being restored to their sponsoring employees after having been terminated pursuant to section 4041 and at 4042 of the Employee Retirement Income Security Act of 1974 (ERISA).

Timetable:

Action	Date	FR Cite
NPRM	10/23/90	55 FR 42728
NPRM Comment Period End	12/24/90	55 FR 42728
Hearing	07/19/91	56 FR 19055
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-86-90

Drafting attorney: Michael Roach (202) 566-4741.

Reviewing attorney: Nancy Marks (202) 343-6954.

Treasury attorney: Evelyn Petschek (202) 566-2175.

Agency Contact: Michael Roach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4741

RIN: 1545–AP13

3164. INCOME TAX—EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period End	04/29/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-3-81.

Drafting attorney: Marianna Dyson (202) 566-4747.

Review attorney: Rhonda Migdail (202) 566-6628.

Treasury attorney: Richard Shea (202) 566-2175.

Agency Contact: Marianna Dyson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AD90

3165. INCOME TAX REGULATIONS—AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(n) Internal Revenue Code of 1986; 26 USC 414(m)(5) Internal Revenue Code of

1986; 26 USC 414(o) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32502
NPRM Comment Period End	10/26/87	
Hearing	12/02/87	52 FR 45835
Hearing	02/25/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-111-82.

Drafting attorney: Marianna Dyson (202) 566-4747.

Reviewing attorney: Rhonda Migdail (202) 566-6628.

Treasury attorney: Richard Shea (202) 566-2175.

Agency Contact: Marianna Dyson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4747**

RIN: 1545–AE91

3166. DEFINITION OF COMPENSATION

Legal Authority: 26 USC 414(s) Internal Revenue Code of 1986; 26 USC 415(c)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to the definitions of compensation under sections 414(s) and 415(c)(3) of the Internal Revenue Code. These are the definitions used to apply the nondiscrimination provisions applicable to qualified plans and apply the limits on benefits and contribution in section 415.

Timetable:

Action	Date	FR Cite
NPRM	05/14/90	55 FR 19945
Hearing	09/26/90	55 FR 19946
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-129-86

Drafting attorney: David Fuller (202) 566-4747.

Reviewing attorney: Nancy J. Marks (202) 566-4621.

Agency Contact: David Fuller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4747**

RIN: 1545–AO66

3167. DEFINITION OF LINE OF BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (r) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Internal Revenue Code section 414 (r) defines line of business for purposes of applying the coverage requirements under section 410 (b) and the benefits test under section 129(d)(8).

Timetable:

Action	Date	FR Cite
NPRM	02/01/91	56 FR 3988
NPRM Comment Period End	04/02/91	56 FR 3988
Hearing	05/16/91	56 FR 4022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-147-87

Drafting attorney: Thomas G. Schendt (202) 566-4741.

Reviewing attorney: Rhonda Migdail (202) 566-6628.

Treasury attorney: Richard Shea (202) 566-4902.

Agency Contact: Thomas G. Schendt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4741**

RIN: 1545–AL23

3168. TAXABLE YEARS OF CERTAIN ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to S corporations, personal service corporations and partnerships, that must conform their taxable years, in general, to the taxable year of their owners.

Timetable:

Action	Date	FR Cite
NPRM	12/23/87	52 FR 48546
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-45-87

Drafting attorney: Debra L. Fischer (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-3802.

Agency Contact: Debra L. Fischer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9581**

RIN: 1545–AK63

3169. ELECTION OF TAXABLE YEAR OTHER THAN REQUIRED YEAR BY PARTNERSHIPS, S CORPORATIONS AND PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 444 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to elections of taxable years other than the required taxable year by partnerships, S corporations and personal service corporations.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19715
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-53-88

Drafting attorney: Debra L. Fischer (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-3802.

Agency Contact: Debra L. Fischer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, DC 20224, **202 377-9581**

RIN: 1545–AL68

3170. TIMING, CHARACTER AND SOURCE OF INCOME WITH RESPECT TO NOTIONAL PRINCIPAL CONTRACTS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations address the timing and nature of income and deductions from notional principal contracts, which encompasses interest rate swaps, interest rate caps, and interest rate floors.

Timetable:

Action	Date	FR Cite
NPRM	07/10/91	56 FR 31350
NPRM Comment Period End	09/23/91	56 FR 31350
Final Action	01/01/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-016-89

Drafting Attorney: Karl Walli (202) 566-3516.

Treasury attorney: Hal Gunn (202) 566-4902.

Agency Contact: Karl Walli, Attorney Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 566-3516**

RIN: 1545–AN15

3171. LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain C Corporations, partnerships with a corporate partner and tax shelters prohibited from using the cash method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22796
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-122-86.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Mike Montemurro (202) 566-6302.

Treasury attorney: Roy Strowd (202) 566-4902.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AJ52

3172. NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING—CLARIFICATION OF AMOUNTS DETERMINED TO BE UNCOLLECTIBLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448(d)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will clarify amounts determined to be uncollectible with respect to the nonaccrual-experience method of accounting under section 448 (d) (5).

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-79-88

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Robert Casey (202) 566-6302.

Treasury attorney: Roy Strowd (202) 566-4902.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AM33

3173. UNTIMELY COMPLIANCE WITH SECTION 448

Significance: Agency Priority

Legal Authority: 26 USC 448 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.448-1T

Legal Deadline: None

Abstract: Proposal would provide guidance to taxpayers that failed to comply with the effective date provision of Section 448 and the regulations thereunder.

Timetable:

Action	Date	FR Cite
NPRM	01/07/91	56 FR 508

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-52-89

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Mike Montemurro (202) 566-6302.

Treasury attorney: Roy Strowd (202) 566-4902.

Agency Contact: Jim Orefice, Attorney Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AO65

3174. ACCOUNTING FOR LONG-TERM CONTRACTS; CORPORATIONS FILING CONSOLIDATED RETURNS WITH A CONTRACTOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides rules for the manufacturer of components and subassemblies reasonably expected to be incorporated in the subject matter of an extended period long-term contract

in the case of members of a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 3
NPRM Comment Period End	03/07/86	51 FR 3
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-121-85.

Drafting attorney: Cheryl Oseekey (202) 566-3388.

Reviewing attorney: Eric Pleet (202) 566-3490.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Scarborough (202) 566-8277.

Agency Contact: Cheryl Oseekey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3388**

RIN: 1545–AI19

3175. ELECTIVE DEFERRAL OF FEDERAL PAYMENTS RECEIVED AS A RESULT OF DESTRUCTION OR DAMAGE TO CROPS CAUSED BY NATURAL DISASTER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.451-6

Legal Deadline: None

Abstract: This regulation will prescribe the conditions under which insurance proceeds received as a result of destruction or damage to crops (including federal disaster payments) will qualify for the deferral election provided in section 451(d).

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	55 FR 7343
NPRM Comment Period End	04/30/90	55 FR 7343
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-012-90

Drafting attorney: Val Strehlow (202) 377-9586.

Reviewing attorney: Doug Fahey (202) 566-4442.

Treasury attorney: Roy Strowd (202) 535-6959.

Agency Contact: Val Strehlow, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitition Avenue, NW., Washington, DC 20224, **202 377-9586**

RIN: 1545–AO49

3176. INCOME TAX—GENERAL RULES FOR INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 15A.453-1(c); 26 CFR 15A.453-1

Legal Deadline: None

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	46 FR 10749
Hearing	10/01/81	46 FR 40774
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-173-80.

Drafting attorney: Kathryn Nunzio (202) 343-2380.

Reviewing attorney: George Wright (202) 343-2383.

Treasury attorney: Roy Strowd (202) 535-6964.

Agency Contact: Kathryn K. Nunzio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 343-2380**

RIN: 1545–AB42

3177. INCOME TAX—INSTALLMENT REPORTING—ASSET SALES AND LIQUIDATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation. Additionally includes rules regarding the allocation of consideration received in a multiple asset sale if a disposition of any one of the properties would qualify for installment sale treatment.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	49 FR 1742
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-184-80.

Drafting attorney: Kathryn Nunzio (202) 343-2380.

Reviewing attorney: Doug Fahey (202) 343-2380.

Agency Contact: Kathryn Nunzio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 343-2380**

RIN: 1545–AB43

3178. INCOME TAX—INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain may not be recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
NPRM Withdrawn T.D. 8270	11/02/89	54 FR 46375

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-186-80.

Drafting Attorney: Mark Schneider (202) 566-3802.

Reviewing Attorney: Mike Montemurro (202) 566-6302.

Agency Contact: Mark Schneider, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3802

RIN: 1545–AB44

3179. SPECIAL RULES FOR NONDEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the pledging rules and special interest charge of section 453A.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-025-89

Drafting Attorney: James A. Orefice (202) 566-3637.

Reviewing Attorney: Mike Montemurro (202) 566-6302.

Treasury Attorney: Roy Strowd (202) 566-4902.

Agency Contact: James Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AN13

3180. INCOME TAX—EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-195-78.

Drafting Attorney: Edward C. Schwartz (202) 566-3826.

Reviewing Attorney: Thomas A. Luxner (202) 566-3499.

Agency Contact: Grant E. Gabriel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3826

RIN: 1545–AB48

3181. INCOME TAX REGULATIONS—THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	06/07/90	55 FR 23235
Hearing	10/22/90	55 FR 29224
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-258-84.

Drafting attorney: Linda Kroening (202) 566-6320.

Reviewing attorney: Cynthia Clark (202) 566-3802.

Treasury attorneys: Roy Strowd (202) 535-6964 and Joan Leonard (202) 566-8380.

Agency Contact: Linda Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AH32

3182. INCOME TAX—LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 464 Internal Revenue Code of 1986; 26 USC 278 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, et cetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	48 FR 51936
Hearing	03/08/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-144-76.

Drafting attorney: Raymond Bailey (202) 566-4440.

Reviewing attorney: Bernard Englander (202) 566-4440.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Scarborough (202) 566-8277.

Agency Contact: Raymond Bailey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4440

RIN: 1545–AB51

3183. INCOME TAX—DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; PL 94-455, Sec 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	44 FR 32235
Hearing	09/27/79	44 FR 49701
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-168-76.

Drafting attorney: Charles Alton (202) 377-9660.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AB52

3184. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-155-85.

Drafting Attorney: Charles Alton (202) 377-9660.

Reviewing Attorney: Frances D. Schafer (202) 566-3629.

Treasury Attorney: John H. Parcell (202) 566-2784.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AI41

3185. NUCLEAR DECOMMISSIONING RESERVE FUNDS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.468A-5(a)

Legal Deadline: None

Abstract: The proposed regulation will amend parts of the regulations under section 468A of the Code to resolve an apparent inconsistency in such regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/28/90	55 FR 26460
Hearing	12/20/90	55 FR 40402
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-007-90

Drafting attorney: Peter C. Friedman (202) 566-3553.

Reviewing attorney: Charles B. Ramsey (202) 566-3553.

Treasury attorney: Eve Elgin (202) 535-6966.

Agency Contact: Peter C. Friedman, Senior Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AO42

3186. TAXATION OF SETTLEMENT FUNDS

Significance: Agency Priority

Legal Authority: 26 USC 468B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: If a liability requires payment to another person and arises out of tort, the obligor is permitted a deduction only as payments are made to such person. See IRC Section 461(h)(2)(c). The obligor is not permitted to accrue a deduction when it makes payment to a settlement fund; rather, it is permitted to accrue a deduction only as payments are made from the settlement fund to the person to which the liability is owed. IRC Section 468B provides that under certain limited circumstances a payment to a settlement fund in respect of tort liability is deductible by the obligor. The provision applies only to payments made to a designated settlement fund. The regulations will address the taxation of a designated settlement fund along with escrow accounts and other similar funds. Under prior law, income earned on amounts deposited in settlement funds were not subject to tax until distribution to the claimants. See Rev. Rul. 71-119, 1979-1 C.B. 103; Rev. Rul. 70-567, 1970-2 C.B. 133. (cont)

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: The regulations will also provide rules regarding the application of the section 461(h) economic performance requirements to payments to settlement funds.

Drafting attorney: Linda Kroening (202) 566-6320.

Reviewing attorney: Cynthia L. Clark (202) 566-3802.

Treasury attorney: Evelyn Elgin (202) 535-6966.

TREAS—IRS **Final Rule Stage**

IA-54-90

Agency Contact: Linda Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AO99

3187. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-5T; 26 CFR 1.469-11T

Legal Deadline: None

Abstract: The proposed regulations address essential issues in connection with passive activity losses and credits.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	53 FR 5733
Hearing	06/28/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-14-88

Drafting attorney: Dexter A. Johnson (202) 566-4751.

Reviewing attorney: Margaret M. O'Connor (202) 566-4751.

Treasury attorney: John H. Parcell(202) 535-6965.

Agency Contact: Dexter A. Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AB26

3188. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—MISCELLANEOUS ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-6T; 26 CFR 1.469-7T; 26 CFR 1.469-8T; 26 CFR 1.469-9T; 26 CFR 1.469-10T

Legal Deadline: None

Abstract: The proposed regulations address miscellaneous issues in connection with passive activity losses and credits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-083-88

Drafting Attorney: Dexter Johnson (202) 566-4751.

Reviewing Attorney: Margaret M. O'Connor (202) 566-6016.

Treasury Attorney: John H. Parcell (202) 566-6965.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AM58

3189. ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulations will provide final rules for allocating interest expense for purposes of applying the passive loss, investment interest and personal interest limitations.

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25036
NPRM Comment Period End	08/31/87	52 FR 25036
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-010-87

Drafting attorney: Dexter Johnson (202) 566-4751.

Reviewing attorney: Margaret O'Connor (202) 566-6016.

Treasury attorney: Adam Handler (202) 535-6964.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AM83

3190. APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO TRUSTS, ESTATES, AND THEIR BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0469(a)(2)(A) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-8T

Legal Deadline: None

Abstract: This regulation will describe how the passive loss limitations affect trusts and estates.

Timetable:

Action	Date	FR Cite
Temporary Regulation	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-036-89

Drafting Attorney: Christine Ellison (202) 377-9665.

Reviewing Attorney: Frances D. Schafer (202) 566-3629.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9665

RIN: 1545–AN62

3191. ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8

Legal Deadline: None

Abstract: The regulations will set forth rules pursuant to which interest expense will be allocated among (1) trade or business interest (which is deductible), (2) investment interest (which is deductible subject to the limitations of section 163(d), (3) passive activity interest (which is deductible subject to the limitations of section 469), and (4) personal interest (which, pursuant to section 103(h), is not

deductible). Finalizing temporary regulations used in T.D. 8145 (7/1/87).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-043-90

Drafting attorney: Val Strehlow (202) 377-9586.

Reviewing attorney: George Wright (202) 377-9583.

Agency Contact: Val Strehlow, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9586**

RIN: 1545–AO93

3192. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—FORMER PASSIVE ACTIVITIES

Legal Authority: 26 USC 469 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-1T(k)

Legal Deadline: None

Abstract: The regulations will provide rules concerning the treatment of former passive activities and changes in the status of certain corporations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-37-89

Drafting attorney: Andrea Tucker (202) 377-9665.

Reviewing attorney: Margaret O'Connor (202) 566-6016.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Andrea Tucker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9665**

RIN: 1545–AN66

3193. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—$25,000 OFFSET FOR RENTAL REAL ESTATE ACTIVITIES

Legal Authority: 26 USC 0469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-9T

Legal Deadline: None

Abstract: The regulation will address the offset of up to $25,000 from passive activity loss and passive credit limitations where the taxpayer is a natural person that actively participates in rental real estate activities and meets certain adjusted gross income requirements.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-040-89

Drafting Attorney: Christine Ellison (202) 377-9665.

Reviewing Attorney: Margaret O'Connor (202) 377-9660.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9665**

RIN: 1545–AN65

3194. APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO INTERESTS IN PUBLICLY TRADED PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-10T

Legal Deadline: None

Abstract: This regulation will describe how the passive loss and credit limitations affect publicly traded partnerships and their partners.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-038-89

Drafting attorney: Ann Veninga (202) 377-9661.

Reviewing attorney: Margaret O'Connor (202) 377-9665.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9661**

RIN: 1545–AN63

3195. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—DEFINITION OF ACTIVITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-4T; 26 CFR 1.469-5T; 26 CFR 1.469-11T; 26 CFR 602.101

Legal Deadline: None

Abstract: Pursuant to the grant of authority in section 469(l), the regulations define "activity".

Timetable:

Action	Date	FR Cite
NPRM	05/12/89	54 FR 20606
NPRM Comment Period End	08/31/89	54 FR 20606
Public Hearing	11/28/89	54 FR 3254
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-001-89

Drafting attorney: Dexter A. Johnson (202) 566-4751.

Reviewing attorney: Margaret M. O'Connor (202) 566-6016.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Dexter A. Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4751**

RIN: 1545–AM88

TREAS—IRS

Final Rule Stage

3196. SPECIAL RULES FOR ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES IN THE CASE OF PASS-THROUGH ENTITIES

Legal Authority: 26 USC 469(l) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulation will address the treatment of interest expense on (1) debt allocated to distributions by passthrough entities; (2) repayment of passthrough entity debt; (3) debt allocated to expenditures for interests in passthrough entities; and (4) allocation of debt to loans between passthrough entities and interest holders.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-109-87

Drafting attorney: Dexter Johnson (202) 566-4751.

Reviewing attorney: Margaret M. O'Connor (202) 566-6016.

Treasury attorney: Adam A. Handler (202) 535-6964.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4751**

RIN: 1545–AM79

3197. INCOME TAX—THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	04/11/83	48 FR 6134
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-254-81.

Drafting attorney: Richard O. Davis (202) 566-3494.

Reviewing attorney: Eric Pleet (202) 566-3490.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3494**

RIN: 1545–AB55

3198. SIMPLIFIED DOLLAR VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-30-87

Drafting attorney: Richard O. Davis (202) 566-3494.

Reviewing attorney: Eric Pleet (202) 566-3490.

Treasury accountant advisor : Roy Strowd (202) 535-6964.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3494**

RIN: 1545–AN09

3199. TAXATION OF GLOBAL TRADING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations to improve the taxation of global trading.

Timetable:

Action	Date	FR Cite
NPRM	08/28/90	55 FR 35152
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-070-90

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Emily McMahon (202) 343-0247.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AP01

3200. INCOME TAX—RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501(c)(12) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244
Hearing held 5/31/84	03/26/84	49 FR 1186
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-17-81.

Drafting attorney: Elizabeth A. Purcell (202) 566-3251.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3251**

RIN: 1545–AD99

3201. BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document will provide proposed regulations that relate to the repeal of the bad debt reserve for large banks.

Timetable:

Action	Date	FR Cite
NPRM	12/12/90	55 FR 51124
NPRM Comment Period End	02/11/91	55 FR 51124
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-81-86.

Drafting attorney: Bernita L. Thigpen (202) 566-3829.

Reviewing attorney: Sharon Galm (202) 566-3326.

Treasury Attorney: Gregory Marich (202) 8277.

Agency Contact: Bernita L. Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 566-3829**

RIN: 1545–AJ31

3202. INCOME TAX—LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	48 FR 56083
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-152-79.

Drafting attorney: Eric E. Boody (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3458**

RIN: 1545–AB66

3203. TAX CONSEQUENCES OF FEDERAL FINANCIAL ASSISTANCE PROVIDED IN CONNECTION WITH TAXABLE ASSET ACQUISITIONS OF TROUBLED FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Purpose of regulation is to implement changes to Section 597 by FIRREA. The FDIC needs this guidance to facilitate the reorganization of failed S&L's.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-045-89

Drafting attorney: Bernita Thigpen (202) 566-3829.

Reviewing attorney: Steven Glickstein (202) 566-3287.

Treasury attorney: Gregory Marich (202) 566-8277.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3829**

RIN: 1545–AN70

3204. THE EXCLUDABILITY OF OIL AND GAS BONUS OR ADVANCE ROYALTY PAYMENTS FOR PURPOSES OF THE BONUS EXCLUSION RULE UNDER SECTION 1.613-2(C)(5) OF THE INCOME TAX REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules on whether oil and gas bonuses or advanced royalties should be excluded by the payor for purposes of the bonus exclusion rule.

Timetable:

Action	Date	FR Cite
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-14-90

Drafting attorney: Jonathan P. Hadfield (202) 535-9095.

Reviewing attorney: Joseph Makurath 9202) 535-9090.

Agency Contact: Jack Hadfield, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 535-9095**

RIN: 1545–AO55

3205. ● TREATMENT OF PARTNERSHIP ALLOCATIONS 704(B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 704(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, December 31, 1991.

Temporary regulations sunset on that date

Abstract: These proposed regulations state the rules for allocating partnership nonrecourse deductions and the corresponding minimum gain. If the safe harbor is met, the allocations will be deemed to be according to the partner's interest in the partnership even though such allocations cannot have economical effect. The regulation also contains special rules for allocation losses and minimum gain attributable to nonrecourse debt where the partner or person related to the partner has made the nonrecourse loan to the partnership.

Timetable:

Action	Date	FR Cite
Final Action	01/01/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-10-91

Drafting attorney: Susan Hamill (202) 377-9470.

Reviewing attorney: Claire Toth (202) 566-4320.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Susan Hamill, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9470**

RIN: 1545–AP66

3206. TAXABLE YEARS OF CERTAIN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the appropriate taxable year for certain partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/29/87	52 FR 49030
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-101-86.

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorney: Rudi Planert (202) 566-9293.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3980**

RIN: 1545–AJ47

3207. PARTNERSHIP TERMINATION DISTRIBUTIONS

Significance: Agency Priority

Legal Authority: 26 USC 708 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.708-1

Legal Deadline: None

Abstract: In order to prevent the shifting of the tax consequences between partners with respect to pre-contribution gain or loss Congress amended section 704(c) of the Code in the Tax Reform Act of 1984 and again in the Revenue Reconciliation Act of 1989. Treasury believes that in order to fully implement the Congressional intent, the regulations under section 708(b)(1)(B) of the Code need to be amended to insure that the pre-contribution gain or loss is properly accounted for when a partnership liquidates and is reformed. Accordingly, it has been proposed that the regulations under section 708(b)(1)(B) be amended to insure that the pre-contribution gain or loss will be preserved in the liquidation reformation process.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-024-90

Drafting attorney: Steve Coleman (202) 566-3635.

Reviewing attorney: J. Thomas Hines (202) 566-6813.

Treasury attorney: Greg Marich (202) 566-8277.

Agency Contact: Steve Coleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3635**

RIN: 1545–AO20

3208. WHETHER RECEIPT OF A PARTNERSHIP PROFITS INTEREST IS TAXABLE

Legal Authority: 26 USC 721 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.721

Legal Deadline: None

Abstract: This regulation addresses whether the receipt of a partnership profits interest is taxable.

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-80-90

Drafting attorney: Ann Veninga (202) 377-9661.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9661**

RIN: 1545–AP51

3209. ● TREATMENT OF PARTNERSHIP LIABILITIES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	07/31/91	56 FR 36704
NPRM Comment Period End	09/09/91	56 FR 36704
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-229-84

Drafting attorney: Mary Berman (202) 566-3440.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Mary A. Berman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3440**

RIN: 1545–AP75

3210. ● TREATMENT OF PARTNERSHIP LIABILITIES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	07/31/91	56 FR 36704
NPRM Comment Period End	09/09/91	56 FR 36704
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-49-91

Drafting attorney: Mary Berman (202) 566-3440.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Mary A. Berman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3440**

RIN: 1545–AP76

3211. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 (d) Internal Revenue Code of 1986; 26 USC 809 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-159-84.

Drafting attorney: Katherine A. Hossofsky (202) 566-4336.

Reviewing attorney: Steve Hooe (202) 566-3289.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4336**

RIN: 1545–AG63

3212. SALVAGE AND REINSURANCE RECOVERABLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 (b)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To conform existing regulations to the treatment of salvage and reinsurance mandated by the Revenue Reconciliation Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	03/15/91	56 FR 11127
NPRM Comment Period End	05/14/91	56 FR 11127
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-104-90

Drafting Attorney: Katherine A. Hossofsky (202) 566-4336.

Reviewing Attorney: Steve Hooe (202) 566-3289.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4336**

RIN: 1545–AP37

3213. THE DEFINITION OF MODIFIED ENDOWMENT CONTRACT AND THE PROPER TREATMENT OF LOANS AND OTHER DISTRIBUTIONS FROM SUCH CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702A Internal Revenue Code of 1986

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The regulation will provide guidance regarding the proper computation of the 7-pay premium. In addition, the regulation will elaborate on the rules for treatment of materially changed contracts. The regulations will also describe any adjustments to the 7-pay premiums due to small contracts or expenses solely attributable to the collection of premiums more frequently than annually. The regulations will also develop the effective date provisions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-011-89

Drafting attorney: Emanuel S. Burstein (202) 566-3603.

Reviewing attorney: Donald J. Drees, Jr. (202) 566-3350.

Agency Contact: Emanuel S. Burstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3603**

RIN: 1545–AN49

3214. INCOME TAX REGULATIONS—DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses of property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of a company's loss payment pattern.

Timetable:

Action	Date	FR Cite
NPRM	05/02/91	56 FR 20161
NPRM Comment Period End	07/31/91	56 FR 20161
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-139-86.

Drafting Attorney: Katherine A. Hossofsky (202) 566-4336.

Reviewing Attorney: Steve Hooe (202) 566-3289.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AJ51

3215. TREATMENT OF DESIGNATED HEDGES BY RICS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 851 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules concerning the treatment of designated hedges by regulated investment companies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-092-88

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Steven R. Glickstein (202) 566-3287.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AM82

3216. REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICS); REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860G Internal Revenue Code of 1986; 26 USC 1275(c) Internal Revenue Code of 1986; 26 USC 6049(d)(7)(D)Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on how to elect REMIC status, and the reporting requirements on REMICs and brokers or middlemen holding as nominees for the actual owner.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37125
Hearing	03/14/90	55 FR 1215
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-27-89

Drafting Attorney: James W. Canup (202) 566-3287.

Reviewing Attorney: Laura A.M. Lauritzen (202) 566-3458.

Treasury Attorney: Anne Crovitz (202) 566-4702.

Agency Contact: James W. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AN52

3217. CHARITABLE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 861

Legal Deadline: None

Abstract: Proposed Section 1.861-8 (e) would provide new guidance regarding the allocation of charitable deductions to U.S. or foreign source income. A taxpayer would allocate such a deduction solely to U.S. source income if he designated the contribution for U.S. use and reasonably believed that it would be so used. He would allocate such a deduction solely to foreign source income if he knows or has reason to know that it would be used solely outside the U.S. or that it must necessarily be so used. In all other cases, he would ratably apportion such a deduction.

Timetable:

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10395
Hearing	08/01/91	56 FR 23823
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-116-90

Drafting attorney: Carl M. Cooper (202) 566-6975.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AP30

3218. SPECIAL RULES FOR DETERMINING SOURCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation provides the general rule for determining the source of scholarships and fellowship grants as defined under section 117. The source of such

residence of the payor. A special rule is provided for payments made by a U.S. payor to a nonresident alien studying abroad. In such circumstances, the source is considered to be foreign source.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/92	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: INTL-797-89

Drafting Attorney: Carol P. Tello (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Emily McMahon (202) 343-0247.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AN94

3219. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income producing activities or property of corporations.

Timetable:

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10397
Hearing	06/21/91	56 FR 21640
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-952-86

Drafting attorney: David F. Bergkuist (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: David F. Berkguist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AM20

3220. TREATMENT OF RELATED PERSON FACTORING INCOME; CERTAIN INVESTMENTS IN UNITED STATES PROPERTY; AND STOCK REDEMPTIONS THROUGH RELATED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986; 26 USC 956 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These rules will relate to the treatment of income derived by foreign corporations from factoring the receivables of related persons, rules relating to certain investments in U.S. property and stock redemptions through related corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/14/88	53 FR 22186
NPRM Comment Period End	08/15/88	53 FR 22186
Hearing	02/09/89	53 FR 49895
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-49-86.

Drafting attorney: William T. Lundeen (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Unassigned.

Agency Contact: William T. Lundeen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AH85

3221. TRANSITION RULES FOR ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND RULES CONCERNING THE TREATMENT OF FINANCIAL ARRANGEMENTS THAT ALTER EFFECTIVE INTEREST EXPENSE

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The interest allocation transition rules are a complex set of provisions featuring a three part phase-in scheme. Particular statutory provisions are eligible for extended relief from the generally applicable phase-in rule. The interest equivalent portion of the regulations deals with the impact of financial products on the total amount of interest expense that is subject to allocation.

Timetable:

Action	Date	FR Cite
NPRM	08/02/89	54 FR 31858
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-304-89

Drafting attorney: Judith Cavell (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: Judith Cavell, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AN10

3222. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND 2ND LEVEL WITHHOLDING TAXES

Significance: Regulatory Program

TREAS—IRS

Final Rule Stage

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	09/02/88	53 FR 34120
Hearing	01/17/89	53 FR 49208
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-934-86

Drafting attorney: Elizabeth U. Karzon (202) 566-6442.

Reviewing attorney: Benedetta A. Kissel (202) 566-6442.

Treasury attorney: Ann Fisher (202) 566-4979.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AJ73

3223. INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 892 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking by Cross-reference to temporary regulations regarding the taxation of income of foreign governments and international organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24100
NPRM Comment Period End	08/26/88	53 FR 24100
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-285-88

Drafting attorney: David A. Juster (202) 566-3452.

Reviewing attorney: Bernard T. Bress (202) 566-3452.

Treasury attorney: Rom Watson (202) 343-0247.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AL93

3224. INCOME TAX—PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 1445(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-48-86

Drafting attorney: James Sams (202) 566-6645.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AB98

3225. NOTICE OF PROPOSED RULEMAKING—NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16233
Hearing	03/01/89	54 FR 1189
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-491-87

Drafting attorney: Leslie A. Cracraft (202) 566-6442.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AK79

3226. AMENDMENT OF SECTION 1.901-2(E)(3)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 901(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS

Final Rule Stage

Abstract: Proposal would provide rules to implement 1986 Tax Act amendment to Section 901 concerning certain tax subsidiaries used by foreign governments. Proposal will deny foreign tax credit to the extent that there is a subsidy.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45942
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-942-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Peter Byrne (202) 566-4979.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AJ90

3227. INCOME TAX—TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 (c) Internal Revenue Code of 1986; 26 USC 6689 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23659
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-61-86

Drafting attorney: Laura C. Apelbaum (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: Laura C. Apelbaum, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AC09

3228. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925(b)(1) Internal Revenue Code of 1986; 26 USC 925(b)(2) Internal Revenue Code of 1986; 26 USC 927(d)(2)(B) Internal Revenue Code of 1986; 26 USC 927(e)(1) to 927(e)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for Application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and Other Special FSC provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467
NPRM Comment Period End	05/02/87	52 FR 6467
Hearing	01/19/88	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-153-86.

Drafting attorney: Richard L. Chewning (202) 566-6284.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Rom Watson (202) 566-8275.

Agency Contact: Richard L. Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AI16

3229. INCOME TAX—DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2726
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-44-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Peter Byrne (202) 566-4979.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, 202 287-4851

RIN: 1545–AC10

3230. CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries

that gives rise to interests or dividends available for the section 936 credit.

Timetable:

Action	Date	FR Cite
NPRM	05/13/91	56 FR 21963
Hearing	07/12/91	56 FR 21963
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-088-89

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Chisoon Lee (202) 566-5815.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, **202 287-4851**

RIN: 1545–AM91

3231. INSURANCE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation defines related person insurance income; and sets forth rules regarding the amount of related person insurance income to be included in gross income. In addition, the regulation defines insurance income under section 953(a), prescribes rules of allocation and apportionment of deductions, and prescribes rules for the interaction of subchapter L and subchapter N.

Timetable:

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15540
Public Hearing	06/21/91	56 FR 15570
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-939-86

Drafting attorney: David R. Cooper (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Carol Dunahoo (202) 566-4979.

Agency Contact: David R. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6645**

RIN: 1545–AJ70

3232. SUBPART F DEFINITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Definition of FPHC income. Particular issues include income equivalent to interest of property which does not give rise to income.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27532
Hearing	02/09/89	53 FR 49895
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-362-88

Drafting attorney: James K. Sams (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorneys: Chisoon Lee (202) 566-5815.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6645**

RIN: 1545–AM15

3233. ● COMPUTATION AND CHARACTERIZATION OF INCOME OF EARNINGS AND PROFITS UNDER THE DOLLAR APPROXIMATE SEPARATE TRANSACTIONS METHOD OF ACCOUNTING (DASTM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will address the computation of income in hyperinflationary environments.

Timetable:

Action	Date	FR Cite
NPRM	07/17/91	56 FR 32525
Hearing	09/13/91	56 FR 32533

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-029-91

Drafting attorney: Robert A. Katcher (202) 566-6795.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Charles Cope (202) 343-0247.

Agency Contact: Robert A. Katcher, Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6795**

RIN: 1545–AP70

3234. EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will develop procedures for foreign corporations or U.S. shareholders to make tax elections in computing functional currency earnings and profits under the 1986 Code.

Timetable:

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2535
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-087-89

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Barbara A. Felker (202) 566-6284.

Treasury attorney: Unassigned.

Agency Contact: Carol E. Murphy, Attorney-Adviser, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, NW., Washington, DC 202224, 202 566-6284

RIN: 1545–AM90

3235. PROFIT AND LOSS TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 987 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a profit and loss method of accounting prior to the enactment of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32405
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-393-88

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Charles Cope (202) 343-0247.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AM13

3236. TAXATION OF EXCHANGE GAIN OR LOSS ON FOREIGN CURRENCY DENOMINATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules regarding the determination of gain or loss realized on section 988 transactions. Rules regarding the source and character of such gain or loss are also provided. The project also contains a definitional section which defines section 988 transactions, among other terms.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38874
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-485-89

Drafting attorney: Jeffrey Dorfman (202) 377-9059.

Reviewing attorney: Robert Katcher (202) 566-6284.

Treasury attorney: Rom Watson (202) 566-5971.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AN28

3237. CHANGE IN FUNCTIONAL CURRENCY AND DEFINITION OF WEIGHTED AVERAGED EXCHANGE RATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986; 26 USC 989 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project sets forth the adjustments that are necessary on a change in functional currency and the definition of weighted average exchange rate.

Timetable:

Action	Date	FR Cite
NPRM	09/20/89	54 FR 38694
NPRM Comment Period End	11/20/89	54 FR 38694
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-472-89

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Charles Cope (202) 343-0247.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AN53

3238. TRANSITION RULE FOR QUALIFIED BUSINESS UNITS USING A NET WORTH METHOD OF ACCOUNTING FOR TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1987

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a net worth method of accounting prior to the enactment of the Tax Reform Act of 1986. Under the Act, foreign branches must now account for their operations under the profit and loss method as set forth in section 987 of the Code.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20651
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-964-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Charles Cope (202) 343-0247.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AL29

3239. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 3256
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-043-86.

Drafting attorney: David Bergkuist (202) 566-6442.

Reviewing attorney: Jacob Feldman (202) 566-6645.

Treasury attorney: Unassigned.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AG71

3240. INCOME TAX—TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	48 FR 33912
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-182-78.

Drafting attorney: Mark Smith (202) 566-3590.

Reviewing attorney: Al Kraft (202) 566-3297.

Agency Contact: Mark Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3590

RIN: 1545–AC20

3241. INCOME TAX—SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/18/88	53 FR 27053
NPRM Comment Period End	11/15/88	53 FR 32899
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-119-86.

Drafting attorney: Judith C. Winkler (202) 377-9665.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Judd Kelly (202) 566-8527.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9665

RIN: 1545–AJ06

3242. CHARACTER OF GAINS AND LOSSES IN CASE OF STRADDLES WHERE AT LEAST ONE POSITION IS ORDINARY AND AT LEAST ONE POSITION IS CAPITAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance with respect to the timing and character of gains and losses in case of straddles where at least one position is ordinary and at least one position is capital.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-106-88

Drafting attorney: Robert B. Williams (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AM57

3243. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092(b)(1) Internal Revenue Code of 1986; 26 USC 1092(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	50 FR 3351
Hearing	05/02/85	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-299-84.

Drafting attorney: Robert B. Williams (202) 566-3287.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AH59

3244. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	50 FR 3352
Hearing	05/02/85	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-297-84.

Drafting attorney: Karl T. Walli (202) 566-3297.

Reviewing attorney: Steven R. Glickstein (202) 566-3297.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl T. Walli, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3297

RIN: 1545–AH60

3245. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	45 FR 39512
Hearing	09/09/80	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-276-76.

Drafting attorney: Brenda Stewart (202) 566-4919.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4919

RIN: 1545–AC35

3246. REGULATIONS UNDER SECTIONS 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computed under a constant yield method. Guidance is also provided as to the computation of original issue discount in special circumstances. A separate regulations project for contingent and variable instruments has been established (FI-59-91).

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 12022
Hearing	11/17/86	51 FR 24162
NPRM	07/12/91	56 FR 31887
Hearing	08/23/91	56 FR 31890
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-189-84.

Drafting attorney: William E. Blanchard (202) 566-3828.

Reviewing attorney: Andrew Kittler (202) 566-4414.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3828

RIN: 1545–AH46

3247. THE TREATMENT OF PRICE LEVEL ADJUSTMENT MORTGAGES UNDER THE ORIGINAL ISSUE DISCOUNT PROVISIONS OF THE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275(d) Internal Revenue Code of 1986; 26 USC 163(h) Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules concerning the treatment of a price level adjusted mortgage under the provisions of the Code concerning original issue discount and qualified residence interest. The regulations also clarify the meaning of the term "interest" for purposes of information reporting for mortgage interest.

Timetable:

Action	Date	FR Cite
NPRM	01/09/90	55 FR 739
NPRM Comment Period End	04/09/90	55 FR 739
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-064-89

Drafting attorney: William E. Blanchard (202) 566-3828.

Reviewing attorney: Daniel P. Breen (202) 566-3394.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3828

RIN: 1545–AO03

3248. ● TREATMENT OF CERTAIN STRIPPED BONDS AND STRIPPED COUPONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	08/13/91	56 FR 38399

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-19-85

Drafting attorney: Mark S. Smith (202) 566-3590.

Reviewing attorney: Sharon Galm (202) 566-3326.

Agency Contact: Mark Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3590

RIN: 1545–AQ03

3249. PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1294 Internal Revenue Code of 1986; 26 USC 1297(b)(1) Internal Revenue Code of 1986; 26 USC 1291(d)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide guidance to passive foreign investment companies and their shareholders that are United States about the time, manner and other requirements for making certain elections.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 6781
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-941-86

Drafting attorney: Gayle Novig (202) 377-9059.

Reviewing attorney: Tom Fuller (202) 377-9059.

Treasury attorney: Anne Fisher (202) 566-4979.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AI33

3250. INCOME TAX—THE ONE CLASS OF STOCK REQUIREMENT FOR S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	10/05/90	55 FR 40870
NPRM Comment Period End	01/03/91	55 FR 40870
Hearing	02/15/91	55 FR 52850
NPRM	08/13/91	56 FR 38391

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-4-73.

Drafting attorney: Scott Carlson (202) 343-8459.

Reviewing attorney: David Haglund (202) 343-8459.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Scott Carlson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-8459

RIN: 1545–AC37

3251. INCOME TAX—DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are

permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	51 FR 35659
NPRM Comment Period End	12/08/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-262-82.

Drafting Attorney: Dina Del Principe (202) 566-3625.

Reviewing Attorney: Thomas Hines (202) 566-6813.

Treasury Attorney: Robert Weaver (202) 535-6964.

Agency Contact: Dina Del Principe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3625

RIN: 1545–AE86

3252. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1363 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52190
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-260-82.

Drafting Attorney: Andrea Tucker (202) 377-9665.

Reviewing Attorney: Margaret O'Connor (202) 566-6016.

Treasury Attorney: Joan Leonard (202) 566-6380.

Agency Contact: Andrea Tucker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9665

RIN: 1545–AE26

3253. TEMPORARY REGULATION—APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide ruling relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-006-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Nelson F. Crouch (202) 566-3255.

Treasury attorney: James Miller (202) 566-8277.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AK91

3254. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	49 FR 35511
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-176-86

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Suite 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AH86

3255. WITHHOLDING OF TAX ON NON-RESIDENT ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1441

Legal Deadline: None

Abstract: Section 864 (c) (6) of the Code, added in 1986, had the unintended effect of allowing nonresident alien individuals to elect out of all withholding on pension payments from qualified plans. The regulation corrects this inadvertent loophole and requires withholding on such payments.

Timetable:

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3750
Final Action	12/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

TREAS—IRS **Final Rule Stage**

Government Levels Affected: Local, State, Federal

Additional Information: INTL-660-89

Drafting attorney: Carol P. Tello (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AN75

3256. TEMPORARY REGULATION ON WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains under what circumstances withholding is required under section 1446. It also explains the timing of withholding and how to pay over the withheld amounts to the Internal Revenue Service. Section 1446 was substantially amended by the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-938-86

Drafting attorney: Thomas L. Ralph (202) 377-9059.

Reviewing attorney: Jeffrey L. Dorfman (202) 377-9059.

Treasury attorney: Unassigned.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AL32

3257. CONSOLIDATED RETURN REGULATIONS; ADJUSTMENT ON DISPOSITION OF STOCK OF SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will finalize temporary regulation 1.1502-32T concerning basis reduction accounts that are created when a subsidiary is deconsolidated but members of the affiliated group retain some stock in the deconsolidated subsidiary.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 8773
NPRM Comment Period End	05/16/88	53 FR 8773

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-28-88

Drafting attorney: Sharon J. Bomgardner (202) 566-3226.

Reviewing attorney: John Broadbent (202) 566-4324.

Agency Contact: Sharon J. Bomgardner, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3226

RIN: 1545–AL59

3258. ADJUSTMENTS REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain changes in the structure of the group where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34779
Public Hearing Discussing the Issues Discussed in the NPRM	09/18/89	54 FR 28683
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-66-88

Drafting attorney: Sharon Horn (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-4324.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Sharon Horn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AL62

3259. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS REGARDING DEFERRAL OF GAIN OR LOSS ON COMPLETE LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-13

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the treatment of gain recognized upon complete liquidations of corporations in a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	04/18/88	53 FR 12705
NPRM Comment Period End	06/17/88	53 FR 12705

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-47-88

Drafting attorney: Roy Hirschhorn (202) 566-4324.

Reviewing attorney: Edward S. Cohen (202) 566-3484.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AL63

3260. CONSOLIDATED INVESTMENT CREDIT RECAPTURE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-3(f)(2)

Legal Deadline: None

Abstract: Provision would amend section 1.1502-3 of the regulations when dealing with the transfer of section 38 property between members of an affiliated group. Currently section 1.1502-3(f)(2) provides that a transfer of section 38 property between members is not a "disposition" within the meaning of section 47 of the Code. The area of concern has been sales of section 38 property outside the group immediately after the transfer. The amendment to section 1.1502-3(f)(2) would incorporate the holding in Rev. Rul. 82-20, 1982-1 C.B. 6 which would require recapture.

Timetable:

Action	Date	FR Cite
Temporary Regulations	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-88

Drafting attorney: Roy Hirschhorn (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3877.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AM35

3261. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS TO ADDRESS TREATMENT OF ORGANIZATIONS WHOSE TAX EXEMPT STATUS WAS REPEALED BY THE 1986 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 833 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will specify the consolidated return ramifications of the revocation of the tax-exempt status of certain organizations by section 1012 of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/05/90	55 FR 36290
NPRM Comment Period End	11/06/90	55 FR 36290
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-026-89

Drafting Attorney: David Friedel (202) 566-3877.

Reviewing Attorney: Edward S. Cohen (202) 566-3484.

Treasury Attorney: J. Judge Kelley (202) 566-2175.

Agency Contact: David Friedel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3877

RIN: 1545–AM49

3262. TREATMENT OF DIVIDEND DISTRIBUTIONS AFTER THE SALE OF A SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-32 (T)

Legal Deadline: None

Abstract: When a subsidiary declares a dividend while a member of a consolidated group, but pays the dividend after disaffiliation from the consolidated group, the basis of the subsidiary's stock is not reduced by the amount of the dividend. The problem is caused by a difference in timing of the two events (declaration of dividend and payment of dividend) and its effect on earnings and profits and basis. This regulation will alleviate the problem by providing that basis of the subsidiary's stock will be reduced when the subsidiary declares a dividend.

Timetable:

Action	Date	FR Cite
NPRM	03/16/89	54 FR 11007
Hearing	09/18/89	54 FR 28683

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-005-89

Drafting Attorney: Roy Hirschhorn (202) 566-4324.

Reviewing Attorney: Edward S. Cohen (202) 566-3484.

Treasury Attorney: J. Judge Kelley (202) 566-6529.

Agency Contact: Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AN12

3263. CONSOLIDATED RETURN REGULATIONS—MODIFICATION OF RESTORATION RULES RELATING TO DEFERRED GAIN PROPERTY SOLD OUTSIDE THE GROUP IN INSTALLMENT SALE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.453A; 26 CFR 1.1502

Legal Deadline: None

Abstract: The regulations provide rules concerning the creation and restoration of deferred gain or loss. The purpose of the the regulations is to conform the original intent of the deferral mechanism by assuring that intercompany transfers generally do not affect the overall federal income tax consequences of the group.

Timetable:

Action	Date	FR Cite
NPRM	03/14/90	55 FR 9462
NPRM Comment Period End	05/14/90	55 FR 9462
Hearing	07/09/90	55 FR 9461

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-008-90

Drafting attorney: Roy Hirschhorn (202) 566-4324.

Reviewing attorney: Edward Cohen (202) 566-3484.

Treasury attorney: Judge Kelley (202) 566-8277.

Agency Contact: Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AO44

3264. CORPORATIONS; CONSOLIDATED RETURNS—SPECIAL RULES RELATING TO DISPOSITIONS AND DECONSOLIDATIONS OF SUBSIDIARY STOCK

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1502; 26 CFR 337(d)

Legal Deadline: None

Abstract: Proposal will prevent the consolidated return investment adjustment rules from reflecting recognized built-in gains or loss in the basis of stock of acquired subsidiaries or prevent a recognition of loss on a disposition of the subsidiary's stock.

Timetable:

Action	Date	FR Cite
NPRM	11/26/90	55 FR 49075
NPRM Comment Period End	12/26/90	55 FR 49075
Hearing	01/25/91	55 FR 49090
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-93-90

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: John Broadbent (202) 566-3216.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AP20

3265. DUAL RESIDENT COMPANIES-LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: If a United States corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a United States affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for United States tax purposes, its loss will be of available to offset.

Timetable:

Action	Date	FR Cite
NPRM	09/08/89	54 FR 37346
NPRM Comment Period End	11/07/89	54 FR 37346
Hearing	03/02/90	55 FR 310
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-399-88

Drafting attorney: Sim S. Seo (202) 566-6645.

Reviewing attorney: David Bower (202) 566-6645.

Treasury attorney: Rom Watson (202) 566-8275.

Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AM16

3266. CROSS-REFERENCE—ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the affiliated requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8471
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-23-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Don Leatherman (202) 566-2454.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AK88

3267. ESTATE & GIFT TAXES—INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	48 FR 35143
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-181-76.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-9312.

Treasury Attorney: Robert Weaver (202) 535-6965.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 535-9512**

RIN: 1545–AC63

3268. ESTATE AND GIFT TAXES—INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	49 FR 21350
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-211-76.

Drafting Attorney: Susan Hurwitz (202) 535-9546.

Reviewing Attorney: George Masnik (202) 535-9508.

Treasury Attorney: Robert Weaver (202) 535-6965.

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 535-9546**

RIN: 1545–AC67

3269. TIMELINESS OF A DISCLAIMER OF INTEREST IN PROPERTY CREATED PRIOR TO JAN. 1, 1977

Legal Authority: 26 USC 2514 Internal Revenue Code of 1986; 26 USC 2518 Internal Revenue Code of 1986; 26 USC 2046 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25.2514-3(c); 26 CFR 20.2514-3(d); 26 CFR 20.2056(d); 26 CFR 20.2046-1; 26 CFR 25.2518-1; 26 CFR 25.2518-2

Legal Deadline: None

Abstract: The existing regulation includes the term "taxable transfers", but does not adequately explain that this term includes certain transfers that are not necessarily subject to tax.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: PS-30-89

Drafting attorney: George Masnik (202) 535-9508.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Robert Weaver (202) 535-6964.

Agency Contact: George Masnik, Assistant to Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 535-9508**

RIN: 1545–AN27

3270. ESTATE TAX—GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8469
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-128-86.

Drafting attorney: John B. Franklin (202) 535-9508.

Reviewing attorney: Fred E. Grundeman (202) 535-9512.

Treasury attorney: Robert Weaver (202) 535-6964.

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 535-9508**

RIN: 1545–AJ11

3271. AMEND SECTION 26.2662-1(C) OF THE TEMPORARY REGULATIONS TO INCREASE THE AMOUNT FOR WHICH THE EXECUTOR IS LIABLE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26

Legal Deadline: None

Abstract: The regulations will provide rules with respect to liability for the generations-skipping transfer tax when a direct skip occurs at death with respect to property held in a trust arrangement.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-032-90

Drafting Attorney: John Franklin (202) 535-9508.

Reviewing Attorney: George Masnik (202) 566-4788.

Treasury Attorney: Robert Weaver (202) 535-6964.

Agency Contact: John Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9508

RIN: 1545–AO89

3272. RETAINED RIGHTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2701 Internal Revenue Code of 1986; 26 USC 2702 Internal Revenue Code of 1986; 26 USC 2703 Internal Revenue Code of 1986; 26 USC 2704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25

Legal Deadline: None

Abstract: Special rules modify the valuation of specific retained rights in corporations and partnerships, the valuation of split temporal interests in property, the effect of buy-sell agreements and options upon value, the transfer tax consequences of lapsing rights and the gift tax statute of limitations.

Timetable:

Action	Date	FR Cite
NPRM	04/09/91	56 FR 14321
NPRM Comment Period End	09/06/91	56 FR 14321
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-92-90

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee A. Dunn (202) 566-9312.

Treasury attorney: Robert Weaver (202) 535-6965.

Agency Contact: Fred Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9512

RIN: 1545–AP44

3273. EMPLOYMENT TAX—TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period End	09/06/82	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-23-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John M. Coulter (202) 566-3928.

Treasury attorney: Paul Strella (202) 566-8277.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AC77

3274. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
NPRM	09/27/90	55 FR 39427
Hearing	03/04/91	55 FR 48867
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-224-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Treasury attorney: Larry Garrett (202) 566-4902.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AE20

3275. INFORMATION REPORTING AND BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 35a

Legal Deadline: None

Abstract: This regulation relates to the requirement that certain payments must be reported to the Internal Revenue Service and that in certain instances 20% of a reportable payment must be deducted and withheld under section 3406 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	53 FR 05991
Hearing	06/15/89	54 FR 11236
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-052-86

Drafting attorney: Teresa B. Hughes (202) 566-6284.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Emily McMahon (202) 343-0247.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AL99

3276. CLARIFYING AMENDMENTS TO SECTION 35A.3406-1 REGARDING BACKUP WITHHOLDING DUE TO AN INCORRECT TIN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: This regulation clarifies certain requirements under section 35a.3406-1 regarding backup withholding due to an incorrect TIN.

Timetable:

Action	Date	FR Cite
NPRM	04/11/89	54 FR 11364
Temporary Regulations	09/27/90	55 FR 39399
Final Action	11/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-104-88

Drafting Attorney: Renay France (202) 566-3627.

Reviewing Attorney: John Coulter (202) 566-3928.

Treasury Attorney: Larry Garrett (202) 535-6966.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AM51

3277. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES—REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 619
NPRM Comment Period End	03/10/86	51 FR 619
Hearing	06/18/86	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-37-88.

Drafting attorney: Alfred Kelley (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Alfred Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AE62

3278. RETAIL EXCISE TAXES ON CERTAIN LUXURY ITEMS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4004 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: Rules relating to the retailers excise taxes on certain luxury items

Timetable:

Action	Date	FR Cite
NPRM	01/02/91	56 FR 36
NPRM Comment Period End	03/04/91	56 FR 36
Hearing	04/29/91	56 FR 11979

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-094-90

Drafting attorney: Edward Madden (202) 535-9758.

Reviewing attorney: Jeffrey Nelson (202) 535-4077.

Treasury attorney: Hal Gann (202) 566-4902.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9758

RIN: 1545–AP24

3279. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16882

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-17-86.

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Michael Owens (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-4902.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4077

RIN: 1545–AI51

3280. MODIFICATION OF THE GASOHOL REGULATIONS TO INCREASE THE TOLERANCE ALLOWED TO THE 10 PERCENT ALCOHOL MIXTURE AND TO CLARIFY THE LATER BLENDING RULES

Legal Authority: 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will modify the tolerance allowed for the alcohol to gasoline ratio in gasohol and will clarify the later blending rules with regard to incidental dilution of gasohol at retail outlets.

Timetable:

Action	Date	FR Cite
NPRM	02/25/91	56 FR 7627
NPRM Comment Period End	04/26/91	56 FR 7627
Hearing	08/16/91	56 FR 30359
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-093-88

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Jeffrey Nelson (202) 566-4077.

Treasury attorney: Lawrence Garrett (202) 535-6966.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4077

RIN: 1545–AO59

3281. A TAX OF $3.00 A PASSENGER IS IMPOSED ON EACH COVERED VOYAGE BY A COMMERCIAL VESSEL. THIS TAX IS PAID BY THE PERSON PROVIDING THE COVERED VOYAGE

Legal Authority: 26 USC 4471 Internal Revenue Code of 1986; 26 USC 4472 Internal Revenue Code of 1986

CFR Citation: 26 CFR 46

Legal Deadline: None

Abstract: These regulations will provide rules for the application of the tax on transportation of persons by water.

Timetable:

Action	Date	FR Cite
NPRM	10/12/90	55 FR 41546
NPRM Comment Period End	12/11/90	55 FR 41546
Hearing	04/08/91	56 FR 4590

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-003-90

Drafting attorney: Edward B. Madden (202) 535-9758.

Reviewing attorney: Jeffrey M. Nelson (202) 566-4077.

Treasury attorney: Robert Weaver (202) 535-6964.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4077

RIN: 1545–AO41

3282. TAX ON TRANSPORTATION BY WATER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4472 Internal Revenue Code of 1986

CFR Citation: 26 CFR 43

Legal Deadline: None

Abstract: Notice of proposed rulemaking relating to definitions under the Ship Passenger Tax.

Timetable:

Action	Date	FR Cite
NPRM	10/12/90	55 FR 41545
NPRM Comment Period End	12/11/90	55 FR 41545
Hearing	04/08/91	56 FR 4590

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-069-90

Drafting attorney: Edward Madden (202) 535-9758.

Reviewing attorney: Jeffrey Nelson (202) 566-4077.

Treasury attorney: Robert Weaver (202) 535-6965.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, N.W. 20224, 202 535-9758

RIN: 1545–AP03

3283. TAX ON OZONE DEPLETING CHEMICALS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4681 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: Notice of proposed rulemaking cross-references to temporary regulations to tax on ozone-depleting chemicals.

Timetable:

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36659
NPRM Comment Period End	11/06/90	55 FR 36659

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-73-89

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeffrey Nelson (202) 566-4077.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AO08

3284. AMENDMENTS TO SECTION 4681 BY REVENUE RECONCILIATION ACT OF 1990

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4681 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: This notice of proposed rulemaking cross-references to temporary regulations on tax on ozone-depleting chemicals.

Timetable:

Action	Date	FR Cite
NPRM	01/02/91	56 FR 50
NPRM Comment Period End	03/04/91	56 FR 50

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Heidi Ebel (202) 566-2175.

PS-97-90

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4475**

RIN: 1545–AP32

3285. ● ODC SPECIAL RULE 4682

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4682 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: Notice of proposed rulemaking cross-references the temporary regulations on floor stocks tax under section 4682.

Timetable:

Action	Date	FR Cite
NPRM	08/14/91	56 FR 40286

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: PS-60-91

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4475**

RIN: 1545–AP84

3286. EXCISE TAX—EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981A Internal Revenue Code of 1986; 26 USC 4980A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46782
NPRM Comment Period End	02/08/88	52 FR 46782
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-162-86

Drafting attorney: Marjorie Hoffman (202) 566-3050

Reviewing attorney: A. Thomas Brisendine (202) 566-3050

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3050**

RIN: 1545–AI81

3287. EXCISE TAX—ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	51 FR 34653
NPRM Comment Period End	12/01/86	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-225-81.

Drafting attorney: Lisa Shuman (202) 566-4840.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Barksdale Penick (202) 566-5453.

Withdrawal notice in signature package.

Agency Contact: Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4840**

RIN: 1545–AC94

3288. EXCISE TAX—DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	09/25/86	51 FR 34095
NPRM Comment Period End	11/24/86	51 FR 34095
Hearing	02/25/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-34-82.

Drafting attorney: Lisa Shuman (202) 566-4840.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Withdrawal notice in signature package

Agency Contact: Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4840**

RIN: 1545–AD08

3289. EXCISE TAX—PART 54—PROCEDURE AND ADMINISTRATION—PART 301 — FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/02/87	52 FR 10583
NPRM Comment Period End	06/01/87	52 FR 10583
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-151-86

Drafting Tax Law Specialist: Vernon Carter (202) 566-3539.

Reviewing Attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Vernon Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3539**

RIN: 1545–AI83

3290. INCOME TAX—AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 3075
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-198-82.

Drafting attorney: Christopher Kehoe (202) 377-9665.

Agency Contact: Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9665**

RIN: 1545–AE40

3291. REPORTING REQUIREMENTS CONCERNING CHANGES IN CORPORATE CONTROL OR CAPITAL STRUCTURE UNDER SECTION 6043(C), I.R.C., AS AMENDED BY SECTION 7208(B) OF THE REVENUE RECONCILIATION ACT OF 1989

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6043(c) Internal Revenue Code of 1986; 26 USC 6652(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: The purpose of the project is to implement the reporting requirements under section 6043(c) to provide the Internal Revenue Service information needed in order to more effectively examine the tax consequences of certain transactions in which control of a corporation is acquired or in which the capital structure of a corporation is changed, including in particular certain transactions that might be characterized as "leveraged buy-outs."

Timetable:

Action	Date	FR Cite
NPRM	07/05/90	55 FR 27648
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-005-90

Drafting attorney: Keith Stanley (202) 566-3618.

Reviewing attorney: Howard Staiman (202) 566-3618.

Treasury attorney: Judge Kelley (202) 566-8527.

Agency Contact: Keith Stanley, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3618**

RIN: 1545–AO46

3292. INFORMATION RETURNS OF BROKER TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	49 FR 646

Action	Date	FR Cite
Hearing	03/28/84	49 FR 645
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-201-83.

Drafting attorney: John Moriarty (202) 343-2382.

Reviewing attorney: David L. Crawford (202) 377-9590.

Agency Contact: John Moriarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-2382

RIN: 1545–AG02

3293. INFORMATION RETURNS ON SALES THROUGH COD ACCOUNTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	49 FR 22343
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-62-84.

Drafting attorney: John Moriarty (202) 343-2382.

Reviewing attorney: David L. Crawford (202) 377-9590.

Agency Contact: John Moriarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-2382

RIN: 1545–AG52

3294. INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation proposed to adopt as final rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10774
Hearing	07/22/87	52 FR 23308
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-95-86.

Drafting attorney: John Moriarty (202) 343-2382.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: John Moriarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-2382

RIN: 1545–AJ25

3295. TO CLARIFY THE OBLIGATION OF BROKERS TO REPORT ORIGINAL ISSUE DISCOUNT ON FORM 1099

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulation explains the revised reporting requirements for original issue discount on debt instruments held by brokers and other middlemen as nominees to make it clear that a broker or middleman has an unqualified obligation to report original issue discount on certain debt instruments held as a nominee.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45131
NPRM Comment Period End	02/17/87	51 FR 45131

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-144-85

Drafting attorney: Carol Nachman (202) 566-3287.

Reviewing attorney: Laura Lauritzen (202) 566-3458.

Agency Contact: Carol Nachman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AM80

3296. INFORMATION REPORTING OF POINTS ON MORTGAGE LOANS

Significance: Agency Priority

Legal Authority: 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6050H-1; 26 CFR 1.6050H-2

Legal Deadline: NPRM, Statutory, December 31, 1990.
P.L. 101-239 OBRA 1989, 7646 requires the reporting of points received after 12/31/90; however, the reporting will first occur in 1992 for 1991 closings.

Abstract: Amend regulations to require the information reporting of the points received on the mortgage.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-017-90

Drafting Attorney: Peter Baumgarten 377-9583.

Reviewing Attorney: David Crawford (202) 377-9583.

Agency Contact: Peter Baumgarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9583

RIN: 1545–AO57

3297. AMEND AGGREGATION RULES FOR FILING REQUIREMENT

Legal Authority: 26 USC 6050I Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6050I-1(b)(1)

Legal Deadline: None

Abstract: An amendment to the regulation is necessary as the result of a policy decision to revise Form 8300.

Timetable:

Action	Date	FR Cite
NPRM	07/09/90	55 FR 28061
NPRM Comment Period End	09/07/90	55 FR 28061

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-041-89

Drafting attorney: Philip Scott (202) 566-3826.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: **Philip Scott**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3826**

RIN: 1545–AN42

3298. RETURN REQUIREMENT WHERE CASH RECEIVED IN TRADE OR BUSINESS (RRA 1990, SECTION 11318(A))

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050I Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6050I-1

Legal Deadline: Final, Statutory, June 1, 1991.

Abstract: This regulation covers consideration of what monetary instruments should be covered in the definition of cash received in a trade or business for purposes of the information reporting requirement.

Timetable:

Action	Date	FR Cite
NPRM	05/15/91	56 FR 22379
Hearing	06/28/91	56 FR 22379

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-117-90

Drafting attorney: Philip Scott (202) 566-3826.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: **Philip Scott**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3826**

RIN: 1545–AP54

3299. FINAL REGULATIONS RELATING TO REPORTS OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-181-84.

Drafting attorney: J. Peter Baumgarten (202) 377-9583.

Reviewing attorney: John M. Fischer (202) 566-8131.

Agency Contact: **J. Peter Baumgarten**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9583**

RIN: 1545–AG48

3300. NOTICE OF PROPOSED RULEMAKING - AUTOMATIC EXTENSION OF TIME TO FILE PARTNERSHIP RETURN OF INCOME AND TRUST INCOME TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return.

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11103
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-29-88

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Treasury attorney: Greg Marich (202) 566-5453.

Agency Contact: **James A. Orefice**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AL38

3301. DISCLOSURE OF RETURN INFORMATION TO THE BUREAU OF THE CENSUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6103(j) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposed regulation would authorize the disclosure of additional items of return information to the Bureau of the Census for use in certain statistical programs.

Timetable:

Action	Date	FR Cite
NPRM	03/15/91	56 FR 9182
NPRM Comment Period End	05/16/91	56 FR 9182
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

TREAS—IRS

Final Rule Stage

Additional Information: IA-034-90

Drafting attorney: Paul Winkler (202) 566-4430.

Reviewing attorney: Karin Gross (202) 566-4430.

Agency Contact: Paul Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AP42

3302. ● EMPLOYER IDENTIFICATION NUMBERS FOR PURPOSES OF ADMINISTERING THE FOOD STAMP ACT OF 1977

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6109-2

Legal Deadline: None

Abstract: These regulations authorize the Secretary of Agriculture to require applicant retail food stores and wholesale food concerns to furnish their employer identification numbers to the Secretary of Agriculture.

Timetable:

Action	Date	FR Cite
NPRM	07/24/91	56 FR 33888
Hearing	08/30/91	56 FR 33890

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-51-91

Drafting attorney: Lisa Byun (202) 566-6407.

Reviewing attorney: George Baker (202) 566-9292.

Treasury attorney: Eve Elgin (202) 535-6966.

Agency Contact: Lisa Byun, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6407**

RIN: 1545–AP80

3303. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	49 FR 32728
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-142-84.

Drafting attorney: Christopher Kehoe (202) 377-9665.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Agency Contact: Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9665**

RIN: 1545–AG45

3304. ● LIMITATIONS ON PERCENTAGE DEPLETION IN THE CASE OF OIL AND GAS WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613(a) Internal Revenue Code of 1986; 26 USC 703(a) Internal Revenue Code of 1986; 26 USC 705(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/91	56 FR 21965
Hearing	07/08/91	56 FR 21965
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-005-91

Drafting attorney: Lisa Fagan (202) 566-4821.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Lisa Fagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4821**

RIN: 1545–AP56

3305. APPLICATION OF UNIFIED PARTNERSHIP AUDIT PROVISIONS OF TEFRA TO REMICS

Legal Authority: 26 USC 860G(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6221; 26 CFR 301.6222; 26 CFR 301.6223; 26 CFR 301.6224; 26 CFR 301.6225; 26 CFR 301.6226; 26 CFR 301.6227; 26 CFR 301.6228; 26 CFR 301.6229; 26 CFR 301.6230; 26 CFR 301.6231; 26 CFR 301.6232; 26 CFR 301.6233; 26 CFR 1.860F; 26 CFR 1.86OF-4T

Legal Deadline: None

Abstract: Public Law 99-514, Title VI, section 671(a) (October 22, 1986, 100 Stat. 2309) added sections 860A-860G of the Internal Revenue Code of 1986. These sections set forth the Federal income tax treatment of REMICs and of investors in REMICs, and provide that REMICs will generally be treated as partnerships. This project will apply the partnership audit provisions of sections 6221 through 6233 of the Internal Revenue Code (added by Public Law 97-248, Tax Equity and Fiscal Responsibility Act of 1982) to REMICs.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-048-89

Drafting attorney: Lindsay Russell (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Agency Contact: Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AN78

3306. SMALL S CORPORATION EXCEPTION AND DEFINITION OF SUBCHAPTER S ITEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6241 Internal Revenue Code of 1986; 26 USC 6245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602; 26 CFR 51

Legal Deadline: None

Abstract: These regulations will provide a small S corporation exception to the unified corporate audit procedures of subchapter D of chapter 63 of the Internal Revenue Code. These regulations also will define subchapter S items for purposes of the income tax and windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	52 FR 3027
NPRM Comment Period End	03/31/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-74-86.

Drafting Attorney: Noah Baer (202) 377-9470.

Reviewing Attorney: Dianna K. Miosi (202) 566-4070.

Treasury Attorney: Greg Marich (202) 566-2175.

Agency Contact: Noah Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AJ99

3307. DEFINITION OF TAX MATTERS PERSON FOR AN S CORPORATION

Legal Authority: 26 USC 6244 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide rules as to who can be designated as the Tax Matters Person for an S Corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-072-89

Drafting attorney: Noah Baer (202) 377-9470.

Reviewing attorney: Dianna K. Miosi (202) 566-4070.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Noah Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AO34

3308. REVISION OF PROCEDURAL RULES RELATING TO EXCISE TAXES REPORTED ON FORM 720

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302(c) Internal Revenue Code of 1986; 26 USC 6011(a) Internal Revenue Code of 1986; 26 USC 6071(a) Internal Revenue Code of 1986; 26 USC 6091 Internal Revenue Code of 1986; 26 USC 6109(a) Internal Revenue Code of 1986; 26 USC 6101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 40

Legal Deadline: None

Abstract: Notice of proposed rulemaking cross-references to temporary regulations on procedural rules for excise taxes reportable on form 720.

Timetable:

Action	Date	FR Cite
NPRM	01/03/91	56 FR 233
NPRM Comment Period End	02/04/91	56 FR 233

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-065-90

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Edward Madden (202) 535-9758.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AO97

3309. ● AMENDMENTS TO SECTION 40.6302 RELATING TO COMPUTING DEPOSIT OF COMMUNICATIONS AND AIR TRANSPORTATION TAXES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 40

Legal Deadline: None

Abstract: Temporary regulations relating to deposits of taxes collected under chapter 33 of the Code.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-27-91

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Edward Madden (202) 535-9758.

Treasury attorney: Heidi Ebel (202) 566-4475.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, **202 566-4475**

RIN: 1545–AP82

3310. SURRENDER OF PROPERTY SUBJECT TO LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6332-1

Legal Deadline: None

Abstract: Section 6332 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to require banks to hold levied upon accounts for twenty-one days after a levy is served. The Treasury regulations promulgated under this code section must be changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite
NPRM	05/01/91	56 FR 19963
NPRM Comment Period End	06/17/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-172-89

Drafting Attorney: Jerome D. Sekula (202) 566-3780.

Reviewing Attorney: Robert Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 566-3780**

RIN: 1545–AN45

3311. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A; 26 USC 6402 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39713
Temporary Regulation	11/30/85	
Temporary Regulation	05/13/87	52 FR 17949
NPRM	01/06/89	54 FR 428
Temporary Regulation	01/06/89	54 FR 400
NPRM Comment Period End	03/07/89	54 FR 428

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-291-84.

Drafting Attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: John M. Coulter (202) 566-3928.

Treasury attorney: Barksdale Penick (202) 566-3928.

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AG95

3312. PROCEDURE AND ADMINISTRATIVE—REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A; 26 USC 6402 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend proposed regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17949

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-72-86

Drafting attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: John M. Coulter (202) 566-3928.

Treasury attorney: Barksdale Penick (202) 566-6964.

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AK12

3313. PROCEDURE AND ADMINISTRATIONS—REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A; 26 USC 6402 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend regulations published September 30, 1985. The regulations will provide a new effective date for those regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/06/89	54 FR 428
NPRM Comment Period End	03/07/89	54 FR 428

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-41-88

Drafting attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: John M. Coulter (202) 566-3928.

Treasury attorney: Barksdale Penick (202) 535-6964.

TREAS—IRS **Final Rule Stage**

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AL66

3314. PROCEDURE AND ADMINISTRATION - ABATEMENT OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance on the definition of ministerial act.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30177

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-34-87

Drafting tax law specialist: John J. McGreevy (202) 566-6302.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6302

RIN: 1545–AK71

3315. PROCEDURE AND ADMINISTRATION REGULATIONS—EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX IN CERTAIN CIRCUMSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6501 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will describe circumstances under which the normal three-year period for the assessment and collection of tax may be extended.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-162-85.

Drafting tax law specialist: John J. McGreevy (202) 566-6302.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6302

RIN: 1545–AI23

3316. COLLECTION AFTER ASSESSMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6502-1

Legal Deadline: None

Abstract: Section 6502 of the Internal Revenue Code of 1986 was amended by section 1015(u) of the Technical and Miscellaneous Revenue Act of 1988, to provide that the statute of limitations on administrative collection is extended if a timely suit to collect is commenced and, furthermore, that the statute is extended until any judgment obtained becomes unenforceable. Treasury Regulation 301.6502-1 must be changed to conform to this new statutory provision.

Timetable:

Action	Date	FR Cite
NPRM	06/18/91	56 FR 27928

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-721-88

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert Miller (202) 566-9668.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation Div.), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AM71

3317. PROCEDURE AND ADMINISTRATION REGULATIONS—MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period End	12/10/84	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-280-82.

Drafting tax law specialist: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4442

RIN: 1545–AF10

3318. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain

tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	49 FR 50406
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-180-84.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Robert A. Berkovsky (202) 566-3851.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AG75

3319. INCREASE IN THE RATE OF INTEREST IMPOSED ON LARGE CORPORATE UNDERPAYMENTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6621-3T

Legal Deadline: None

Abstract: The regulation contains rules relating to the increase in the rate of interest payable on large corporate underpayments of tax. The increase applies for periods after the "applicable date" on a "large corporate underpayment" of a tax. The regulation provides definitions of "large corporate underpayment" and "applicable date," including a special exception and a transition rule with respect to determining an "applicable date." Examples are also provided.

Timetable:

Action	Date	FR Cite
NPRM	12/19/90	55 FR 52054
NPRM Comment Period End	02/19/91	55 FR 52054
Hearing	04/02/91	56 FR 8967
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-110-90

Drafting attorney: P. Val Strehlow (202) 377-9586.

Reviewing attorney: Alan Fraser (202) 566-4535.

Treasury attorney: Hal Gann (202) 566-4902.

Agency Contact: P. Val Strehlow, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9586

RIN: 1545–AP27

3320. FRAUDULENT FAILURE TO FILE TAX RETURN; IMPOSITION OF FRAUD PENALTY

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6651-5; 26 CFR 1.6663-1

Legal Deadline: None

Abstract: Provide guidance to taxpayers on the fraud penalty and fraudulent failure to file penalty as amended by the Revenue Reconciliation Act of 1989.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-036-90

Drafting Attorney: Barbara Walker (202) 566-3453.

Reviewing Attorney: Rudolf Planert (202) 566-9293

Agency Contact: Barbara Walker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3453

RIN: 1545–AO84

3321. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing	06/26/84	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-228-82.

Drafting attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: John Coulter (202) 566-3928.

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AE37

3322. ACCURACY RELATED PENALTIES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6662 Internal Revenue Code of 1986; 26 USC 6664 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions relating to the accuracy-related penalties for negligence or disregard of rules or regulations, any substantial understatement of income tax, and any substantial valuated overstatement under Chapter 1, including rules for computing the penalties and for waivers of the penalties.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	03/04/91	56 FR 8943
Hearing	06/03/91	56 FR 12142
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-015-90

Drafting Tax Law Specialist: Gail M. Winkler (202) 566-4442.

Reviewing Attorney: Norlyn D. Miller, Jr. (202) 566-3273.

Treasury Attorney: Evelyn Elgin (202) 535-6966.

Agency Contact: Gail Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4442

RIN: 1545–AO58

3323. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6694-0; 26 CFR 1.6694-1; 26 CFR 1.6694-2; 26 CFR 1.6694-3; 26 CFR 1.6694-4

Legal Deadline: None

Abstract: To provide new guidance in light of the OBRA 1989 changes. One of the changes made by OBRA 1989 was to change the standard of conduct subject to the penalty under section 6694 (a) from an understatement due to negligence or intentional disregard of rules and regulations to an understatement due to a position for which there was not a realistic possibility of being sustained on its merits.

Timetable:

Action	Date	FR Cite
NPRM	03/04/91	56 FR 8959
NPRM Comment Period End	05/15/91	56 FR 8959
Hearing	06/03/91	56 FR 12142

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-038-90

Drafting Attorney: Lisa Byun (202) 566-6407.

Reviewing Attorney: Norlyn Miller (202) 566-3273.

Treasury Attorney: Eve Elgin (202) 566-6966.

Agency Contact: Lisa Byun, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6407

RIN: 1545–AO82

3324. SECTIONS 6721-6724 AS REVISED BY THE OMNIBUS RECONCILIATION ACT OF 1989

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6721 Internal Revenue Code of 1986; 26 USC 6722 Internal Revenue Code of 1986; 26 USC 6723 Internal Revenue Code of 1986; 26 USC 6724 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6721; 26 CFR 6722; 26 CFR 6723; 26 CFR 6724

Legal Deadline: None

Abstract: The regulations provide guidance to persons required to file information returns of changes made by the Revenue Reconciliation Act of 1989 to penalties for the failure to file information returns on or before the required filing date and for failure to report correct information on these returns.

Timetable:

Action	Date	FR Cite
NPRM	02/22/91	56 FR 7001
Hearing	09/09/91	56 FR 31362
NPRM Comment Period End	09/22/91	56 FR 7001
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-119-90

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Treasury attorney: Joan Leonard (202) 566-2794.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AP55

3325. CERTIFICATES OF COMPLIANCE WITH INCOME TAX LAWS BY DEPARTING ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6851(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will exempt certain alien students, industrial trainees, and exchange visitors from the requirement of obtaining a certificate of compliance with U.S. income tax laws before departing the U.S. This action is necessary because of changes to the applicable tax laws made by the Technical Amendments and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	01/28/91	56 FR 3061
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-735-89

Drafting attorney: Thomas L. Ralph (202) 377-9059.

Reviewing attorney: Thomas F. Fuller (202) 377-9059.

Treasury attorney: Unassigned.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AN97

3326. PROCEDURE AND ADMINISTRATION—PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE UNDER THE MONEY LAUNDERING CONTROL ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7103 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 405

Legal Deadline: None

Abstract: This regulation provides guidance with respect to property seized by the Internal Revenue Service

under the Money Laundering Control Act of 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-006-90

Drafting attorney: Richard Delmar (202) 343-0928.

Agency Contact: Richard Delmar, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-0928

RIN: 1545–AL04

3327. DISCLOSURE OF TAX RETURN INFORMATION FOR PURPOSES OF QUALITY OR PEER REVIEWS. DISCLOSURE OF TAX RETURN INFORMATION DUE TO INCAPACITY OR DEATH OF TAX RETURN PREPARER

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7216 (b)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7216-2T

Legal Deadline: None

Abstract: Regulations are intended to adopt an additional exception to the general rule prohibiting the disclosure of tax return information provided to a tax return preparer by a taxpayer. The change was mandated by OBRA 1989 which required the Secretary to prescribe by regulation, the circumstances under which tax return information may be disclosed in the course of a quality or peer review. No potential cost is foreseen. The regulation is intended to assist in improving the accuracy of income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	12/28/90	55 FR 53313
Hearing	06/03/91	56 FR 12142

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-083-90

Drafting attorney: David Meyer (202) 566-9293.

Drafting attorney: Norlyn Miller (202) 566-3273.

Treasury attorney: Eve Elgin (202) 566-6966.

Agency Contact: David Meyer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-9293

RIN: 1545–AP34

3328. REVIEW OF JEOPARDY LEVY AND ASSESSMENT PROCEDURES

Legal Authority: 26 USC 7429 Internal Revenue Code of 1986 PL 100-647, Sec 6237; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7429

Legal Deadline: None

Abstract: Section 7429 currently provides for administrative and judicial review of jeopardy assessments, but these review procedures do not apply to jeopardy levies. The Technical and Miscellaneous Revenue Act of 1988, PL 100-647, Sec. 6237, extends the review procedures of Section 7429 to the review of jeopardy levies and provides concurrent jurisdiction to the Tax Court with Federal District courts with respect to actions challenging a jeopardy assessment or jeopardy levy, provided a Tax Court petition is filed prior to the making of the assessment or levy. The regulations incorporate the statutory amendments that modify IRC S. 7429 and in addition, extend review to include all jeopardy levy cases in which the general notice requirements of IRC S. 6331(a) and (d) are not met.

Timetable:

Action	Date	FR Cite
NPRM	05/09/91	56 FR 21456
NPRM Comment Period End	06/24/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: GL-710-88

Drafting attorney: Joseph Clark (202) 566-4574.

Reviewing attorney: Robert Miller (202) 566-9668.

Agency Contact: Joseph W. Clark, Technical Assistant to ACC (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4574

RIN: 1545–AM68

3329. CIVIL CAUSE OF ACTION FOR FAILURE TO RELEASE A LIEN UNDER I.R.C. 6325

Legal Authority: PL 100-647, Sec 6240; 26 USC 7805

CFR Citation: 26 CFR 301.7432

Legal Deadline: None

Abstract: The new section 7432 grants taxpayers the right to bring a cause of action for damages in Federal District court if any officer or employee of the Internal Revenue Service knowingly or negligently fails to release a lien under section 6325 on property of the taxpayer. Damages will not be awarded for failure to release a lien unless the court determines that the taxpayer has exhausted all administrative remedies within the Internal Revenue Service. The Secretary must provide by regulations a reasonable procedure for the taxpayer to notify the Service of a failure to release a lien on property of the taxpayer. Currently, we are considering regulations that will provide procedures for a taxpayer to notify the Service of a failure to release a lien and procedures for administrative exhaustion of remedies.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 28839
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-706-88

Drafting attorney: Kevin B. Connelly (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Kevin B. Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AM63

3330. CIVIL CAUSES OF ACTION FOR UNAUTHORIZED COLLECTION *CTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647, Sec 6241; 26 USC 7433

CFR Citation: 26 CFR 301.7433a

Legal Deadline: None

Abstract: PL 100-647, Sec 6241, adds a new section 7433 to the Internal Revenue Code. This provision allows taxpayers to sue the Internal Revenue Service to recover economic damages if a Service employee, in connection with the collection of a tax, recklessly or intentionally disregards any provision of the Code or regulations. The new implementing regulation will establish administrative remedies for taxpayers to meet the statutory requirement that administrative remedies be exhausted prior to a court award of damages. The regulation will also outline what steps taxpayers should take to satisfy the statutory requirement that they mitigate their damages.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 28842
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-707-88

Drafting attorney: Kevin Connelly (202) 535-9682.

Reviewing attorney: Robert Miller (202) 535-9668.

Agency Contact: Kevin Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AM65

3331. PROCEDURE AND ADMINISTRATION—AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	44 FR 71430
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-406-71

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Neal E. Sheldon (202) 566-3783.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AD42

3332. ● AUTHORITY TO PRESCRIBE OR MODIFY SEALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7514 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7514-1

Legal Deadline: None

Abstract: Final Income Tax Regulations relating to the authority contained in section 7514 of the Internal Revenue Code to prescribe or modify seals of office. Because of previous reorganizations of the Internal Revenue Service, seals of office are being updated and corrected so as to reflect the current organization of the Service. Amendments will prescribe a seal for each district director of Internal Revenue and other employees or officers of the Treasury Department to whom any of the functions of the Secretary of the Treasury are currently delegated.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-23-91

Drafting attorney: Cheryl Oseekey (202) 566-3388.

Reviewing attorney: Joseph Vukovich (202) 566-3896.

Agency Contact: Cheryl Oseekey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3388

RIN: 1545–AP63

3333. PROCEDURES INVOLVING TAXPAYER INTERVIEWS (TIME AND PLACE OF EXAMINATION)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647

CFR Citation: 26 CFR 301.7605-1 (a)

Legal Deadline: None

Abstract: The temporary regulations which are cross-referenced in this notice of proposed rulemaking provide guidance as to what is reasonable under the circumstances in the case-by-case determination as to the time and place of examination. The regulations balance the convenience of the taxpayer with the requirements of sound and efficient tax administration. The regulations provide that it is generally not reasonable for the IRS to require a taxpayer to attend an examination at an IRS office other than the office located closest to the taxpayer's home in that district. They also provide that it is generally not reasonable for the IRS to audit a taxpayer at his or her place of business if the business is so small that so doing will eventually require the taxpayer to close the business.

Timetable:

Action	Date	FR Cite
NPRM	04/03/90	55 FR 12386
NPRM Comment Period End	05/18/90	55 FR 12386
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-705-88

Drafting attorney: Nancy O. Ryan (202) 535-9678.

Reviewing attorney: Robert Miller (202) 535-9668.

Agency Contact: Nancy Ryan, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 535-9678**

RIN: 1545–AO64

3334. PROCEDURE AND ADMINISTRATION REGULATIONS—REIMBURSEMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7624 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules relating to reimbursement to state and local law enforcement agencies for expenses incurred for information furnished to IRS that substantially contributed to recovery of taxes on illegal drug related activities.

Timetable:

Action	Date	FR Cite
NPRM	05/16/89	54 FR 21073
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: IA-6-89

Drafting tax law specialist: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4442**

RIN: 1545–AN00

3335. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-221-83.

Drafting attorney: Adrian L. Michur (202) 566-3294.

Reviewing attorney: William Coppersmith (202) 566-3336.

Agency Contact: Adrian L. Michur, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3294**

RIN: 1545–AF77

3336. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Legal Deadline: None

Abstract: These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34230
NPRM Comment Period End	11/10/87	52 FR 34230
Hearing	06/15/88	53 FR 4858
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-55-86

Drafting attorney: David A. Juster (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AH13

3337. REASONABLE MORTALITY CHARGES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: 26 CFR 7702

Legal Deadline: NPRM, Statutory, December 31, 1989.

Abstract: Provide rules relating to the required use of reasonable mortality charges in determining whether a contract qualifies as a life insurance contract for purposes of the code.

Timetable:

Action	Date	FR Cite
NPRM	07/05/91	56 FR 30718

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-069-89

Drafting Attorney: Donald J. Drees, Jr. (202) 566-3350.

Reviewing Attorney: Steve Hooe (202) 566-3289.

Agency Contact: Donald J. Drees, Jr., Senior Technician Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3350**

RIN: 1545–AO12

3338. WHEN A PRINCIPAL ACTIVITY OF A PARTNERSHIP IS THE BUYING AND SELLING OF COMMODITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7704(c)(3); 26 CFR 301.7704(c)(3)

Legal Deadline: None

Abstract: This regulation will explain when buying and selling commodities constitutes "a principal activity" of a partnership within the meaning of 26 USC 7704(c)(3).

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-002-90

Drafting attorney: Ann Veninga (202) 566-9661.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9661

RIN: 1545–AO39

3339. EXCISE TAX RELATING TO GAIN OR OTHER INCOME REALIZED BY ANY PERSON ON RECEIPT OF GREENMAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5881 Internal Revenue Code of 1986; 26 USC 6001 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6091 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986

CFR Citation: 26 CFR 156 (New); 26 CFR 602

Legal Deadline: None

Abstract: Proposed regulations relating to the manner and method of reporting and paying the nondeductible 50 percent Excise Tax imposed with respect to the receipt of "Greenmail".

Timetable:

Action	Date	FR Cite
NPRM	06/10/91	56 FR 26631
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-7-88

Drafting attorney: Warren Joseph (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-3889.

Treasury attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Warren Joseph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AL47

3340. THE TIME AND MANNER OF MAKING CERTAIN ELECTIONS UNDER THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5h.6

Legal Deadline: None

Abstract: This document contains regulations relating to the time and manner of making certain elections under the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39002
NPRM Comment Period End	11/21/89	54 FR 39002

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-9-89

Drafting attorney: Grace Matuszeski (202) 566-4430.

Reviewing attorney: John Fischer (202) 566-8131.

Agency Contact: Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AN03

3341. TAXPAYER ASSISTANCE ORDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986 PL 100-647, Sec. 6230

CFR Citation: 26 CFR 301.7811

Legal Deadline: Final, Statutory, February 8, 1992.
Temporary regulation published as TD 8246 effective February 8, 1989, must be published as final regulations within three years.

Abstract: PL 100-647, section 7811, adds new section 7811 to the Internal Revenue Code. This section provides that upon application filed by a taxpayer with the Ombudsman's office, the Ombudsman may issue a taxpayer assistance order (TAO) upon a determination that a taxpayer is or is about to suffer a significant hardship as the result of how the internal revenue laws are being administered by the service. The temporary regulations discuss the form, manner and time for filing an application for assistance, the terms of a TAO, and the supervision of applicable periods of limitation.

Timetable:

Action	Date	FR Cite
NPRM	03/22/89	54 FR 11744
NPRM Comment Period End	05/22/89	54 FR 11744
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-075-89

Drafting Attorney: Joseph W. Clark (202) 566-4574.

Reviewing Attorney: Robert Miller (202) 535-9668.

Agency Contact: Joseph W. Clark, Technical Assistant to ACC (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4574

RIN: 1545–AN14

3342. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower

in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33553
NPRM Comment Period End	10/20/85	50 FR 33553
Hearing	01/09/86	50 FR 46460

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-165-84.

Drafting attorney: David B. Silber (202) 566-3432.

Reviewing attorney: William Coppersmith (202) 566-3666.

Agency Contact: David B. Silber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3432

RIN: 1545–AH72

3343. ● EXPANDING RELIEF UNDER SECTION 301.9100-1 OF REGULATIONS TO ALL OTHER SUBTITLES EXCEPT A, T, & S BY AMENDING THE REGULATION

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.9100

Legal Deadline: None

Abstract: Currently, relief is available only for elections set by regulations under subtitle A of the Internal Revenue Code. This project expands relief to all other subtitles except: E, G, H, and I.

Timetable:

Action	Date	FR Cite
NPRM	04/05/91	56 FR 14041
NPRM Comment Period End	05/15/91	56 FR 14041
Hearing	06/03/91	56 FR 24357
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-026-90

Drafting attorney: Barbara Walker (202) 566-3453.

Reviewing attorney: Rudolph Planert (202) 566-9293.

Treasury attorney: Joan Leonard (202) 566-2794.

Agency Contact: Barbara Walker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3453

RIN: 1545–AP61

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

3344. ADJUSTED CURRENT EARNINGS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.56

Legal Deadline: None

Abstract: Determination of adjusted current earnings of corporations.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/31/89	56 FR 11080
NPRM	05/03/90	55 FR 18626
NPRM Comment Period End	08/01/90	55 FR 18626
Hearing	10/16/90	55 FR 18639
Final Action T.D. 8340	03/15/91	56 FR 11080

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-029-89

Drafting attorney : Nicholas G. Bogos (202) 566-6320.

Reviewing attorney: William A. Jackson (202) 566-4104.

Treasury attorney: Roy Strowd (202) 566-4902.

Agency Contact: Nicholas G. Bogos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AN24

3345. TO CLARIFY THAT THE INCOME CONSEQUENCES OF THE DISCHARGE OF INDEBTEDNESS ARE THE SAME FOR BOTH RECOURSE AND NONRECOURSE INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

CFR Citation: 26 CFR 61; 26 CFR 1001

Legal Deadline: None

Abstract: The regulations will clarify that the income tax consequences of the discharge of an indebtedness are the same whether the indebtedness is recourse or nonrecourse.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/13/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-046-90

Drafting Attorney: Alan R. Peregoy (202) 566-4430.

Reviewing Attorney: Alan R. Fraser (202) 566-4535.

Agency Contact: Alan Peregoy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 566-4430

RIN: 1545–AO80

3346. SECTION 702 OF THE FAMILY SUPPORT ACT OF 1988

Legal Authority: 26 USC 62(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.62

Legal Deadline: None

Abstract: The regulations provide guidance regarding the taxation of and reporting and withholding on payments with respect to employee business expenses under a reimbursement or other expense allowance arrangement.

Timetable:

Action	Date	FR Cite
NPRM	12/17/90	55 FR 51734
NPRM Comment Period End	02/19/91	55 FR 51734
Closed - No further action intended	06/01/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-8-89

Drafting attorney: Marianna Dyson (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: J. Judge Kelley (202) 566-8527. One provision of temporary regs. under 1.62-1T was published in conjunction with final regulations under 31.62-2 for consistency purposes. No further action will be taken.

Agency Contact: Marianna Dyson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AP29

3347. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to arbitrage restrictions on tax-exempt bonds.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8345	04/25/91	56 FR 19023

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-91-86

Drafting attorney: William Cejudo (202) 566-3283.

Reviewing attorney: Lon B. Smith (202) 566-4085.

Treasury attorney: David Walton (202) 566-2175.

Agency Contact: William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3283

RIN: 1545–AP49

3348. PROHIBITION ON FOREIGN TARGETING OBLIGATIONS BACKED BY UNITED STATES GOVERNMENT SECURITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking providing that obligations backed by United States government securities may not be foreign targeted.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/02/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-113-88

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Marlin Risinger (202) 566-5791.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AM19

3349. NORMALIZATION REQUIREMENTS FOR PUBLIC UTILITY PROPERTY: INCONSISTENT PROCEDURES AND ADJUSTMENTS

Legal Authority: 26 USC 168 (i)(9)(B)(iii) Internal Revenue Code of 1986; 26 USC 167 (l)(5)

CFR Citation: 26 CFR 167; 26 CFR 168

Legal Deadline: None

Abstract: NPRM published 11/27/90 (55 FR 49294) was withdrawn 04/30/91 (56 FR 19825).

Timetable:

Action	Date	FR Cite
NPRM	11/27/90	55 FR 49294
Hearing	02/08/91	55 FR 49294
Withdrawn	04/30/91	56 FR 19825

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-107-88

Drafting attorney: Martin Schaffer (202) 566-3553.

Reviewing attorney: Noel Sheehan (202) 566-3292.

Treasury attorney: Robert Scarborough (202) 566-8277.

Agency Contact: Martin Schaffer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AM60

3350. DEDUCTIONS OF AMOUNTS OWED TO RELATED FOREIGN PERSONS UNDER SECTIONS 267(A)(3) AND 163(E)(3)

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267(a)(3) Internal Revenue Code of 1986; 26 USC 163(e)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for the deduction of amounts owed to a related foreign person.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/07/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-626-89

Drafting attorney: James K. Sams (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Carol Dunahoo (202) 566-4979.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AN84

3351. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/20/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-66-87.

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AK87

3352. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Significance: Agency Priority

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, September 21, 1992. Final, Statutory, June 1991. NPRM, Judicial, September 21, 1992. Final, Judicial, June 1991.

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
NPRM	09/20/89	54 FR 38695
NPRM Comment Period End	11/20/89	54 FR 38695
Final Action T.D. 8352	06/27/91	56 FR 29432

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-69-87

Drafting attorney: Lori Jones (202) 566-4551.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Larry Garrett (202) 566-2175.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4551

RIN: 1545–AK26

3353. CASH OR DEFERRED ARRANGEMENTS (TAX REFORM ACT OF 1986)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(k)

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to cash or deferred arrangements brought about because of the amendment of section 401(k) by the Tax Reform Act of 1986 and subsequent amendments thereto.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
NPRM Comment Period End	10/07/88	53 FR 29719
Hearing	03/14/89	54 FR 4045
Final Action T.D. 8357	08/15/91	56 FR 40507

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-175-86

Drafting attorney: Catherine L. Fernandez (202) 566-3050.

Reviewing attorney: Richard Lent (202) 566-3050.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Catherine L. Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AI79

3354. INCOME TAX—EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404(a)(9) Internal Revenue Code of 1986; 26 USC 415(c)(6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
Closed without regulations	10/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-152-81.

Drafting attorney: Michael Gompertz (202) 566-4530.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Michael Gompertz, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4530

RIN: 1545–AD77

3355. INCOME TAX—REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 6699 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-49-80.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AD82

3356. DEFINITION OF HIGHLY COMPENSATED EMPLOYEE

Significance: Agency Priority

Legal Authority: 26 USC 414(q) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations make conforming amendments to temporary regulations based on proposed regulations issued under 414(r).

Timetable:

Action	Date	FR Cite
NPRM	02/01/91	56 FR 4023
NPRM Comment Period End	04/02/91	56 FR 4023
Hearing	05/16/91	56 FR 4022
Closed - No further action intended	06/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-129-86

Drafting attorney: Thomas Schendt (202) 566-4741.

Reviewing attorney: Rhonda Migdail (202) 566-4741.

This regulation was amended and published in conjunction with reg. section 1.414(r) for consistency purposes. No further action will be taken.

Agency Contact: Thomas Schendt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4741

RIN: 1545–AO50

3357. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS - MISCELLANEOUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-2T

Legal Deadline: None

Abstract: Regulation excludes certain casualty and theft losses from passive activity deductions and otherwise amends existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/28/90	55 FR 7006
Closed without regulations	02/26/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-065-89

Drafting attorney: Christine Ellison (202) 377-9665.

Reviewing attorney: Margaret O'Connor (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AO02

3358. PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS—TECHNICAL AMENDMENTS

Legal Authority: 26 USC 469(l) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T to 11T

Legal Deadline: None

Abstract: The regulation will clarify a number of technical issues that arise under the temporary and proposed passive loss regulations under section 469 of the Code.

Timetable:

Action	Date	FR Cite
NPRM	11/19/90	55 FR 48135
NPRM Comment Period End	02/19/91	55 FR 48135
Closed without regulations	05/03/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-071-89

Drafting Attorney: Dexter Johnson (202) 566-4751.

Reviewing Attorney: Margaret M. O'Connor (202) 566-6016.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AO61

3359. AMENDMENT AND RESTATEMENT OF THE CONFERENCE AND PRACTICE REQUIREMENTS CONTAINED IN THE STATEMENT OF PROCEDURAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: This regulation is updating the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
Final Action	05/28/91	56 FR 24001

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Drafting attorney: D. La Mar Whitman (202) 535-6787.

Reviewing tax law specialist: Dale Goode (202) 566-3486.

Agency Contact: D. La Mar Whitman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-6787

RIN: 1545–AP25

3360. INCOME TAX—SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613 (a) Internal Revenue Code of 1986; 26 USC 703 (a) Internal Revenue Code of 1986; 26 USC 705 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	42 FR 24279
Hearing	08/31/78	
Final Action T.D. 8348	05/13/91	56 FR 21935

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-105-75.

Drafting attorney: Lisa Fagan (202) 566-4821.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Lisa Fagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4821

RIN: 1545–AB73

3361. TRANSFERS BY INDIVIDUALS TO CORPORATION UNDER SECTION 613A (C)(10)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613A(c)(10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	49 FR 39076
Hearing	03/15/85	
Withdrawn	05/13/91	56 FR 21935

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-35-81.

Drafting attorney: Walter H. Woo (202) 535-9545.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9545

RIN: 1545–AB74

3362. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/29/88	56 FR 36702
NPRM	12/30/88	53 FR 53174
NPRM Comment Period End	03/30/89	53 FR 53174
Amended NPRM	11/21/89	54 FR 08117
Extension of NPRM Comment Period to 01/19/90	11/21/89	54 FR 48117
Final Action T.D. 8355	07/31/91	56 FR 36702

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-229-84.

Drafting attorney: Mary A. Berman (202) 566-3440.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Mary A. Berman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3440

RIN: 1545–AH26

3363. TEMPORARY INCOME TAX REGULATIONS—DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses by property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of company's loss payment pattern.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/26/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-138-86.

Drafting attorney: Katherine A. Hossofsky (202) 566-3289.

Reviewing attorney: Steve Hooe (202) 566-3459.

Treasury attorney: Jeanne Hoenicke (202) 566-5453.

Agency Contact: Katerine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3289

RIN: 1545–AI96

3364. CALIFORNIA FRANCHISE TAX AND SECTION 1.861-8 ALLOCATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Clarification of allocation of deduction for state income and franchise taxes. Provides guidance in situations not addressed by current examples in regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	53 FR 49893
Hearing	05/18/89	54 FR 12238
Final Action T.D. 8337	03/12/91	56 FR 10365

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-112-88

Drafting attorney: David F. Chan (202) 566-6645.

Reviewing attorney: Bruce Davis (202) 566-9050.

Treasury attorney: Emily McMahon (202) 343-0247.

Agency Contact: David F. Chan, Legislative Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AM08

3365. SUSPENSION OF REQUIREMENT TO FILE A RECEIPT FOR FOREIGN TAXES PAID ON A RETURN FOR FOREIGN TAXES ACCRUED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the suspension of the requirement to file a receipt for foreign taxes paid or a return for foreign taxes accrued.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/27/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-357-88

Drafting Attorney: Jeffrey L. Vinnik (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

Agency Contact: Jeffrey L. Vinnik, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AM43

3366. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 907 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3083
NPRM Comment Period End	04/24/89	54 FR 3083
Final Action T.D. 8338	03/15/91	56 FR 11062

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-152-86.

Drafting attorney: Richard L. Chewning (202) 566-6284.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5992.

Agency Contact: Richard L. Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AE34

3367. REGULATIONS UNDER SECTION 932(B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address United States residents earning income in the Virgin Islands and the United States.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/28/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-086-89

Drafting Attorney: Ricardo A. Cadenas (202) 287-4851.

Reviewing Attorney: George Sellinger (202) 287-4851.

Treasury Attorney: Unassigned.

Agency Contact: Ricardo A. Cadenas, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, 202 287-4851

RIN: 1545–AM89

3368. REGULATIONS RELATING TO INAPPLICABILITY OF SECTION 1031 TO EXCHANGES OF PARTNERSHIP INTERESTS AND THE LIMITATION ON DEFERRED EXCHANGES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	05/16/90	55 FR 20278
NPRM Comment Period End	07/27/90	55 FR 20278
Hearing	09/05/90	55 FR 20289
Final Action T.D. 8346	05/01/91	56 FR 19933

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-237-84.

Drafting attorney: D. Lindsay Russell (202) 377-9470.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: James Miller (202) 566-8277.

Agency Contact: D. Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9470**

RIN: 1545–AH43

3369. ADDITIONAL RULES FOR EXCHANGES OF PERSONAL PROPERTY AND FOR EXCHANGES OF MULTIPLE PROPERTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation concerns the determination of like-kind property in single asset exchanges of personal property, exchanges of multiple assets, and exchanges of businesses. These regulations are intended to correct and clarify the current regulations under section 1031 of the code.

Timetable:

Action	Date	FR Cite
NPRM	04/26/90	55 FR 17635
Correction Notice	05/31/90	55 FR 22036
NPRM Comment Period End	07/25/90	55 FR 17635
Hearing	09/06/90	55 FR 20289
Final Action Effective	04/11/91	56 FR 14851
Final Action T.D. 8343	04/12/91	56 FR 14851

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-012-89

Drafting Attorney: Debra L. Fischer (202) 377-9581.

Reviewing Attorney: John Fischer (202) 566-8131.

Agency Contact: Debra L. Fischer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 377-9581**

RIN: 1545–AN38

3370. INCOME TAX—TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8358	08/13/91	56 FR 38339

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-19-85.

Drafting attorney: Mark S. Smith (202) 566-3590.

Reviewing attorney: Sharon Galm (202) 566-3326.

Agency Contact: Mark S. Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3590**

RIN: 1545–AH75

3371. WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains when withholding is required under section 1446, how and when the amounts withheld are to be reported and paid over to the Internal Revenue Service, and when the taxpayer is to credit the tax withheld against its U.S. income tax liability or apply for a refund. The notice will be published simultaneously with, and will cross-reference to, temporary regulations dealing with these matters (INTL-938-86). No significant policy issues are involved. Section 1446 was substantially amended by the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/24/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-980-86

Drafting attorney: Thomas L. Ralph (202) 377-9059.

Reviewing attorney: Jeffrey L. Dorfman (202) 377-9059.

Treasury attorney: Unassigned.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9059**

RIN: 1545–AL30

3372. INCOME TAX—CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	
Hearing	12/10/84	49 FR 47870
Closed without regulations	06/28/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-97-79.

Drafting attorney: Roy Hirschhorn (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3877.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AC48

3373. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 36

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
Closed without regulations	10/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-38-88.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Evelyn Petschek (202) 566-2175.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AF91

3374. ● MEMBERSHIP IN RETIREMENT SYSTEM—STATE AND LOCAL GOVERNMENT EMPLOYEES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31.3121(b)(7)-2

Legal Deadline: None

Abstract: Regulations provide guidance for determining if a state or local government employee is a member of a retirement system for purposes of FICA tax liability.

Timetable:

Action	Date	FR Cite
NPRM	04/10/91	56 FR 14488
NPRM Comment Period End	05/06/91	56 FR 14488
Hearing	05/20/91	56 FR 14487
Final Action T.D. 8354	06/28/91	56 FR 29567

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: EE-20-91

Drafting attorney: Robin Ehrenberg (202) 566-4747.

Reviewing attorney: Steven T. Miller (202) 566-6641.

Treasury attorney: Kurt L.P. Lawson (202) 566-2175.

Agency Contact: Robin Ehrenberg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AP62

3375. FUEL FLOOR STOCKS TAX

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 42

Legal Deadline: None

Abstract: The regulations provide rules relating to the floor stock tax on gasoline, diesel fuel and aviation fuel that are held on December 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	12/03/90	55 FR 49908
NPRM Comment Period End	01/02/91	55 FR 49908
Final Action T.D. 8351	06/04/91	56 FR 25364

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: PS-098-90

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Richard Kocak (202) 566-4077.

Treasury attorney: Larry Garrett (202) 566-2175.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AP22

3376. ● ODC SPECIAL RULE 4682

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4682 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: Temporary regulations amending temporary regulations relating to floor stocks tax imposed on 01/01/91.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8356	08/14/91	56 FR 40246

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: PS-60-91

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Heidi Ebel (202) 566-2175.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AP83

3377. RETURN FILING REQUIREMENTS FOR INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6012-2(c)

Legal Deadline: None

Abstract: Regulations will outline requirements for the filing of income tax returns by insurance companies.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/26/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-32-89

Drafting attorney: Donald Drees (202) 566-3350.

Reviewing attorney: Donald Drees (202) 566-3350.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Donald Drees, Attorney, Department of the Treasury, internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3350

RIN: 1545–AN23

3378. INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6038A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for U.S. corporations or U.S. branches that are 25-percent foreign owned as to what records are to be maintained, where these records are to be maintained and how to designate, in the case of a "related party", an agent. The regulations will also provide rules for the imposition of penalties for failure to comply with section 6038A and exemptions for reasonable cause from the imposition of the penalties.

Timetable:

Action	Date	FR Cite
NPRM	12/10/90	55 FR 50706
Public Hearing	02/22/91	55 FR 50721
Final Action T.D. 8353	06/19/91	56 FR 28056

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-868-89

Drafting Attorney: Carol P. Tello (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Rom Watson (202) 566-8275.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 377-9059

RIN: 1545–AO09

3379. DISCLOSURE OF RETURN INFORMATION TO THE BUREAU OF THE CENSUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6103(j) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposed regulation would authorize the disclosure of additional items of return information to the Bureau of the Census for use in certain statistical programs.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8336	03/15/91	56 FR 9169

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-034-90

Drafting Attorney: Paul Winkler (202) 566-4430.

Reviewing Attorney: Karin Gross (202) 566-4430.

Agency Contact: Paul Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AO81

3380. ACCELERATION OF DEPOSIT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31.6302

Legal Deadline: None

Abstract: Proposal will provide guidance to the public regarding the interplay between the new one-day-deposit acceleration provision of section 6302 (g) of the Internal Revenue Code and the existing "Eighth-Months" deposit rule in section 31.6302 of the regulations. A change will also be made in the manner in which the deposit liability is determined for a deposit period.

Timetable:

Action	Date	FR Cite
NPRM	01/04/91	56 FR 395
Hearing	02/26/91	56 FR 398
Final Action Effective	04/01/91	56 FR 13400
Final Action T.D. 8341	04/02/91	56 FR 13400

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-028-90

Drafting Attorney: Vincent Surabian (202) 566-4680.

Reviewing Attorney: Norlyn Miller (202) 566-3273.

Treasury Attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4680

RIN: 1545–AO86

3381. ADMINISTRATIVE APPEAL OF THE ERRONEOUS FILING OF NOTICE OF TAX LIEN

Legal Authority: 26 USC 6326 Internal Revenue Code of 1986 PL 100-647, sec. 6238

CFR Citation: 26 CFR 301.6326

Legal Deadline: None

Abstract: Section 6238 establishes a new section 6326 of the Internal Revenue Code. New section 6326 (a) provides that the Secretary shall prescribe regulations that provide for the Administrative Appeal of the filing of Notice of Federal Tax Lien. Section 6326 (b) provides that if the Secretary determines that the service has erroneously filed a Notice of Federal Tax Lien, the Secretary must expeditiously, and to the extent practicable within fourteen days after such determination, issues a certificate that must include a statement that the filing was erroneous. The regulations, will address what issues are appealable under section 6326, to when an appeal should be made, and the procedures for appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/08/89	54 FR 19578
Final Action T.D. 8347	05/01/91	56 FR 19947

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-161-89

Drafting Attorney: Kevin B. Connelly (202) 535-9682.

Reviewing Attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Kevin Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AN07

3382. PROCEDURE & ADMINISTRATION—ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS AND UNDERSTATEMENTS, AND INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6659 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 6660 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements and understatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement or understatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/03/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-272-81.

Drafting tax law specialist: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4442

RIN: 1545–AD39

3383. UNIFORM PENALTIES FOR FAILURES TO COMPLY WITH CERTAIN INFORMATION REPORTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6721 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6721; 26 CFR 6722; 26 CFR 6723; 26 CFR 6724

Legal Deadline: None

Abstract: The regulations provide guidance to persons required to file information returns of changes made by the Revenue Reconciliation Act of 1989 to the penalties for the failure to file information returns on or before the required filing date, and for failure to report correct information on those returns.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8333	02/21/91	56 FR 6969
Final Action Effective	02/21/91	56 FR 6969

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-035-90

Drafting attorney: Renay France (202) 566-3842.

Reviewing attorney: John Coulter (202) 566-3928.

Treasury attorney: Joan Leonard (202) 566-2794.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3842

RIN: 1545–AO95

3384. PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34358
Final Action T.D. 8344	04/15/91	56 FR 15040
Final Action Effective	04/15/91	56 FR 15040

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-142-86.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John Coulter (202) 566-3928.

Treasury attorney: Adam Handler (202) 566-2175.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3627**

RIN: 1545–AJ29

3385. PROCEDURE AND ADMINISTRATION - SUSPENSION OF STATUTES OF LIMITATIONS IN ABSENCE OF THIRD-PARTY RECORDKEEPER RESPONSE TO SUMMONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers with regard to the changes made to section 7609 by the Tax Reform Act of 1986. Under those changes, statutes of limitations are suspended in certain cases in which a summons is served to a third-party recordkeeper and in which there is no resolution of the third- party recordkeeper's response to the summons.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/18/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-521-87

Drafting attorney: Jerome D. Sekula (202) 566-3780.

Reviewing attorney: Robert A. Miller (202) 535-9668.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3780**

RIN: 1545–AK72

3386. EXCISE TAX RELATING TO GAIN OR OTHER INCOME REALIZED BY ANY PERSON ON RECEIPT OF GREENMAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5881 Internal Revenue Code of 1986; 26 USC 6001 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6091 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986

CFR Citation: 26 CFR 156, (New); 26 CFR 602

Legal Deadline: None

Abstract: Proposed regulations relating to the manner and method of reporting and paying the nondeductible 50% Excise Tax imposed with respect to the receipt of "Greenmail".

Timetable:

Action	Date	FR Cite
Closed without regulations	06/10/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-021-89

Drafting Attorney: Warren Joseph (202) 566-4430.

Reviewing Attorney: Karin G. Gross (202) 566-3889.

Treasury Attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Warren Joseph, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AN41

3387. TECHNICAL AMENDMENTS TO SECTION 602.101(C)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 602.101(c)

Legal Deadline: None

Abstract: The technical amendments update, correct, add, etc., OMB numbers to Display Table in Section 602.101(c).

Timetable:

Action	Date	FR Cite
Final Action T.D. 8335	03/04/91	56 FR 8912

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-50-90

Drafting tax law specialist: Dale D. Goode (202) 566-3486.

Reviewer: Dale D. Goode (202) 566-3486.

Agency Contact: Dale D. Goode, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3486**

RIN: 1545–AO88

3388. STATEMENT OF PROCEDURAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: Amendment of SPR for updating purposes is necessary.

Timetable:

Action	Date	FR Cite
Final Action	05/28/91	56 FR 24001

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: CO-51-90

Drafting tax law specialist: Dale Goode (202) 566-3486.

Agency Contact: Dale Goode, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3486**

RIN: 1545–AP05

3389. FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 701; 26 CFR 702

Legal Deadline: None

Abstract: Regulations would provide guidance on the financing of

presidential election campaigns under Internal Revenue Code sections 9006 and 9037.

Timetable:

Action	Date	FR Cite
NPRM	12/13/90	55 FR 51301
Hearing	02/11/91	55 FR 51303
Final Action T.D. 8349	05/10/91	56 FR 21596

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-074-90

Drafting attorney: Joel G. Rutstein (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Treasury attorney: Gregory Jenner (202) 566-5911.

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AP21

3390. EXTENSION OF TIME FOR MAKING CERTAIN ELECTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.9100-1T

Legal Deadline: None

Abstract: Currently, relief is available only for elections set by regulations under subtitle A of the Internal Revenue Code. This project expands relief to all other subtitles except: E, G, H, and I.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8342	04/05/91	56 FR 14023

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-026-90

Drafting Attorney: Barbara Walker (202) 566-3453.

Reviewing Attorney: Rudolf Planert (202) 566-9293.

Agency Contact: Barbara Walker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3453**

RIN: 1545–AO85

[FR Doc. 91-21602 Filed 10-18-91; 8:45 am]

BILLING CODE 4830-01-F

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Office of Thrift Supervision

12 CFR Ch. V

[No. 91-487]

Agenda of Federal Regulations

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Publication of agenda items.

SUMMARY: The Office of Thrift Supervision (OTS) is hereby publishing items for the October Unified Agenda of Federal Regulations.

A number of the agenda items refer to statutory requirements imposed by FIRREA. These items refer to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Public Law No. 101-73, 103 Stat. 183, signed into law on August 9, 1989, which restructured the regulation of the thrift industry.

ADDRESSES: Information Services Division, Office of Communications, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

Dated: August 15, 1991.
By the Office of Thrift Supervision.

Jonathan L. Fiechter,

Deputy Director for Washington Operations.

Office of Thrift Supervision—Proposed Rule Stage

Sequence Number	Title		Regulation Identifier Number
3391	12 CFR 567	Required Capital Levels for Savings Associations; Regulatory Intervention	1550-AA02
3392	12 CFR 500	Applications Restructuring	1550-AA37

Office of Thrift Supervision—Final Rule Stage

Sequence Number	Title		Regulation Identifier Number
3393	12 CFR 545	Regulatory Capital Requirements for Savings Associations	1550-AA01
3394	12 CFR 563	Mutual Holding Companies	1550-AA03
3395	12 CFR 563	Bonds for Directors, Officers, Employees, and Agents; Form and Amount of Bonds	1550-AA05
3396	12 CFR 563g	Sales of Securities at Savings Association Offices	1550-AA09

TREAS—OTS

Office of Thrift Supervision—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3397	12 CFR 564 Excerpts From the Uniform Standards of Professional Appraisal Practice Applicable to Federally Related Transactions	1550-AA30
3398	12 CFR 545 Accounting and Reporting Requirements	1550-AA31
3399	12 CFR 567 Regulatory Capital: Leverage Ratio Requirement	1550-AA32
3400	12 CFR 574 Agency Disapproval of Directors and Senior Executive Officers	1550-AA36

Office of Thrift Supervision—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3401	12 CFR 567 Marginal Capital Calculation	1550-AA12
3402	12 CFR 568 Minimum Security Devices	1550-AA25
3403	12 CFR 563 Transactions With Affiliates and Subsidiaries	1550-AA26
3404	12 CFR 563e Community Reinvestment Act	1550-AA28
3405	12 CFR 563 Qualified Thrift Lender Test	1550-AA33
3406	12 CFR 508 Uniform Rules of Practice and Procedure	1550-AA35

DEPARTMENT OF THE TREASURY (TREAS)

Office of Thrift Supervision (OTS)

Proposed Rule Stage

3391. REQUIRED CAPITAL LEVELS FOR SAVINGS ASSOCIATIONS; REGULATORY INTERVENTION

Significance: Agency Priority

Legal Authority: 12 USC 1464

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract: The OTS is addressing whether to amend the minimum regulatory capital regulations for savings associations to add specific language defining a particular level of capital as an "unsafe and unsound condition to transact business including having substantially insufficient capital" for the purpose of activating the OTS's statutory authority to appoint a conservator or receiver. The advance notice of proposed rulemaking set the floor capital requirements at a level of 1.5 percent of total assets, to be held in the form of core equity capital. The OTS is currently developing a notice of proposed rulemaking in this area which would also define "insolvency".

Timetable:

Action	Date	FR Cite
ANPRM	01/10/89	54 FR 826
ANPRM Comment Period End	02/09/89	54 FR 826

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA75

Agency Contact: Deborah Dakin, Assistant Chief Counsel, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6445

RIN: 1550–AA02

3392. ● APPLICATIONS RESTRUCTURING

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1465; 12 USC 1467a; 12 USC 1468; 12 USC 1701j; 12 USC 1817; 12 USC 1828; 12 USC 2901; 12 USC 3201; 15 USC 78c; ...

CFR Citation: 12 CFR 500; 12 CFR 516; 12 CFR 543; 12 CFR 544; 12 CFR 545; 12 CFR 546; 12 CFR 552; 12 CFR 556; 12 CFR 563; 12 CFR 563b; 12 CFR 563f; 12 CFR 566; 12 CFR 571; 12 CFR 574; 12 CFR 584

Legal Deadline: None

Abstract: The OTS has proposed a comprehensive regulation to fundamentally alter the function of applications and their processing within the framework of OTS's role in the thrift industry.

The rule would (i) streamline existing applications and notice requirements for a number of transactions and activities; (ii) establish standard and expedited application and notice processes that would improve the ability of institutions with satisfactory MACRO, Community Reinvestment Act and Compliance ratings to engage in certain new activities while discouraging applications to engage in new activities by those with lower ratings, unless the proposed activity would clearly improve their condition and performance; and (iii) substitute the application requirements for some activities with a notice requirement.

TREAS—OTS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/26/91	56 FR 41972
NPRM Comment Period End	10/25/91	56 FR 41972

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Deborah Dakin, Assistant Chief Counsel, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, **202 906-6445**

RIN: 1550–AA37

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Final Rule Stage

3393. REGULATORY CAPITAL REQUIREMENTS FOR SAVINGS ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 15 USC 78c; 42 USC 4106

CFR Citation: 12 CFR 545; 12 CFR 561; 12 CFR 563; 12 CFR 563c; 12 CFR 567; 12 CFR 571

Legal Deadline: None

Abstract: The OTS has adopted an interim rule amending its regulations concerning minimum capital requirements for all savings associations as required by FIRREA. One purpose of the rule is to ensure that savings associations engaging in higher risk activities are adequately capitalized. The rule includes requirements for minimum levels of tangible, core, and total capital.

In connection with this rule, the Bank Board as predecessor to the OTS proposed a description of methodologies to be used in calculating the interest rate risk component of the rule in the form of an advance supplemental notice of proposed rulemaking. The OTS has also formulated a notice of proposed rulemaking in this area.

In addition, the OTS has adopted a proposal which would clarify and remove obsolete or incorrect references in its interim final rule concerning minimum capital requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51800
Advance Supplemental NPRM Interest Rate Risk	07/03/89	54 FR 27885
NPRM Comment Period End	09/22/89	54 FR 37944
Interim Final Rule	11/08/89	54 FR 46845
NPRM Interest Rate Risk	12/31/90	55 FR 53529
NPRM Miscellaneous Capital and Capital-Related Amendments	04/16/91	56 FR 15303

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA73

Agency Contact: Deborah Dakin, Assistant Chief Counsel, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, **202 906-6445**

RIN: 1550–AA01

3394. MUTUAL HOLDING COMPANIES

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106; 5 USC 552; 5 USC 559

CFR Citation: 12 CFR 563; 12 CFR 571; 12 CFR 575

Legal Deadline: None

Abstract: The OTS has adopted a notice of proposed rulemaking which would implement the mutual holding company provisions of the Savings and Loan Holding Company Act, 12 U.S.C. 1467(o). The rule would establish procedures for obtaining regulatory approval for the formation of mutual holding companies and for the issuance of minority stock of savings association subsidiaries of mutual holding companies.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/88	53 FR 41343
ANPRM Comment Period End	12/05/88	53 FR 44436
NPRM	01/11/91	56 FR 1126
NPRM Comment Period End	03/12/91	56 FR 1126

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA77

Agency Contact: Leonard Essig, Staff Attorney, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 **906-6476**

RIN: 1550–AA03

3395. BONDS FOR DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS; FORM AND AMOUNT OF BONDS

Significance: Agency Priority

Legal Authority: 12 USC 1462 et seq; 12 USC 3806

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The Bank Board, as predecessor to the OTS, adopted amendments to 12 CFR 563.19 which modified the schedule for calculating the permissible deductible for fidelity bonds and sought comment on whether additional, more substantive revisions to the fidelity bond regulations for all savings associations are necessary.

The OTS has since adopted a notice of proposed rulemaking which would substitute required coverage under Standard Form No. 22 with coverage under Standard Form No. 24. The proposal is intended to address the disparity between such requirements

for savings associations and those for commercial banks.

Timetable:

Action	Date	FR Cite
ANPRM	06/13/89	54 FR 25127
ANPRM Comment Period End	07/13/89	54 FR 25127
NPRM	09/25/90	55 FR 39168
NPRM Comment Period End	10/25/90	55 FR 39168

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA92

Agency Contact: **Karen Solomon,** Deputy Chief Counsel for Regulations, Legislation and Opinions, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, **202 906-7240**

RIN: 1550–AA05

3396. SALES OF SECURITIES AT SAVINGS ASSOCIATION OFFICES

Significance: Agency Priority

Legal Authority: 12 USC 1462a; 12 USC 1463; 12 USC 1464; 15 USC 78c(b); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78p; 15 USC 78w

CFR Citation: 12 CFR 563g

Legal Deadline: None

Abstract: The OTS has issued a notice of proposed rulemaking concerning the sale of securities at the offices of a savings association. The proposal would prohibit the sale of any debt securities of a savings association or its affiliates on the premises of the savings association which are generally accessible to the public for the purpose of accepting deposits. Sales of equity securities would be subject to the same conditions as are present in the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	05/03/90	55 FR 18610
NPRM Comment Period End	06/04/90	55 FR 18610

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Paul D. Glenn,** Assistant Chief Counsel, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, **202 906-6203**

RIN: 1550–AA09

3397. EXCERPTS FROM THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE APPLICABLE TO FEDERALLY RELATED TRANSACTIONS

Significance: Agency Priority

Legal Authority: 12 USC 3301 et seq; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1828

CFR Citation: 12 CFR 564

Legal Deadline: None

Abstract: The OTS has adopted an interim common rule which amends its existing appraisal regulations as well as those of the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Resolution Trust Corporation by adding an appendix consisting of the applicable provisions excerpted from the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation's Appraisal Standards Board.

Title XI of FIRREA requires that these agencies adopt regulations regarding appraisals to be used in connection with certain real estate related financial transactions entered into by them. At a minimum, appraisals used in connection with these transactions must be performed in accordance with the standards of the Appraisal Standards Board of the Appraisal Foundation. This appendix is also being adopted pursuant to this statutory requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/90	55 FR 53610

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Diana Garmus,** Deputy Assistant Director for Corporate Activities, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, **202 906-6273**

RIN: 1550–AA30

3398. ACCOUNTING AND REPORTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1828; 12 USC 3806; 12 USC 78c; 42 USC 4106

CFR Citation: 12 CFR 545; 12 CFR 562; 12 CFR 563; 12 CFR 563c; 12 CFR 571

Legal Deadline: None

Abstract: The OTS has adopted a notice of proposed rulemaking which would require all savings associations to use accounting standards that are prescribed by OTS for purposes of determining regulatory compliance and reporting. The standards prescribed by OTS can be no less stringent than those of the Office of the Comptroller of the Currency.

Timetable:

Action	Date	FR Cite
NPRM	03/29/91	56 FR 13085
NPRM Comment Period End	04/29/91	56 FR 13085

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Arthur Lindo,** Senior Accountant, Accounting Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, **202 906-5642**

RIN: 1550–AA31

3399. REGULATORY CAPITAL: LEVERAGE RATIO REQUIREMENT

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract: The OTS has adopted a notice of proposed rulemaking to amend its minimum regulatory capital regulations by revising the leverage ratio requirement to be no less stringent than the leverage ratio adopted by the Office of the Comptroller of the Currency.

This proposal was adopted pursuant to section 301 of FIRREA, which requires that the OTS promulgate capital standards that are uniformly applicable to all savings associations. 12 U.S.C. 1464(t).

The proposal establishes a 3.0% leverage ratio for savings associations in the strongest financial and managerial condition. All other savings associations would be required to maintain minimum ratios of 4.0%.

Timetable:

Action	Date	FR Cite
NPRM	04/22/91	56 FR 16283
NPRM Comment Period End	05/22/91	56 FR 16283

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lorraine Waller, Staff Attorney, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6458

RIN: 1550–AA32

3400. ● AGENCY DISAPPROVAL OF DIRECTORS AND SENIOR EXECUTIVE OFFICERS

Significance: Agency Priority

Legal Authority: 12 USC 1467a; 12 USC 1817

CFR Citation: 12 CFR 574

Legal Deadline: None

Abstract: The OTS has proposed a revision to 12 CFR Part 574 in order to implement section 914 of FIRREA. The proposal would add a section to part 574 which will require certain savings associations and savings and loan holding companies to file a notice with the OTS prior to adding or replacing a member of its board of directors, and prior to hiring, or redefining the duties of a person in a position or into another position, as senior executive officer.

The OTS has been granted the authority, pursuant to section 914 of FIRREA, to disapprove any potential board member or senior executive officer whose selection would not be in the best interest of the institution's depositors, or the public.

Timetable:

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37162
NPRM Comment Period End	09/04/91	56 FR 37162

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary Jo Johnson, Policy Analyst, Supervision, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-5739

RIN: 1550–AA36

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Completed Actions

3401. MARGINAL CAPITAL CALCULATION

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract: The OTS has taken under consideration the adoption of a proposed rule to amend its current risk-based capital standard to provide an optional method for calculation of certain mortgage related risk-weighted assets.

Based upon legislation introduced in March, 1991 by Congress which would impact the approach to be taken in formulating this rule, the OTS has determined that promulgation should be delayed until the results of the legislation are known. Therefore, this item will be removed from OTS's agenda and will be reinstated at a later date.

Timetable:

Action	Date	FR Cite
Project assigned inactive status - postponed pending enactment of legislation impacting rule	08/23/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Deborah Dakin, Assistant Chief Counsel, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6445

RIN: 1550–AA12

3402. MINIMUM SECURITY DEVICES

Significance: Agency Priority

Legal Authority: 12 USC 1881 to 1884

CFR Citation: 12 CFR 568

Legal Deadline: None

Abstract: The OTS has adopted revisions to its regulations concerning minimum security devices and procedures in light of changes in the technology of security devices and to implement changes made by FIRREA. The revisions incorporate amendments to the Bank Protection Act of 1968 made by FIRREA and give savings associations the flexibility to avoid the technical obsolescence that occurred under the existing regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/20/90	55 FR 10247
NPRM Comment Period End	05/21/90	55 FR 10247
Final Action	06/28/91	56 FR 29565
Final Action Effective	07/29/91	56 FR 29565

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry A. Clark, Senior Trust Specialist, Compliance Programs, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-5628

RIN: 1550–AA25

3403. TRANSACTIONS WITH AFFILIATES AND SUBSIDIARIES

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The OTS has amended its regulations relating to transactions between savings associations and/or their subsidiaries and affiliates to clarify the applicability to thrifts of the limitations and prohibitions specified in sections 23A and 23B of the Federal Reserve Act, clarify the additional limitations imposed upon savings association transactions with affiliates pursuant to section 11 of the Home Owners' Loan Act, and implement other restrictions in connection with the application of sections 23A and 23B to transactions between savings associations and/or their subsidiaries and their affiliates, pursuant to section 11(a)(4) of the Home Owners' Loan Act.

Timetable:

Action	Date	FR Cite
NPRM	03/27/90	55 FR 11311
NPRM Comment Period End	05/29/90	55 FR 11311
Final Action	07/25/91	56 FR 34005
Final Action Effective	08/26/91	56 FR 34005

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Aline Henderson, Assistant Chief Counsel, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7308

RIN: 1550–AA26

3404. COMMUNITY REINVESTMENT ACT

Significance: Agency Priority

Legal Authority: 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 2901 et seq

CFR Citation: 12 CFR 563e

Legal Deadline: Other, Statutory, July 1, 1990.
Statute mandates that disclosures permitted under the regulation be made beginning July 1, 1990, making it necessary to have the regulation in place by that date.

Abstract: The OTS has adopted a final rule to implement changes to the Community Reinvestment Act ("CRA") contained in title XII of FIRREA. The rule sets forth procedures applicable to savings associations in order to regulate public access to the associations' CRA Performance Evaluations and CRA ratings assigned by the OTS during examinations.

Timetable:

Action	Date	FR Cite
Temporary Rule	06/28/90	55 FR 26624
Final Action	06/12/91	56 FR 26904
Final Action Effective	07/12/91	56 FR 26904

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jerauld C. Kluckman, Director, Compliance Programs, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-5625

RIN: 1550–AA28

3405. ● QUALIFIED THRIFT LENDER TEST

Significance: Regulatory Program

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 563; 12 CFR 584

Legal Deadline: None

Abstract: The OTS has adopted a final rule revising its qualified thrift lender regulations ("QTL") in order to implement changes made by section 303 of FIRREA. The new QTL test requires savings associations to maintain 70% of their portfolio assets in certain housing-related investments in order to retain QTL status.

In addition, it would implement new statutory provisions regarding the computation period to be used in making the QTL calculations, the accounting principles to be used, and the requalification procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/26/91	56 FR 19318
NPRM Comment Period End	05/28/91	56 FR 19318
Final Action	07/09/91	56 FR 31061
Final Action Effective	07/09/91	56 FR 31061

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ben Dixon, Program Analyst, Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-5746

RIN: 1550–AA33

3406. ● UNIFORM RULES OF PRACTICE AND PROCEDURE

Significance: Agency Priority

Legal Authority: 5 USC 556; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467; 12 USC 1467a; 12 USC 1813; 12 USC 1818; 15 USC 781

CFR Citation: 12 CFR 508; 12 CFR 509; 12 CFR 512; 12 CFR 513

Legal Deadline: Final, Statutory, August 9, 1991.

Abstract: The OTS has adopted a final rule setting forth uniform rules and procedures for administrative hearings. The rulemaking sets forth the rules of practice and procedure for those formal enforcement actions that are required by statute to be determined on the record after an opportunity for an administrative hearing and, in general, replaces the procedures governing formal adjudications set forth at 12 CFR Part 509.

This rulemaking was required pursuant to section 916 of FIRREA.

Timetable:

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27790
NPRM Comment Period End	07/17/91	56 FR 27790
Final Action	08/12/91	56 FR 38302
Final Action Effective	08/12/91	56 FR 38302

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dawn Causey, Attorney, Enforcement, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7157

RIN: 1550–AA35

[FR Doc. 91-21603 Filed 10-18-91; 8:45 am]
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Federal Register

Monday
October 21, 1991

Part XVI

Department of Veterans Affairs

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Department of Veterans Affairs.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs will have under review, development, or revision during the 12-month period from October 1991 to October 1992. The purpose in publishing the Department's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual Department contact listed for each regulation or by writing to: Director, Records Management Service (723), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Cliff Slay, (202) 233-4251.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register**, in April and October of each year, an agenda of regulations under development and review.

The Department of Veterans Affairs has no regulations considered major under the terms of Executive Order 12291; however, all of this Department's proposed rules and current rules under review, except those considered to be internal Department policy management or routine regulations, have been listed in accordance with section 5(a) of the Executive order.

This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) of the Regulatory Flexibility Act.

This agenda has been prepared in accordance with OMB Memorandum dated June 11, 1991.

Dated: August 21, 1991.
By direction of the Secretary.

Robert J. Woods,

Deputy Assistant Secretary for Information Resources Management.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3407	Reporting Health Care Professionals to Licensing and Monitoring Entities	2900-AE27
3408	Confidentiality of Health Care Quality Reviews	2900-AE39
3409	Aid to States for Care of Veterans in State Homes	2900-AE87
3410	Schedule for Rating Disabilities—The Cardiovascular System	2900-AE40
3411	Schedule for Rating Disabilities—The Skin	2900-AF00
3412	Schedule for Rating Disabilities—Mental Disorders	2900-AF01
3413	Schedule for Rating Disabilities—The Hemic and Lymphatic System	2900-AF02
3414	Schedule for Rating Disabilities—Impairments of the Eye, Ear, and Other Sense Organs	2900-AF22
3415	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders	2900-AF23
3416	Schedule for Rating Disabilities—Digestive System	2900-AF24
3417	Schedule for Rating Disabilities; Dental and Oral Conditions	2900-AF41
3418	Authorize the Department of Veterans Affairs to Restrict its Employees from Testifying in Private Litigation	2900-AE76
3419	Revocation of Delegation to Issue Subpoenas Pursuant to 38 USC 3311 and Specify Permissible Methods of Service	2900-AE77
3420	Standards for Program Evaluation	2900-AE30

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3421	Disposition of Veteran's Personal Funds and Effects on Facility upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Facility	2900-AB61
3422	Confidentiality of Certain Medical Records	2900-AE28
3423	CHAMPVA	2900-AE64
3424	Issuance of Prosthetic Devices on an Outpatient Basis	2900-AE86
3425	Employee Fiduciaries	2900-AB50
3426	1. Veterans Services Officer (VSO) to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
3427	1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian	2900-AB76
3428	Compliance with Civil Rights Provisions	2900-AC72
3429	Loans to Purchase Manufactured Homes	2900-AC85
3430	Qualification Requirements for Department of Veterans Affairs Fee Appraisers	2900-AD32
3431	Full Disclosure of Beneficiary's Income and Assets	2900-AD35
3432	Reservists Education; Veterans' Benefits and Services Act of 1988 and the Montgomery GI Bill	2900-AD68

VA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3433	Schedule for Rating Disabilities; Genitourinary System Disabilities	2900-AE11
3434	Schedule for Rating Disabilities—The Endocrine System	2900-AE41
3435	Reservists Education; PL 101-237 and the Montgomery GI Bill—Selected Reserve	2900-AE43
3436	Veterans Education; PL 101-237 and the Montgomery GI Bill—Active Duty	2900-AE44
3437	Veterans Education; PL 101-237 and Noncontributory Education Programs	2900-AE46
3438	Reservists Education; Procedural Due Process, Montgomery GI Bill —Selected Reserve	2900-AE49
3439	Indemnification of Default	2900-AE59
3440	Acceptance of Partial Payments	2900-AE60
3441	Schedule for Rating Disabilities—The Gynecological System	2900-AE72
3442	Dependents Education; Timely Submission of Descriptions of Mitigating Circumstances	2900-AE81
3443	Veterans Education; Timely Submission of Descriptions of Mitigating Circumstances	2900-AE82
3444	Reservists Education; Timely Submission of Descriptions of Mitigating Circumstances	2900-AE83
3445	Veterans Education; Nonduplication of Benefits	2900-AE84
3446	Election of Subsistence Allowance at the Chapter 34 Rate	2900-AE85
3447	Schedule for Rating Disabilities—the Muscular System	2900-AE89
3448	Schedule for Rating Disabilities—The Orthopedic System	2900-AE91
3449	Schedule for Rating Disabilities—the Respiratory System	2900-AE94
3450	Schedule for Rating Disabilities—Systemic Conditions	2900-AE95
3451	Line of Duty	2900-AF03
3452	Reservists' Education; Change of Program of Education	2900-AF10
3453	Benefits for Certain Officers and Former Officers	2900-AF11
3454	Veterans' Education; Changing Programs of Education	2900-AF12
3455	Dependents' Education; Verification of Pursuit	2900-AF13
3456	Disenrollment from the Post-Vietnam Era Veterans' Educational Assistance Program Pursuant to the Department of Veterans Affairs Nurse Pay Act of 1990	2900-AF14
3457	Veterans' Education; Verification of Pursuit and VEAP	2900-AF15
3458	Premium Discount Rates	2900-AF17
3459	Disability Evaluations for HIV-Related Illnesses	2900-AF26
3460	Persian Gulf War Veterans' Benefits Act of 1991	2900-AF28
3461	Reduction of Debt Through the Performance of Work-Study Services	2900-AF29
3462	Veterans Benefits; Eligibility for the Montgomery GI Bill - Active Duty	2900-AF30
3463	Reservists Education; The Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 and the Montgomery GI Bill - Selected Reserve	2900-AF33
3464	Veterans Education; Implementation of Legislation Affecting the Post-Vietnam Era Veterans' Educational Assistance Program	2900-AF34
3465	Veterans Education; Increase in Rates Payable in the Educational Test Program	2900-AF36
3466	Reservists Education; Nonduplication of Benefits	2900-AF37
3467	Veterans Education; Duplication of Benefits	2900-AF38
3468	Loan Guaranty; Credit Underwriting Standards and Procedures for processing VA Guaranteed Loans	2900-AF39
3469	Limited Denial of Participation in the Loan Guaranty Program	2900-AF40
3470	Diseases Associated with Service in the Republic of Vietnam	2900-AF44
3471	Claims Based on Exposure to Ionizing Radiation and Herbicides Containing Dioxin	2900-AF45
3472	Claims Based on Chronic Effects of Exposure to Mustard Gas	2900-AF46
3473	Claims Based on Exposure to Herbicides Containing Dioxin	2900-AF47
3474	Implementing Statutory Changes	2900-AF48
3475	Updating Rehabilitation Criteria	2900-AF49
3476	Veterans Education; Implementation of Legislation Affecting the Montgomery GI Bill - Active Duty	2900-AF51
3477	Veterans Education; Election to Receive Benefits Under the Montgomery GI Bill - Active Duty	2900-AF52
3478	Department of Veterans Affairs Acquisition Regulation—Service Contracting	2900-AC86
3479	Acquisition Regulation: Sealed Bidding	2900-AE17
3480	Appeals Regulations; Rules of Practice	2900-AE78
3481	Appeals Regulations; Rules of Practice	2900-AF54
3482	Group Memorial Monuments	2900-AE13
3483	Committees on Waivers and Compromises	2900-AE61
3484	Standards for Collection, Compromise, Suspension, and Termination of Collection Effort	2900-AF18
3485	Recognition of Organizations	2900-AF50

VA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3486	Transportation of Claimants and Beneficiaries	2900-AC70
3487	1. Apportionment of Benefits to Dependents; 2. Payment of Cost of Veteran's Maintenance in Institution; 3. Recommendation for Payment	2900-AC10
3488	Reservists Education; The Veterans Benefits and Programs Improvement Act and Montgomery GI Bill	2900-AD89
3489	Exclusions from Income	2900-AD97
3490	Claims Based on Exposure to Herbicides Containing Dioxin (Soft-Tissue Sarcomas)	2900-AE09
3491	Loan Guaranty: Servicing Requirements for VA Guaranteed Loans	2900-AE19
3492	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA	2900-AE20
3493	Finality of Decisions	2900-AE42
3494	Veterans Education; PL 101-237 and VEAP	2900-AE45
3495	Loan Guaranty: Lender Participation Fees	2900-AE58
3496	Reduction Because of Hospitalization	2900-AE92
3497	Claims Based on Exposure to Herbicides Containing Dioxin (PCT/Chloracne)	2900-AE98
3498	Headstone Allowance; Temporary Program of Vocational Training	2900-AE99
3499	Renouncement of Benefits	2900-AF05
3500	Mandatory Disclosure of Social Security Numbers	2900-AF06
3501	Limitation on Compensation Benefits for Certain Incompetent Veterans	2900-AF07
3502	Total Disability Ratings for Pension Based on Unemployability and Age of the Individual	2900-AF08
3503	Exclusions From Income	2900-AF25
3504	Disability for Death From Hospitalization, Medical or Surgical Treatment	2900-AF27
3505	Implementation of the Persian Gulf War Veterans' Benefits Act of 1991 and the Montgomery GI Bill - Active Duty	2900-AF32
3506	Active Military Service Certified Under Section 401 of Pub. L. 95.202	2900-AF42
3507	Active Military Service Certified as Such Under Section 401 of Pub. L. 95-202	2900-AF43
3508	Increased Coverage for Servicemen's and Veteran's Group Life Insurance	2900-AF53
3509	Acquisition Regulation: Construction Contracting Procedures	2900-AC87
3510	Acquisition Regulation: Contractor Qualifications	2900-AE16
3511	Appeals Regulations: Rules of Practice	2900-AE02
3512	Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities	2900-AB51
3513	Operation of Child Care Centers at VA Facilities	2900-AD48
3514	Release of VA Lists of Names and Addresses and Penalty Procedures for Unauthorized Use	2900-AC63
3515	Predisclosure of Confidential Commercial Information	2900-AD09
3516	New Restrictions on Lobbying	2900-AE74

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3517	Grants to States for Construction or Acquisition of State Home Facilities	2900-AD16
3518	Federal Policy for the Protection of Human Subjects	2900-AE29
3519	Loan Guaranty: Approval and Withdrawal of Automatic Processing Privileges	2900-AD33
3520	Allowable Fees and Charges for Department of Veterans Affairs Guaranteed Loans	2900-AD34
3521	Veterans Education; The Veterans Benefits and Programs Improvement Act and Montgomery GI Bill	2900-AD83
3522	Veterans Education; Procedural Due Process, Educational Assistance Test Program	2900-AE51
3523	Statutory Changes Affecting the Vocational Rehabilitation Program	2900-AE56
3524	Vocational Training Programs for Certain Pensioners	2900-AE57
3525	Settlement Interest	2900-AE79
3526	Veterans Education; Increase in Rates Payable in the Educational Assistance Test Program (EATP)	2900-AE80
3527	Death Pension Eligibility—Wartime Service	2900-AF04
3528	Omnibus Budget Reconciliation Act of 1990: To Implement Provisions of Pub. L. 101-508	2900-AF09
3529	Basic Entitlement	2900-AF16
3530	Accrued Benefits	2900-AF20
3531	VA Acquisition Regulation: Expansion of Procurement Preference Program	2900-AE90
3532	Delegations of Authority	2900-AF19
3533	Disclosure of Claimant Records in Connection With Judicial Proceedings Generally	2900-AE73
3534	Delegation of Authority to Inspector General	2900-AF21

DEPARTMENT OF VETERANS AFFAIRS (VA)

Prerule Stage

VETERANS HEALTH ADMINISTRATION

3407. REPORTING HEALTH CARE PROFESSIONALS TO LICENSING AND MONITORING ENTITIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: This regulation will specify the requirements for reporting licensed health care professionals to licensing and monitoring entities. It will also state the criteria to be used in determining who should be reported to licensing and monitoring entities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan J. Brennan, Professional Affairs Staff Director (10A2), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7327

RIN: 2900–AE27

3408. CONFIDENTIALITY OF HEALTH CARE QUALITY REVIEWS

Legal Authority: 38 USC 3305; 38 USC 4151

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: 38 USC 3305 prohibits VA from designating any Quality Assurance (QA) program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. Those regulations, as amended, govern VA's QA program activities, records and documents which are made confidential and privileged. VA is proposing to update and reorganize the regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Agency Contact: Ron Goldman, Acting Chief, Systems Review Staff (15A), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7330

RIN: 2900–AE39

3409. AID TO STATES FOR CARE OF VETERANS IN STATE HOMES

Legal Authority: 38 USC 641; 38 USC 642; 38 USC 643

CFR Citation: 38 CFR 17.165; 38 CFR 17.166; 38 CFR 17.167

Legal Deadline: None

Abstract: Several laws have been enacted since the last revision and update of the regulations governing the State Home Per Diem Program. Among them is Public Law 100-322 which provided the Secretary, Department of Veterans Affairs, to evaluate per diem rates annually and increase as appropriate; the rates may not exceed the percentage increase in VA general hospitals. Numerous other changes and updates are needed to assist the States in recognition of State homes, various options for operating State homes such as contracting or leasing and clarification of States' responsibilities for providing financial support for the operation, opening of beds, after completing construction in which VA provided up to 65 percent of the cost. Timeframes for opening beds and clarification of assurance of financial support needs to be documented. Current regulations will be updated and revised to accomplish these purposes.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/92	
NPRM	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: L. Nan Stout, Chief, State Home Per Diem Program, Ofc of Geriatrics and Extended Care (145B), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7173

RIN: 2900–AE87

VETERANS BENEFITS ADMINISTRATION

3410. SCHEDULE FOR RATING DISABILITIES—THE CARDIOVASCULAR SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.104

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the cardiovascular system.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/90	55 FR 6658
ANPRM Comment Period End	04/27/90	55 FR 6658

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE40

3411. SCHEDULE FOR RATING DISABILITIES—THE SKIN

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.118

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate skin conditions.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20171
ANPRM Comment Period End	07/01/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B),

Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF00

3412. SCHEDULE FOR RATING DISABILITIES—MENTAL DISORDERS

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.125; 38 CFR 4.126; 38 CFR 4.127; 38 CFR 4.128; 38 CFR 4.129; 38 CFR 4.130; 38 CFR 4.131; 38 CFR 4.132

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate mental disorders.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20170
ANPRM Comment Period End	07/01/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF01

3413. SCHEDULE FOR RATING DISABILITIES—THE HEMIC AND LYMPHATIC SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.117

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the hemic and lymphatic systems.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20168
ANPRM Comment Period End	07/01/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF02

3414. ● SCHEDULE FOR RATING DISABILITIES—IMPAIRMENTS OF THE EYE, EAR, AND OTHER SENSE ORGANS

Legal Authority: 38 USC 335

CFR Citation: 38 CFR 4.75; 38 CFR 4.76; 38 CFR 4.77; 38 CFR 4.78; 38 CFR 4.79; 38 CFR 4.80; 38 CFR 4.83; 38 CFR 4.84; 38 CFR 4.85; 38 CFR 4.86; 38 CFR 4.87

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate impairments of the eye, ear, and other sense organs.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20170
ANPRM Comment Period End	07/01/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, (211B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF22

3415. ● SCHEDULE FOR RATING DISABILITIES—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.120; 38 CFR 4.121; 38 CFR 4.122; 38 CFR 4.123; 38 CFR 4.124; 38 CFR 4.124a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the neurological system.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20169
ANPRM Comment Period End	07/01/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, (211B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF23

3416. ● SCHEDULE FOR RATING DISABILITIES—DIGESTIVE SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.114

Legal Deadline: None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the digestive system.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20168
ANPRM Comment Period End	07/01/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, (211B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF24

3417. ● SCHEDULE FOR RATING DISABILITIES; DENTAL AND ORAL CONDITIONS

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.150

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical

criteria used to evaluate dental and oral conditions.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF41

OFFICE OF THE GENERAL COUNSEL

3418. AUTHORIZE THE DEPARTMENT OF VETERANS AFFAIRS TO RESTRICT ITS EMPLOYEES FROM TESTIFYING IN PRIVATE LITIGATION

Legal Authority: 5 USC 301; 38 USC 210(c)(1)

CFR Citation: 38 CFR 14.508,(New)

Legal Deadline: None

Abstract: Agencies are authorized to restrict the testimony of their employees in private litigation. The Department of Veterans Affairs also needs to conserve Government resources in the same manner as other agencies which have regulations to restrict their employees from testifying in private litigation. This regulation would provide for this authority and would further the Department's mission of assisting all veterans by conserving personnel resources for official duties and controlling utilization of Government personnel for testimony in purely private controversies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Audley Hendricks/Neal Lawson, Assistant General Counsel (023)/(024), Department of Veterans Affairs, Office of the General Counsel, 810 Vermont Avenue, NW., Washington, DC 20420, 202 523-3523

RIN: 2900–AE76

3419. REVOCATION OF DELEGATION TO ISSUE SUBPOENAS PURSUANT TO 38 USC 3311 AND SPECIFY PERMISSIBLE METHODS OF SERVICE

Legal Authority: 38 USC 210(c)(1)

CFR Citation: 38 CFR 2.1

Legal Deadline: None

Abstract: Cases have held that the head of an agency may not lawfully delegate to, or expand the authority to subpoena documents of, the Offices of Inspector General established under the Inspector General Act. (The VA Inspector General was established under that Act.) Thus, the delegation of subpoena authority under 38 CFR 2.1 does not comport with law and should be changed. Current regulations do not specify the method of service. This amendment would rescind this delegation and incorporate into 38 CFR 2.1 information on methods of service of administrative subpoenas, as other agencies do on exercising subpoena power. It would provide needed guidance to VA officials and the public on proper service of subpoenas.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Audley Hendricks / Neal Lawson, Assistant General Counsels (023) / (024), Department of Veterans Affairs, Office of the General Counsel, 810 Vermont Avenue, NW., Washington, DC 20420, 202 523-3523

RIN: 2900–AE77

PROGRAM COORDINATION AND EVALUATION

3420. STANDARDS FOR PROGRAM EVALUATION

Legal Authority: 38 USC 210(c); 38 USC 219

CFR Citation: 38 CFR 1.15

Legal Deadline: None

Abstract: Due to the realignment of the program evaluation function and the reduction of resources dedicated to that function, the conduct of program evaluations will be reevaluated and alternatives explored which will better meet the needs of the VA in assessing the effectiveness of its programs. Regulations will be proposed to implement these changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sylvia Chavez Long, Deputy Assistant Secretary for Program Coordination and Evaluation (076), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5212

RIN: 2900–AE30

DEPARTMENT OF VETERANS AFFAIRS (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

3421. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 12.0 to 12.24

Legal Deadline: None

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a Department of Veterans Affairs facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any Department of Veterans Affairs facility or any hospital, while being furnished care or treatment therein by VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (161B2), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7374

RIN: 2900–AB61

3422. CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS

Legal Authority: 38 USC 4132

CFR Citation: 38 CFR 1.460-499

Legal Deadline: None

Abstract: These regulations address the confidentiality of VA records pertaining to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus (HIV), and sickle cell anemia treatment, rehabilitation, education, training, evaluation and research information.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (161B2), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7374

RIN: 2900–AE28

3423. CHAMPVA

Legal Authority: 38 USC 613

CFR Citation: 38 CFR 17.54 to 17.54f

Legal Deadline: None

Abstract: The Civilian Health and Medical Program of VA (CHAMPVA) provides dependents and survivors of certain veterans with a medical benefits program similar in scope to DoD's Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) through which VA would help pay for certain medical services and supplies obtained from civilian sources for persons not otherwise eligible for medical care under CHAMPUS.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul C. Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (161B2), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7374

RIN: 2900–AE64

3424. ISSUANCE OF PROSTHETIC DEVICES ON AN OUTPATIENT BASIS

Legal Authority: 38 USC 622(f)(1); 38 USC 612

CFR Citation: 38 CFR 17.48(d)(4); 38 CFR 17.115(a)

Legal Deadline: None

Abstract: The existing means test regulations require VA's Veterans Health Services and Research Administration (VHS&RA) to determine income for means test purposes in the same manner as income is determined for VA pension purposes. VHS&RA is proposing to change its income determination methodology to one that is similar to the method used for VA pension. This change would allow VHS&RA to simulate VA's Veterans Benefits Administration's (VBA's) income determination without having to hire additional staff. The change is a more liberal interpretation of the existing rules for income determination During a technical revision to the prosthetic regulations, they were inadvertently substantively changed by deleting authority to provide prosthetic appliances to certain veterans. This error will be corrected.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (161B2), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7374

RIN: 2900–AE86

VETERANS BENEFITS ADMINISTRATION

3425. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of Department of Veterans Affairs benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AB50

3426. 1. VETERANS SERVICES OFFICER (VSO) TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AB75

3427. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None

Abstract: 38 CFR 13.57 specifies types of Department of Veterans Affairs benefits that may be paid to spouse payee. The intended change broadens the class of payments to include Department of Veterans Affairs insurance. 38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AB76

3428. COMPLIANCE WITH CIVIL RIGHTS PROVISIONS

Legal Authority: 38 USC 1515

CFR Citation: 38 CFR 21.324

Legal Deadline: None

Abstract: Compliance with civil rights provisions requires that payment of benefits to veterans be terminated upon a finding that a veteran is attending a facility which has been found in noncompliance with applicable provisions of Part 18, Nondiscrimination in Federally Assisted Programs of the Department of Veterans Affairs. We propose to amend 38 CFR 21.324 to reflect this new requirement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (281), Vocational Rehabilitation Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AC72

3429. LOANS TO PURCHASE MANUFACTURED HOMES

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g); PL 101-508

CFR Citation: 38 CFR 36.4202; 38 CFR 36.4204; 38 CFR 36.4205; 38 CFR 36.4206; 38 CFR 36.4222; 38 CFR 36.4232; 38 CFR 36.4253; 38 CFR 36.4275; 38 CFR 36.4276; 38 CFR 36.4283

Legal Deadline: None

Abstract: A number of regulatory changes will be proposed for the VA manufactured home loan program. VA would conform to HUD's practices on certifications, invoicing and volume rebates. Lenders would be permitted to file claims upon receipt of the VA's resale price and thereafter retain the profit or loss which results from subsequent sale of the home. Broader insurance coverage would be required to cover missing items at repossession. Actual freight costs would be allowed in the invoice, and the amounts and items which could be included in the loan would be revised. In addition, a new optional procedure would be provided to holders of manufactured home loans for filing claims under the terms of the loan guaranty.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Caden, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AC85

3430. QUALIFICATION REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS FEE APPRAISERS

Legal Authority: 38 USC 210(c); 38 USC 1831; PL 100-198

CFR Citation: 38 CFR 36.4339

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that certain standards for being designated as a fee appraiser be published in regulatory form. The standards are to include the successful completion of a written test, submission of a sample appraisal, certification of an appropriate number of years of experience as an appraiser, and submission of recommendations from other appraisers. In the past, such requirements have been published in administrative issues other than regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert C. Greaves, Assistant Director for Construction and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2691

RIN: 2900–AD32

3431. FULL DISCLOSURE OF BENEFICIARY'S INCOME AND ASSETS

Legal Authority: PL 99-576, Sec 505; 38 USC 3202(b)

CFR Citation: 38 CFR 13.58(b)(2)(iii); 38 CFR 13.59(a); 38 CFR 13.100(a)(1); 38 CFR 13.102(b); 38 CFR 13.104(a)

Legal Deadline: None

Abstract: Federally appointed fiduciaries are not required, except under very specific circumstances, to divulge non-VA income and assets belonging to the incompetent beneficiary. It is difficult to assess whether the fiduciary is using the beneficiary's VA assets appropriately unless placed in the context of total income and assets available. The purpose of these changes is to lessen the potential for fraud, waste and abuse. 38 CFR 13.58(b)(2) and 13.59(a) detail the responsibilities of legal custodians and court-appointed guardians respectively. They would be amended to require the reporting of non-VA assets. 38 CFR 13.100(a)(1) defines the authority of the Veterans Services Officer to supervise fiduciaries. The intended change would permit the Veterans Services Officer to request non-VA financial information from fiduciaries. 38 CFR 13.102(b) and 13.104(b) define the accountability of legal custodians and court-appointed guardians respectively. The intended change requires disclosure of non-VA financial information.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AD35

3432. RESERVISTS EDUCATION; VETERANS' BENEFITS AND SERVICES ACT OF 1988 AND THE MONTGOMERY GI BILL

Legal Authority: 10 USC 2136(b); 38 USC 1788

CFR Citation: 38 CFR 21.7670; 38 CFR 21.7672

Legal Deadline: None

Abstract: The Veterans Benefits and Services Act of 1988 contains a provision which changes the method of measuring laboratory sessions for the purpose of paying educational benefits. The definition of standard class session is also changed. This proposal will bring the pertinent regulation governing the Montgomery GI Bill into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD68

3433. SCHEDULE FOR RATING DISABILITIES; GENITOURINARY SYSTEM DISABILITIES

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.115; 38 CFR 4.115a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the genitourinary system.

Timetable:

Action	Date	FR Cite
ANPRM	08/21/89	54 FR 34531
ANPRM Comment Period End	10/20/89	54 FR 34531
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE11

3434. SCHEDULE FOR RATING DISABILITIES—THE ENDOCRINE SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.119

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the endocrine system.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/90	55 FR 6658
ANPRM Comment Period End	04/27/90	55 FR 6658

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Manchester, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810

Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE41

3435. RESERVISTS EDUCATION; PL 101-237 AND THE MONTGOMERY GI BILL—SELECTED RESERVE

Legal Authority: PL 101-189; PL 101-237

CFR Citation: 38 CFR 21.7520; 38 CFR 21.7540; 38 CFR 21.7576; 38 CFR 21.7612; 38 CFR 21.7620; 38 CFR 21.7622; 38 CFR 21.7624; 38 CFR 21.7631; 38 CFR 21.7635; 38 CFR 21.7636; 38 CFR 21.7639; 38 CFR 21.7640; 38 CFR 21.7642; 38 CFR 21.7645; 38 CFR 21.7653; ...

Legal Deadline: None

Abstract: The Department of Defense Authorization Act for Fiscal Years 1990 and 1991 greatly expands the types of training permitted under the Montgomery GI Bill--Selected Reserve. The Veterans Education and Employment Amendments of 1989 also add a new type of training, flight training, to this program. Furthermore, the Amendments also allow participants to receive a work-study allowance. The regulations which govern the Montgomery GI Bill--Selected Reserve must be amended to implement these new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 2900-AE47 has been merged with this RIN.

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE43

3436. VETERANS EDUCATION; PL 101-237 AND THE MONTGOMERY GI BILL—ACTIVE DUTY

Legal Authority: PL 101-237

CFR Citation: 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7050; 38 CFR 21.7076; 38 CFR 21.7120; 38 CFR 21.7135; 38 CFR 21.7139; 38 CFR 21.7140; 38 CFR 21.7142; 38 CFR 21.7145; 38 CFR 21.7153; 38 CFR 21.7154; 38 CFR 21.7156; 38 CFR 21.7172; 38 CFR 21.7220; ...

Legal Deadline: None

Abstract: The Veterans Education and Employment Amendments of 1989 contain many sections which affect the Montgomery GI Bill - Active Duty. For example, flight training is included as a permissible type of training and there are extensive revisions to the work-study program. Regulations are needed to implement these new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE44

3437. VETERANS EDUCATION; PL 101-237 AND NONCONTRIBUTORY EDUCATION PROGRAMS

Legal Authority: PL 101-237

CFR Citation: 38 CFR 21.3022; 38 CFR 21.3045; 38 CFR 21.3046; 38 CFR 21.3145; 38 CFR 21.3333; 38 CFR 21.4020; 38 CFR 21.4022; 38 CFR 21.4135; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4200; 38 CFR 21.4201; 38 CFR 21.4203; 38 CFR 21.4205; 38 CFR 21.4263; ...

Legal Deadline: None

Abstract: The Veterans Education and Employment Amendments of 1989 contain provisions that affect the noncontributory education programs VA administers. For example, the rates of Dependents' Educational Assistance are raised. There is a massive revision of the work-study program, etc. The appropriate regulations must be amended to implement this law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE46

3438. RESERVISTS EDUCATION; PROCEDURAL DUE PROCESS, MONTGOMERY GI BILL —SELECTED RESERVE

Legal Authority: 38 USC 3001; 38 USC 3013

CFR Citation: 38 CFR 21.7532

Legal Deadline: None

Abstract: VA has been reviewing regulations for the purpose of improving due process procedures. This proposal will provide that in certain instances if VA does not furnish claimants or beneficiaries under the Montgomery GI Bill - Selected Reserve with notice of the time limits within which they are required to act, those time limits do not apply until notice is provided.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE49

3439. INDEMNIFICATION OF DEFAULT

Legal Authority: 38 USC 210(c); 38 USC 1803; PL 101-237

CFR Citation: 38 CFR 36.4300

Legal Deadline: None

Abstract: These regulations will set out the requirements of Public Law 101-237, the Veterans Home Loan Indemnity and Restructuring Act of 1989, with regard to changes in establishing a veteran's liability to the Government in the event of foreclosure of a VA guaranteed loan. In the past, veterans were liable if their VA loan foreclosed. Under Public Law 101-237, liability will only be established in the event of fraud, misrepresentation or bad faith.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AE59

3440. ACCEPTANCE OF PARTIAL PAYMENTS

Legal Authority: 38 USC 210(c); 38 USC 1832; PL 101-237

CFR Citation: 38 CFR 36.4200; 38 CFR 36.4300

Legal Deadline: None

Abstract: Public Law 101-237, the Veterans Home Loan Indemnity and Restructuring Act of 1989, amended 38 USC 1832(a) to require holders of VA guaranteed loans that are in default to notify VA if they refuse a partial payment of the amount owed when submitted by the veteran borrower. Notification may include a statement as to the circumstances of the default and the reason for the holder's refusal.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AE60

3441. SCHEDULE FOR RATING DISABILITIES—THE GYNECOLOGICAL SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.116; 38 CFR 4.116(a)

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the gynecological system.

Timetable:

Action	Date	FR Cite
ANPRM	08/20/90	55 FR 33924
ANPRM Comment Period End	10/19/90	55 FR 33924
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE72

3442. DEPENDENTS EDUCATION; TIMELY SUBMISSION OF DESCRIPTIONS OF MITIGATING CIRCUMSTANCES

Legal Authority: 38 USC 1780

CFR Citation: 38 CFR 21.4137

Legal Deadline: None

Abstract: When an individual who is receiving dependents' educational assistance withdraws from a course, he or she must submit a description of the mitigating circumstances surrounding the withdrawal to VA. Recently, confusion has arisen as to how long he or she has to do this. This proposal will eliminate this confusion.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE81

3443. VETERANS EDUCATION; TIMELY SUBMISSION OF DESCRIPTIONS OF MITIGATING CIRCUMSTANCES

Legal Authority: 38 USC 1434; 38 USC 1780

CFR Citation: 38 CFR 21.7032

Legal Deadline: None

Abstract: When an individual who is receiving educational assistance under the Montgomery GI Bill-Active Duty withdraws from a course, he or she must submit to VA a description of the mitigating circumstances surrounding the withdrawal. Recently, confusion has arisen as to how long he or she has to do this. This proposal will eliminate this confusion.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE82

3444. RESERVISTS EDUCATION; TIMELY SUBMISSION OF DESCRIPTIONS OF MITIGATING CIRCUMSTANCES

Legal Authority: 10 USC 2136; 38 USC 1780

CFR Citation: 38 CFR 21.7532

Legal Deadline: None

Abstract: When an individual who is receiving educational assistance under the Montgomery GI Bill - Selected Reserve withdraws from a course, he or she must submit to VA a description of the mitigating circumstances surrounding the withdrawal. Recently, confusion has arisen as to how long he or she has to do this. This proposal will eliminate this confusion.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE83

3445. VETERANS EDUCATION; NONDUPLICATION OF BENEFITS

Legal Authority: 38 USC 1434; 38 USC 1781

CFR Citation: 38 CFR 21.7142; 38 CFR 21.4025

Legal Deadline: None

Abstract: The law prohibits the payment of educational assistance to a person who would otherwise be eligible for benefits under the Montgomery GI Bill when he or she is on active duty with the Armed Forces and the Armed Forces are paying for the courses in which he or she is enrolled. This regulation is intended to implement this provision of law. However, users of the regulation have complained that the regulation appears to contradict the law. This proposal will eliminate this unintended appearance. In addition, some minor amendments to the wording of a similar prohibition concerning Dependents' Educational Assistance and the Government Employees' Training Act will also be included.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE84

3446. ELECTION OF SUBSISTENCE ALLOWANCE AT THE CHAPTER 34 RATE

Legal Authority: 38 USC 1661(e)

CFR Citation: 38 CFR 21.21; 38 CFR 21.22; 38 CFR 21.78; 38 CFR 21.148; 38 CFR 21.254; 38 CFR 21.256; 38 CFR 21.260; 38 CFR 21.264; 38 CFR 21.268; 38 CFR 21.272; 38 CFR 21.276; 38 CFR 21.320; 38 CFR 21.330; 38 CFR 21.334; 38 CFR 21.340; ...

Legal Deadline: None

Abstract: This proposed change would eliminate provisions under which a service-disabled veteran in the vocational rehabilitation program could elect payment of subsistence allowance at the chapter 34 educational assistance rate. VA may not pay an allowance at the chapter 34 educational assistance rate for training taken after December 31, 1989. VA rules implementing this provision of law also bars the election of subsistence allowance at the chapter 34 educational assistance rate after that date. The intended effect of this change is to update VA regulations by removing all provisions for election of subsistence allowance at the chapter 34 rate or payment at that rate.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (281), Vocational Rehabilitation Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AE85

3447. SCHEDULE FOR RATING DISABILITIES—THE MUSCULAR SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.73

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the muscular system.

Timetable:

Action	Date	FR Cite
ANPRM	11/08/90	55 FR 46950
ANPRM Comment Period End	01/07/91	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE89

3448. SCHEDULE FOR RATING DISABILITIES—THE ORTHOPEDIC SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.71

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the orthopedic system.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53315
ANPRM Comment Period End	02/26/91	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE91

3449. SCHEDULE FOR RATING DISABILITIES—THE RESPIRATORY SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.96; 38 CFR 4.97

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the respiratory system.

Timetable:

Action	Date	FR Cite
ANPRM	01/08/91	56 FR 667
ANPRM Comment Period End	03/11/91	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE94

3450. SCHEDULE FOR RATING DISABILITIES—SYSTEMIC CONDITIONS

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.88; 38 CFR 4.88a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate systemic conditions.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/91	56 FR 2884
ANPRM Comment Period End	03/26/91	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE95

3451. LINE OF DUTY

Legal Authority: 38 USC 105(a)

CFR Citation: 38 CFR 3.1; 38 CFR 3.301

Legal Deadline: None

Abstract: This amendment will preclude establishment of service connection for conditions that are secondary to the abuse of alcohol or drugs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bissett, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF03

3452. RESERVISTS' EDUCATION; CHANGE OF PROGRAM OF EDUCATION

Legal Authority: 38 USC 1791

CFR Citation: 38 CFR 21.7614

Legal Deadline: None

Abstract: The Department of Veterans Affairs Nurse Pay Act of 1990 contains a section which affects most of the educational programs VA administers. The section revises the rules for determining whether an individual can change programs of education. The regulation governing changes of programs of education for reservists receiving benefits under the Montgomery GI Bill--Selected Reserve must be changed in order to bring it into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF10

3453. BENEFITS FOR CERTAIN OFFICERS AND FORMER OFFICERS

Legal Authority: PL 101-366, Sec 207

CFR Citation: 38 CFR 21.4701; 38 CFR 21.4720; 38 CFR 21.4730; 38 CFR 21.4732; 38 CFR 21.4740; 38 CFR 21.4742; 38 CFR 21.4744; 38 CFR 21.4800; 38 CFR 21.4810; 38 CFR 21.4812; 38 CFR 21.4814; 38 CFR 21.4820; 38 CFR 21.4822; 38 CFR 21.4830; 38 CFR 21.4831; ...

Legal Deadline: None

Abstract: The Department of Veterans Affairs Nurse Pay Act of 1990 requires VA to pay a sum of money to certain military officers and former officers who were commissioned in 1977 or 1978. These regulations will acquaint the public with the way in which VA will administer these payments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF11

3454. VETERANS' EDUCATION; CHANGING PROGRAMS OF EDUCATION

Legal Authority: 38 USC 1791

CFR Citation: 38 CFR 21.4234; 38 CFR 21.7114

Legal Deadline: None

Abstract: The Department of Veterans Affairs Nurse Pay Act of 1990 contains a section which affects most of the educational programs VA administers. The section revises the rules for determining whether an individual can change programs of education. This proposal would acquaint the public with the way in which VA intends to implement this provision of law with regard to the Survivors' and Dependents' Educational Assistance program and the Montgomery GI Bill--Active Duty.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs,

Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF12

3455. DEPENDENTS' EDUCATION; VERIFICATION OF PURSUIT

Legal Authority: 38 USC 1780; 38 USC 3103

CFR Citation: 38 CFR 21.4135; 38 CFR 21.4138; 38 CFR 21.4204

Legal Deadline: None

Abstract: This proposal would require most students receiving Dependents' Educational Assistance to submit monthly verification of pursuit in order to receive educational assistance. The intent of the proposal is to prevent overpayments to these students. The proposal would also contain a change to the effective date for reductions in Dependents' Educational Assistance.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF13

3456. DISENROLLMENT FROM THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM PURSUANT TO THE DEPARTMENT OF VETERANS AFFAIRS NURSE PAY ACT OF 1990

Legal Authority: PL 101-366, Sec 207

CFR Citation: 38 CFR 21.5058; 38 CFR 21.5064

Legal Deadline: None

Abstract: The Department of Veterans Affairs Nurse Pay Act of 1990 requires VA to pay a sum of money to certain military officers and former officers who were commissioned in 1977 and 1978. The law provides that if any of these officers or former officers participated in VEAP (Post-Vietnam Era Veterans' Educational Assistance Program), they must disenroll from that program before receiving those benefits. These regulations will acquaint the public with the way in which VA will administer these disenrollments.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF14

3457. VETERANS' EDUCATION; VERIFICATION OF PURSUIT AND VEAP

Legal Authority: 38 USC 1641; 38 USC 1780

CFR Citation: 38 CFR 21.5130; 38 CFR 21.5131; 38 CFR 21.5133; 38 CFR 21.5200

Legal Deadline: None

Abstract: This proposal would require most students eligible for benefits under VEAP (Post-Vietnam Era Veterans' Educational Assistance Program) to submit a monthly verification of pursuit in order to receive educational assistance. The intent of the proposal is to prevent overpayments to these students. The proposal also would contain a change to the effective date for reductions in educational assistance under VEAP.

Timetable:

Action	Date	FR Cite
NPRM	09/10/91	56 FR 46140
NPRM Comment Period End	10/10/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF15

3458. PREMIUM DISCOUNT RATES

Legal Authority: 38 USC 729

CFR Citation: 38 CFR 8.5

Legal Deadline: None

Abstract: Pub. L. 100-687 gave the Secretary the authority to adjust premium discount rates for premiums paid in advance on National Service Life Insurance, Veterans' Life Insurance, and Veterans Reopened Insurance. Regulations are being amended to reflect these changes.

Timetable:

Action	Date	FR Cite
NPRM	06/05/91	56 FR 25649
NPRM Comment Period End	07/05/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Senior Insurance Specialist/Attorney (290A), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5710

RIN: 2900–AF17

3459. ● DISABILITY EVALUATIONS FOR HIV-RELATED ILLNESSES

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.88a

Legal Deadline: None

Abstract: This change will amend criteria for evaluation of disabilities caused by the human immunodeficiency virus (HIV).

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF26

3460. ● PERSIAN GULF WAR VETERANS' BENEFITS ACT OF 1991

Legal Authority: 38 USC 101; 38 USC 501; 38 USC 541; 38 USC 541(f)

CFR Citation: 38 CFR 3.2; 38 CFR 3.3(a)(3); 38 CFR 3.17; 38 CFR 3.54(a)(3)

Legal Deadline: None

Abstract: These regulations will allow entitlement to nonservice-connected pension benefits for Veterans of the Persian Gulf War.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Bissett, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF28

3461. ● REDUCTION OF DEBT THROUGH THE PERFORMANCE OF WORK-STUDY SERVICES

Legal Authority: PL 102-16

CFR Citation: 38 CFR 1.912b

Legal Deadline: None

Abstract: There is a section of PL 102-16 which is designed to eliminate some VA debts. The Secretary of Veterans Affairs is given the authority to enter into an agreement with an individual who has incurred an overpayment of VA educational or rehabilitation benefits. Pursuant to the agreement the individual may reduce the resulting debt through performance of work-study services. The law gives VA considerable latitude in administering this program. The regulation will state the way in which VA will implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF29

3462. ● VETERANS BENEFITS; ELIGIBILITY FOR THE MONTGOMERY GI BILL - ACTIVE DUTY

Legal Authority: PL 101-510

CFR Citation: 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7045; 38 CFR 21.7072; 38 CFR 21.7073; 38 CFR 21.7136

Legal Deadline: None

Abstract: PL 101-510 contains several provisions that affect eligibility for the Montgomery GI Bill - Active Duty. The law looks forward to the time when the Armed Forces will be reduced in size through reductions in force, and provides a way for those affected by the reductions to become eligible for the Montgomery GI Bill - Active Duty. The Regulations governing eligibility and entitlement for that benefit must be revised to agree with the law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF30

3463. ● RESERVISTS EDUCATION; THE PERSIAN GULF CONFLICT SUPPLEMENTAL AUTHORIZATION AND PERSONNEL BENEFITS ACT OF 1991 AND THE MONTGOMERY GI BILL - SELECTED RESERVE

Legal Authority: PL 102-25

CFR Citation: 38 CFR 21.7636

Legal Deadline: None

Abstract: The Persian Gulf War Veterans' Benefits Act of 1991 provides increases in the full-time, three-quarter-time and half-time rate of educational assistance payable to someone pursuing a program of education under the Montgomery GI Bill - Selected Reserve. These increases are effective October 1, 1991. This will implement that increase. VA is also authorized by law to set by regulation the amount of monthly educational assistance payable to someone who is pursuing a program of education at quarter time under the Montgomery GI Bill - Selected Reserve. VA will propose making a proportional increase in the quarter-time rate.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF33

3464. ● VETERANS EDUCATION; IMPLEMENTATION OF LEGISLATION AFFECTING THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

Legal Authority: PL 102-16

CFR Citation: 38 CFR 21.5060; 38 CFR 21.5072; 38 CFR 21.5100; 38 CFR 21.5138; 38 CFR 21.5250

Legal Deadline: None

Abstract: The Act to amend title 38, United States Code, with respect to veterans education and employment programs which was enacted on March 22, 1991, has several provisions which affect the Post- Vietnam Era Veterans' Educational Assistance Program (VEAP). Chief among these is the provision of vocational flight training in this program. These proposed amended regulations will acquaint the public with the way in which VA will administer these provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF34

3465. ● VETERANS EDUCATION; INCREASE IN RATES PAYABLE IN THE EDUCATIONAL TEST PROGRAM

Legal Authority: 10 USC 2143

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Legal Deadline: None

Abstract: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually based upon the average actual cost of attendance at public institutions of higher education in the twelve-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that these rates should be adjusted by 6 percent for the 1990-91 school year. The regulations dealing with these rates must be adjusted accordingly.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF36

3466. ● RESERVISTS EDUCATION; NONDUPLICATION OF BENEFITS

Legal Authority: 10 USC 2136; 38 USC 1781

CFR Citation: 38 CFR 21.7642

Legal Deadline: None

Abstract: It has been a long-standing provision of law that benefits may not be paid under the Montgomery GI Bill - Selected Reserve to a reservist who is receiving a full salary while attending a course of education or training paid for by the Government Employees' Training Act. This amended regulation will clarify that this attendance must be in lieu of normal work duties. Hence, under this proposal someone whose normal duty hours are in the day, but who is attending classes at night may receive benefits under both the Montgomery GI Bill - Selected Reserve and the Government Employees' Training Act even if he or she is receiving a full salary.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF37

3467. ● VETERANS EDUCATION; DUPLICATION OF BENEFITS

Legal Authority: 38 USC 1641; 38 USC 1781

CFR Citation: 38 CFR 21.5023

Legal Deadline: None

Abstract: It has been a long-standing provision of law that benefits may not be paid under the Post-Vietnam Era Veterans Educational Assistance Program (VEAP) to someone who is receiving a full salary while attending a course of education or training paid for by the Government Employees' Training Act. This amended regulation would clarify that this attendance must be in lieu of normal work duties. Hence, under the proposal someone whose normal duty hours are in the day, but who is attending classes at night may receive benefits under both VEAP and the Government Employee' Training Act even if he or she is receiving a full salary.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF38

3468. ● LOAN GUARANTY; CREDIT UNDERWRITING STANDARDS AND PROCEDURES FOR PROCESSING VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g); PL 99-576

CFR Citation: 38 CFR 4200 et seq; 38 CFR 4300 et seq; 38 CFR 4400 et seq

Legal Deadline: None

Abstract: The Loan Guaranty regulations are being amended to update the residual income guidelines of the credit underwriting standards, to add guidelines for underwriting cases involving foreclosures and Federally-related debts, to provide more specific time frames for determinations regarding employment, and to further clarify the use of compensating factors in underwriting VA guaranteed home loans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Caden, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AF39

3469. ● LIMITED DENIAL OF PARTICIPATION IN THE LOAN GUARANTY PROGRAM

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1804; 38 USC 1812(g)

CFR Citation: 38 CFR 44.700; 38 CFR 44.705; 38 CFR 44.710; 38 CFR 44.711; 38 CFR 44.712; 38 CFR 44.713

Legal Deadline: None

Abstract: The Loan Guaranty regulations are being amended to relocate and update provisions governing the suspension of participants from the VA guaranteed home loan program. Procedures VA field facilities follow when excluding loan guaranty participants within their jurisdiction areas from participation for periods of up to one year would be continued.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith Caden, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AF40

3470. ● DISEASES ASSOCIATED WITH SERVICE IN THE REPUBLIC OF VIETNAM

Legal Authority: 38 USC 210(c); 38 USC 316

CFR Citation: 38 CFR 3.307; 38 CFR 3.309

Legal Deadline: None

Abstract: These changes to adjudication regulations will allow service connection for certain diseases in accordance with provisions of the Agent Orange Act of 1991.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF44

3471. ● CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION AND HERBICIDES CONTAINING DIOXIN

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.311a(g); 38 CFR 3.311b(h)

Legal Deadline: None

Abstract: These amendments will clarify the provisions under which service connection may be established for injury or diseases claimed to be the result of exposure to ionizing radiation or to herbicides containing dioxin.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staf (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF45

3472. ● CLAIMS BASED ON CHRONIC EFFECTS OF EXPOSURE TO MUSTARD GAS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.316

Legal Deadline: None

Abstract: This regulation will govern the adjudication of compensation claims for disabilities or deaths resulting from the chronic effects of in-service exposure to mustard gas under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF46

3473. ● CLAIMS BASED ON EXPOSURE TO HERBICIDES CONTAINING DIOXIN

Legal Authority: PL 98-542

CFR Citation: 38 CFR 3.311a

Legal Deadline: None

Abstract: This regulation will allow service connection for peripheral neuropathy based on exposure to herbicides containing dioxin and exclude service connection for lung cancer as secondary to dioxin exposure.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don England, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF47

3474. ● IMPLEMENTING STATUTORY CHANGES

Legal Authority: PL 102-16

CFR Citation: 38 CFR 21.40; 38 CFR 21.100; 38 CFR 21.260; 38 CFR 21.4140; 38 CFR 21.4101

Legal Deadline: None

Abstract: The Department of Veterans Affairs is revising its regulations to conform to changes in the Veterans Education and Employment Programs Amendments. These amendments allow VA to provide vocational rehabilitation programs for disabled servicepersons who are inpatients or outpatients at military or nonmilitary hospitals and to pay the same rate of subsistence allowance to veterans in nonpay on-job training programs in State, local and Federal agencies. These statutory changes also broaden eligibility for counseling services to include servicepersons and veterans who are not eligible for assistance under VA educational assistance programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Counsultant (281), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF48

3475. ● UPDATING REHABILITATION CRITERIA

Legal Authority: 38 USC 1502; 38 USC 1507; 38 USC 1517

CFR Citation: 38 CFR 21.194; 38 CFR 21.196

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to revise criteria under which a veteran may be found rehabilitated. The proposed changes broaden the conditions under which who becomes employed in an occupation consistent with his or her abilities, aptitudes and interests may be declared rehabilitated when he or she has not completed all of the training prescribed by VA. The main effect of the change places greater emphasis on the achievement of suitable employment than completing all elements of the program of training and services.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Counsultant (281), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF49

3476. ● VETERANS EDUCATION; IMPLEMENTATION OF LEGISLATION AFFECTING THE MONTGOMERY GI BILL - ACTIVE DUTY

Legal Authority: PL 102-16

CFR Citation: 38 CFR 21.7042; 38 CFR 21.7044

Legal Deadline: None

Abstract: The Act to amend title 38, United States Code, with respect to veterans education and employment programs which was enacted on March 22, 1991, has several provisions which affect the Montgomery GI Bill - Active Duty. These provisions affect the criteria used to determine eligibility for the educational assistance available under the GI Bill. These amended regulations will implement these provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF51

3477. ● VETERANS EDUCATION; ELECTION TO RECEIVE BENEFITS UNDER THE MONTGOMERY GI BILL - ACTIVE DUTY

Legal Authority: PL 101-510

CFR Citation: 38 CFR 21.5058

Legal Deadline: None

Abstract: PL 101-510 contains additional ways in which an individual may become eligible for the Montgomery GI Bill - Active Duty. One of these permits certain involuntarily separated veterans who ordinarily would be eligible for benefits under the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) to elect to receive benefits under the Montgomery GI Bill - Active Duty instead. This proposal would establish that a person who makes this election may not reenroll in VEAP if he or she subsequently returns to active duty.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF52

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

3478. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SERVICE CONTRACTING

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 837

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation provides coverage regarding contracting aspects of OMB Circular A-120 consulting services and OFPP policy letter 91-2, service contracting.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sherry Patton, Procurement Analyst (95A), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5001

RIN: 2900–AC86

3479. ACQUISITION REGULATION: SEALED BIDDING

Legal Authority: 38 USC 210; 40 USC 486(c)

CFR Citation: 48 CFR 814

Legal Deadline: None

Abstract: This amendment will delete duplicative coverage from the VA Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sherry Patton, Procurement Analyst (95A), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5001

RIN: 2900–AE17

BOARD OF VETERANS APPEALS

3480. APPEALS REGULATIONS; RULES OF PRACTICE

Legal Authority: 38 USC 210; 38 USC 211(a); 38 USC 212; 38 USC 212(a); 38 USC 3403 to 3405; 38 USC 4002 to 4005; 38 USC 4009(c)

CFR Citation: 38 CFR 19.3,(Revision); 38 CFR 19.10; 38 CFR 19.15,(Revision; 38 CFR 19.39; 38 CFR 20.3; 38 CFR 20.101,(Revision); 38 CFR 20.102,(Revision); 38 CFR 20.201,(Revision); 38 CFR 20.605,(Revision); 38 CFR 20.609,(Revision); 38 CFR 20.903,(Revision); 38 CFR 20.1000; 38 CFR 20.1001; 38 CFR 20.1002; 38 CFR 20.1100,(Revision); ...

Legal Deadline: None

Abstract: The Board of Veterans Appeals will be further revising a recent restructuring of its Appeals Regulations and Rules of Practice (54 FR 34334) in order to address questions which have arisen since that restructuring was proposed. No other alternatives are available. These additional revisions will not entail any costs to the public or to the Government other than the costs normally associated with drafting, agency review, and publication.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: These proposed regulations were previously a part of RIN 2900-AE02.

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2978

RIN: 2900–AE78

3481. ● APPEALS REGULATIONS; RULES OF PRACTICE

Legal Authority: 38 USC 501(a); 38 USC 7101 to 7110

CFR Citation: 38 CFR 19; 38 CFR 20

Legal Deadline: None

Abstract: The Board of Veterans' Appeals will be revising its Appeals Regulations and Rules of Practice to refine them in light of experience and to improve the efficiency of the appellate process. No alternatives are available. These revisions will not entail any costs to the Government other than the costs normally associated with drafting, agency review, and publication. Costs to public, if any, have not yet been determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2978

RIN: 2900–AF54

NATIONAL CEMETERY SYSTEM

3482. GROUP MEMORIAL MONUMENTS

Legal Authority: 38 USC 210; 38 USC 906; 38 USC 1003

CFR Citation: 38 CFR 1.630,(Revision); 38 CFR 1.633,(New)

Legal Deadline: None

Abstract: VA provides grave monuments for veterans and eligible descendants and operates under authority of 38 U.S.C. 906 and 1000-1007. Under 38 U.S.C. 1003(b), VA may erect memorials in national cemeteries to individuals or groups of individuals whose remains have never been recovered or identified. Regulations have been published regarding provision of headstones or markers for individuals, but not for groups of individuals whose remains have not been recovered or identified. VA is proposing to provide memorial monuments for such groups when members of the group have perished in a common military event, if requested by next of kin.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M'Liz McLendon, Chief, Communications Staff, Office of Exec. Communications and Admin. (402B1), Department of Veterans Affairs, National Cemetery System, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7842

RIN: 2900–AE13

OFFICE OF FINANCIAL MANAGEMENT

3483. COMMITTEES ON WAIVERS AND COMPROMISES

Legal Authority: 38 USC 3102(c)

CFR Citation: 38 CFR 1.963; 38 CFR 1.964; 38 CFR 1.965; 38 CFR 1.969

Legal Deadline: None

Abstract: Public Law 101-237 (December 18, 1989) amended 38 USC 3102(c) by removing "material fault" and "lack of good faith" as absolute bars to waiver of collection of VA benefit debts and home loan program debts, and replacing them with "bad faith." As a result, we must revise our regulation to comply with this legislative change.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Mulhern, Debt Management Division (047F5), Department of Veterans Affairs, Office of Financial Management, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3405

RIN: 2900–AE61

3484. STANDARDS FOR COLLECTION, COMPROMISE, SUSPENSION, AND TERMINATION OF COLLECTION EFFORT

Legal Authority: 38 USC 3101(c); 38 USC 3711(a)

CFR Citation: 38 CFR 1.912a; 38 CFR 1.930; 38 CFR 1.940

Legal Deadline: None

VA

Proposed Rule Stage

Abstract: Pub. L. amended 38 USC 3101 to authorize offset from VA compensation and pension benefits payments to recover outstanding debts owed by veterans to the military services. The current 38 CFR 1.912a contains only a reference to 38 USC 3101(c) and must be amended to add further procedures. Pub. L. 101-552 amended 31 USC 3711(a) to allow all agencies to compromise, suspend, or terminate collection action on debts where the amount, exclusive of interest, administrative costs and penalties does not exceed $100,000. This is an increase from the existing $20,000 limit. Therefore, the reference to $20,000 found in both 38 CFR 1.930 and 1.940 must be changed to $100,000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Mulhern, Debt Management Division (047F5), Department of Veterans Affairs, Office of Financial Management, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3405

RIN: 2900–AF18

OFFICE OF THE GENERAL COUNSEL

3485. ● RECOGNITION OF ORGANIZATIONS

Legal Authority: 38 USC 3402

CFR Citation: 38 CFR 14.628(a)(2)

Legal Deadline: None

Abstract: This amendment would relieve service organizations of the need to petition Congress for a Federal charter in order to qualify as a "national" organization for VA recognition purposes. Also, it would result in more organizations potentially qualifying for the "national" status and thereby becoming eligible to request office space which is provided by VA to recognized national organizations on a space-available basis for claim representation activities. The only alternative is to maintain the existing chartering requirement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Thompson, Assistant General Counsel (022), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 523-3425

RIN: 2900–AF50

DEPARTMENT OF VETERANS AFFAIRS (VA)

Final Rule Stage

VETERANS HEALTH ADMINISTRATION

3486. TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.100

Legal Deadline: None

Abstract: These proposed regulations will implement Section 108 of Pub. L. 100-322 which provides that the Secretary of the Department of Veterans Affairs shall make payments for travel during the fiscal year for examination, treatment or care for which the person is eligible or in connection with vocational rehabilitation provided pursuant to Chapter 31 of Title 38, United States Code.

Timetable:

Action	Date	FR Cite
NPRM	02/01/91	56 FR 4025
NPRM Comment Period End	03/04/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul C. Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (161B2), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7374

RIN: 2900–AC70

VETERANS BENEFITS ADMINISTRATION

3487. 1. APPORTIONMENT OF BENEFITS TO DEPENDENTS 2. PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION 3. RECOMMENDATION FOR PAYMENT

Legal Authority: 38 USC 210; 38 USC 3202; 38 USC 3203; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71; 38 CFR 13.74

Legal Deadline: None

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criteria for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an institution's right to claim payments under 38 USC 641. This action is the result of an unpublished General Counsel opinion.

38 CFR 13.74 is based on the provisions of 38 USC Sec. 3203(b) (1)(A); however, where the law refers to more than one type of institutional care, the regulation refers only to instances of hospitalization. This would seem to preclude application of the regulation when veterans are in State run nursing homes or other institutions operated by the United States or a political subdivision. The Department of Veterans Affairs, therefore, proposes to correct this defect by substituting the terms "institution" and "institutionalization" where appropriate.

Timetable:

Action	Date	FR Cite
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AC10

3488. RESERVISTS EDUCATION; THE VETERANS BENEFITS AND PROGRAMS IMPROVEMENT ACT AND MONTGOMERY GI BILL

Legal Authority: 38 USC 105; 38 USC 2131 to 2133; 38 USC 2135

CFR Citation: 38 CFR 21.7520; 38 CFR 21.7540; 38 CFR 21.7550; 38 CFR 21.7551; 38 CFR 21.7635; 38 CFR 21.7636; 38 CFR 21.7639; 38 CFR 21.7670

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains several provisions which affect the Montgomery GI Bill-Selective Reserve. These include paying benefits for less than half-time training in certain instances; liberalizing the eligibility criteria; and liberalizing the provisions for extending a reservist's period of eligibility. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer most of the new provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	06/12/91	56 FR 26951
NPRM Comment Period End	07/12/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD89

3489. EXCLUSIONS FROM INCOME

Legal Authority: PL 100-456; PL 100-687; PL 101-201

CFR Citation: 38 CFR 3.272

Legal Deadline: None

Abstract: This amendment excludes from countable income, for purposes of needs-based benefits, reimbursements for casualty losses and funds received from the Agent Orange litigation settlement.

Timetable:

Action	Date	FR Cite
NPRM	06/05/91	56 FR 25645
NPRM Comment Period End	07/05/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD97

3490. CLAIMS BASED ON EXPOSURE TO HERBICIDES CONTAINING DIOXIN (SOFT-TISSUE SARCOMAS)

Significance: Regulatory Program

Legal Authority: PL 98-542; 38 USC 210(c)

CFR Citation: 38 CFR 3.311a

Legal Deadline: None

Abstract: This regulation will implement the court decision in Nehmer, et al., vs. United States Veterans Administration, et al., C.A. No. C-86-6160 TEH, U.S.D.C., N.D. Cal., May 3, 1989.

Timetable:

Action	Date	FR Cite
NPRM	02/25/91	56 FR 7632
NPRM Comment Period End	03/27/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don England, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE09

3491. LOAN GUARANTY: SERVICING REQUIREMENTS FOR VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4200 et seq; 38 CFR 36.4300 et seq

Legal Deadline: None

Abstract: Presently, VA has no standards for loan holders to follow in servicing VA guaranteed home loans. It is proposed to develop appropriate standards for holders to follow in servicing VA loans. This would ensure that defaults would be prevented whenever possible and that liquidations are conducted as efficiently as possible.

Timetable:

Action	Date	FR Cite
NPRM	10/04/90	55 FR 40682
NPRM Comment Period End	11/05/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AE19

3492. LOAN GUARANTY: TITLE EVIDENCE REQUIREMENTS AND OCCUPANCY REQUIREMENTS FOR CONVEYANCE OF PROPERTIES TO VA

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1820

CFR Citation: 38 CFR 36.4320

Legal Deadline: None

Abstract: Present regulations give loan holders a choice of various forms of title evidence when conveying a property to the Secretary of Veterans Affairs. The regulations will be amended to authorize the Secretary to specify the title documentation necessary for conveyance of properties to the Secretary and establish a date by which such title evidence must be received. The amendment will also provide that the property must be vacant when conveyed to VA unless occupied by someone properly in possession by virtue of a redemption

period or as otherwise directed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	08/06/90	55 FR 31847
NPRM Comment Period End	09/05/90	55 FR 31847
NPRM Comment Period Extended	10/05/90	55 FR 35325
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AE20

3493. FINALITY OF DECISIONS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.104(a); 38 CFR 3.105(a)

Legal Deadline: None

Abstract: These amendments specify the point at which a VA decision becomes final and binding.

Timetable:

Action	Date	FR Cite
NPRM	07/10/90	55 FR 28234
NPRM Comment Period End	08/09/90	55 FR 28234
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE42

3494. VETERANS EDUCATION; PL 101-237 AND VEAP

Legal Authority: PL 101-237

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5022; 38 CFR 21.5041; 38 CFR 21.5138; 38 CFR 21.5145

Legal Deadline: None

Abstract: The Veterans Education and Employment Amendments of 1989 contain sections which affect the Post-Vietnam Veterans Educational Assistance Program. The regulations governing this program have to be amended to implement the law.

Timetable:

Action	Date	FR Cite
NPRM	05/24/91	56 FR 23823
NPRM Comment Period End	06/24/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE45

3495. LOAN GUARANTY: LENDER PARTICIPATION FEES

Legal Authority: 31 USC 9701(b); 38 USC 210(c); 38 USC 1803(c)

CFR Citation: 38 CFR 36.4200; 38 CFR 36.4300

Legal Deadline: None

Abstract: The Loan Guaranty regulations are being amended to authorize the collection of lender participation fees. The fees will be collected from lenders participating in the automatic processing program for VA guaranteed loans. The fees will be used to defray, in part, the expenses incurred by VA in overseeing the activities of lenders. It is proposed to collect application and annual fees.

Timetable:

Action	Date	FR Cite
NPRM	11/27/90	55 FR 49302
NPRM Comment Period End	01/28/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Caden, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AE58

3496. REDUCTION BECAUSE OF HOSPITALIZATION

Legal Authority: 38 USC 3203(a)

CFR Citation: 38 CFR 3.551

Legal Deadline: None

Abstract: This amendment changes the rate of payment and effective date of rate reduction for hospitalized veterans in receipt of 306 pension.

Timetable:

Action	Date	FR Cite
NPRM	02/25/91	56 FR 7630
NPRM Comment Period End	03/27/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bissett, Jr, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE92

3497. CLAIMS BASED ON EXPOSURE TO HERBICIDES CONTAINING DIOXIN (PCT/CHLORACNE)

Legal Authority: PL 98-542; 38 USC 210(c)

CFR Citation: 38 CFR 3.311a

Legal Deadline: None

Abstract: This regulation will establish a rule for making determinations regarding service connection for chloracne and porphyria cutanea tarda for veterans who were exposed to herbicides containing dioxin during service.

Timetable:

Action	Date	FR Cite
NPRM	03/19/91	56 FR 11536
NPRM Comment Period End	04/18/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don England, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE98

3498. HEADSTONE ALLOWANCE; TEMPORARY PROGRAM OF VOCATIONAL TRAINING

Legal Authority: 38 USC 524; 38 USC 906(d)

CFR Citation: 38 CFR 3.342(c); 38 CFR 3.1612

Legal Deadline: None

Abstract: This regulation will implement changes to eligibility criteria for vocational training available to certain pension beneficiaries, and to authorize a monetary allowance in lieu of furnishing a headstone or marker when purchased prior to death.

Timetable:

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20394
NPRM Comment Period End	06/03/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE99

3499. RENOUNCEMENT OF BENEFITS

Legal Authority: 38 USC 3106

CFR Citation: 38 CFR 3.500(q)

Legal Deadline: None

Abstract: This regulation will establish a specific effective date of discontinuance when compensation, pension, or dependency and indemnity compensation benefits are renounced.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 28849
NPRM Comment Period End	07/25/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF05

3500. MANDATORY DISCLOSURE OF SOCIAL SECURITY NUMBERS

Legal Authority: 38 USC 3001

CFR Citation: 38 CFR 3.216; 38 CFR 3.500(w)

Legal Deadline: None

Abstract: This regulation will establish an effective date for termination of compensation or pension benefits when a beneficiary fails to disclose his or her social security number.

Timetable:

Action	Date	FR Cite
NPRM	04/24/91	56 FR 18796
NPRM Comment Period End	05/24/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bissett, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF06

3501. LIMITATION ON COMPENSATION BENEFITS FOR CERTAIN INCOMPETENT VETERANS

Legal Authority: 38 USC 3205

CFR Citation: 38 CFR 3.501(n); 38 CFR 3.853

Legal Deadline: None

Abstract: This regulation will prohibit the payment of compensation to incompetent veterans without dependents whose estates exceed $25,000.

Timetable:

Action	Date	FR Cite
NPRM	05/29/91	56 FR 25399
NPRM Comment Period End	07/15/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bissett, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF07

3502. TOTAL DISABILITY RATINGS FOR PENSION BASED ON UNEMPLOYABILITY AND AGE OF THE INDIVIDUAL

Legal Authority: 38 USC 355; PL 101-508

CFR Citation: 38 CFR 4.17

Legal Deadline: None

Abstract: This amendment will remove presumption of pension entitlement at age 65, and revise the age and disability requirements for this benefit.

Timetable:

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20395
NPRM Comment Period End	06/03/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Seavey, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF08

3503. ● EXCLUSIONS FROM INCOME

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.272

Legal Deadline: None

Abstract: This change to an adjudication regulation will amend the list of exclusions from countable income under the Improved Pension Program.

Timetable:

Action	Date	FR Cite
NPRM	05/31/91	56 FR 24764
NPRM Comment Period End	07/01/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Bissett, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810

Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF25

3504. ● DISABILITY FOR DEATH FROM HOSPITALIZATION, MEDICAL OR SURGICAL TREATMENT

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 3.358(c)(3)

Legal Deadline: None

Abstract: These changes to regulations will expand benefit eligibility for disability or death resulting from VA hospital, medical or surgical treatment, or vocational rehabilitation programs.

Timetable:

Action	Date	FR Cite
NPRM	07/08/91	56 FR 30893
NPRM Comment Period End	08/07/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Bissett, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF27

3505. ● IMPLEMENTATION OF THE PERSIAN GULF WAR VETERANS' BENEFITS ACT OF 1991 AND THE MONTGOMERY GI BILL - ACTIVE DUTY

Legal Authority: PL 102-25

CFR Citation: 38 CFR 21.7136; 38 CFR 21.7137

Legal Deadline: None

Abstract: The Persian Gulf War Veterans' Benefits Act of 1991 provides increases in the full-time rate of basic educational assistance payable to someone pursuing a program of education under the Montgomery GI Bill - Active Duty, effective October 1, 1991. This will implement that increase. VA also is authorized by law to set by regulation the amount of monthly educational assistance payable to someone who is pursuing a program of education at other than full time under the Montgomery GI Bill - Active Duty. Since full-time rates are increased, VA will make proportional rate increases for the other than full-time rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AF32

3506. ● ACTIVE MILITARY SERVICE CERTIFIED UNDER SECTION 401 OF PUB. L. 95.202

Legal Authority: PL 95-202

CFR Citation: 38 CFR 3.7(x)

Legal Deadline: None

Abstract: This change will confer veteran status for VA benefit purposes on honorably discharged members of the civilian crewmen of United States Coast and Geodetic Survey vessels who served under certain circumstances from December 7, 1941 to August 15, 1945.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF42

3507. ● ACTIVE MILITARY SERVICE CERTIFIED AS SUCH UNDER SECTION 401 OF PUB. L. 95-202

Legal Authority: PL 95-202

CFR Citation: 38 CFR 3.7(x)

Legal Deadline: None

Abstract: This change will confer veteran status for VA benefit purposes on honorably discharged members of the American Volunteer Group (Flying Tigers) who served from December 7, 1941 to July 18, 1942.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration (211B), 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF43

3508. ● INCREASED COVERAGE FOR SERVICEMEN'S AND VETERAN'S GROUP LIFE INSURANCE

Legal Authority: 38 USC 767; 38 USC 777; PL 102-25

CFR Citation: 38 CFR 9.2,(Revision); 38 CFR 9.3,(Revision); 38 CFR 9.4,(Revision); 38 CFR 9.24,(Revision); 38 CFR 9.26,(Revision)

Legal Deadline: None

Abstract: Section 336 of PL 102-25 increases the maximum amount of coverage available under the Servicemen's and Veterans' Group Life Insurance programs to $100,000. Regulations are being amended to reflect this change.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Senior Insurance Specialist/Attorney, Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5710

RIN: 2900–AF53

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

3509. ACQUISITION REGULATION: CONSTRUCTION CONTRACTING PROCEDURES

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 836; 48 CFR 852

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation will update and clarify construction contracting procedures and clauses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/21/88	53 FR 1630
Interim Final Rule Effective	01/21/88	53 FR 1630
Interim Final Rule Comment Period End	02/22/88	53 FR 1630
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sherry Patton, Procurement Analyst (95A), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5001

RIN: 2900–AC87

3510. ACQUISITION REGULATION: CONTRACTOR QUALIFICATIONS

Legal Authority: 38 USC 210; 38 USC 486(c)

CFR Citation: 48 CFR 809

Legal Deadline: None

Abstract: This amendment makes administrative changes regarding the VA procedures for making debarment and suspension decisions.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sherry Patton, Procurement Analyst (95A), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5001

RIN: 2900–AE16

BOARD OF VETERANS APPEALS

3511. APPEALS REGULATIONS: RULES OF PRACTICE

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 6103; 38 USC 111; 38 USC 210; 38 USC 211a; 38 USC 212(a); 38 USC 3007 to 3008; 38 USC 3301 to 3302(b); 38 USC 3311; 38 USC 3401 to 3405; 38 USC 4001 to 4010

CFR Citation: 38 CFR 14; 38 CFR 19; 38 CFR 20

Legal Deadline: None

Abstract: The provisions of Pub. L. 100-687 establish judicial review of Board of Veterans Appeals decisions, provide for greater involvement of private attorneys-at-law in the appeals process at the Department level, and make other changes affecting appeals. The Appeals Regulations and Rules of Practice are revised to accommodate these changes and to generally update these regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34334
NPRM Comment Period End	09/18/89	54 FR 34334
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2978

RIN: 2900–AE02

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

3512. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Significance: Regulatory Program

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250; EO 12067

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

This originally appeared as a proposed rule in the Federal Register of April 25, 1979 (44 FR 24320). Because of the extended time frame due to internal agency consultation with the Department of Justice, the Department is planning to repropose these regulations.

Timetable:

Action	Date	FR Cite
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Lamont Johnson, External Program Manager, Affirmative Employment Service (06A1), Department of Veterans Affairs, Office of Equal Employment Opportunity, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2254

RIN: 2900–AB51

OFFICE OF THE ASSISTANT SECRETARY FOR ACQUISITION AND FACILITIES

3513. OPERATION OF CHILD CARE CENTERS AT VA FACILITIES

Legal Authority: 38 USC 4209

CFR Citation: 38 CFR 17.162

Legal Deadline: None

Abstract: Section 4209 of Title 38 authorizes the Veterans Canteen Service to operate child care centers at VA facilities. The centers will be established based on the demand for care and to the extent that such operation is practical and in the best interest of VA. The centers will be available for the children of VA employees and, to the extent space is

available, the children of other Federal and Department of Veterans Affairs affiliated employees. Also, these centers should provide an incentive for personnel recruitment. The regulations will prescribe the requirements and standards for the operation of VA child care centers.

Timetable:

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53078
NPRM Comment Period End	01/26/90	54 FR 53078
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marcelle Habibion, Director, Ofc of Child Care (13J), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 535-7905

RIN: 2900–AD48

OFFICE OF INFORMATION RESOURCES POLICIES AND OVERSIGHT

3514. RELEASE OF VA LISTS OF NAMES AND ADDRESSES AND PENALTY PROCEDURES FOR UNAUTHORIZED USE

Legal Authority: 38 USC 3301(f)

CFR Citation: 38 CFR 1.519

Legal Deadline: None

Abstract: VA is amending the existing regulations concerning VA lists of names and addresses and is also proposing administrative procedures to use when these lists are used for purposes not authorized by law. This action results from the need to amend the regulations to reflect current procedures, organizational changes, and concern expressed by veterans and some service organizations regarding unsolicited mail. The proposed regulatory amendments will allow VA to enforce its statutory duty to protect the privacy of information concerning veterans and their dependents, establish procedures to suspend recipients who misuse VA name and address lists of veterans/dependents, and give advance notice to recipients of what constitutes an authorized/unauthorized use of veterans/dependents names and address lists, thereby protecting the due process rights of any recipient before penalties are enforced.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8624
NPRM Comment Period End	04/20/87	52 FR 8624
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Epps, Records Management Service (723), Department of Veterans Affairs, Ofc. of Info. Resources Policies & Oversight, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6837

RIN: 2900–AC63

3515. PREDISCLOSURE OF CONFIDENTIAL COMMERCIAL INFORMATION

Legal Authority: 5 USC 552(b)(4); EO 12600

CFR Citation: 38 CFR 1.554

Legal Deadline: None

Abstract: Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, establishes certain mandatory and uniform procedures for handling Freedom of Information Act (FOIA) requests for records which may contain confidential commercial information, protected by FOIA exemption (5 U.S.C. 552(b)(4)). The Executive Order requires the notification and designation procedures be established in VA regulations. Accordingly, the revision to 38 CFR 1.554 will comply with the requirements of the Executive Order.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Leandri, Records Management Service (723), Department of Veterans Affairs, Ofc. of Info. Resources Policies & Oversight, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5450

RIN: 2900–AD09

3516. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352

CFR Citation: 38 CFR 45

Legal Deadline: None

Abstract: This regulation implements Section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guaranty a loan, must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6752

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: B. Michael Berger, Director, Records Management Service (723), Department of Veterans Affairs, Ofc. of Info. Resources Policies & Oversight, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3616

RIN: 2900–AE74

DEPARTMENT OF VETERANS AFFAIRS (VA)

Completed Actions

3517. GRANTS TO STATES FOR CONSTRUCTION OR ACQUISITION OF STATE HOME FACILITIES

CFR Citation: 38 CFR 17.170 to 17.177

Completed:

Reason	Date	FR Cite
Final Action	05/03/91	56 FR 20351
Final Action Effective	06/03/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Brent Baker, 202 535-7173

RIN: 2900–AD16

3518. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

CFR Citation: 38 CFR 16

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28021
Final Action Effective	08/19/91	56 FR 28003

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Ted Lorei, 202 535-7181

RIN: 2900–AE29

3519. LOAN GUARANTY: APPROVAL AND WITHDRAWAL OF AUTOMATIC PROCESSING PRIVILEGES

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4300

Completed:

Reason	Date	FR Cite
Final Action	08/15/91	56 FR 40556
Final Action Effective	09/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Caden, 202 233-3042

RIN: 2900–AD33

3520. ALLOWABLE FEES AND CHARGES FOR DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

CFR Citation: 38 CFR 36.4312; 38 CFR 36.4254

Completed:

Reason	Date	FR Cite
Withdrawn	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Caden, 202 233-3042

RIN: 2900–AD34

3521. VETERANS EDUCATION; THE VETERANS BENEFITS AND PROGRAMS IMPROVEMENT ACT AND MONTGOMERY GI BILL

CFR Citation: 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7050; 38 CFR 21.7051; 38 CFR 21.7072; 38 CFR 21.7073; 38 CFR 21.7076; 38 CFR 21.7110; 38 CFR 21.7122; 38 CFR 21.7136; 38 CFR 21.7137; 38 CFR 21.7138; 38 CFR 21.7140; 38 CFR 21.7141; ...

Completed:

Reason	Date	FR Cite
Final Action	05/02/91	56 FR 20129
Final Action Effective	11/18/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, 202 233-2092

RIN: 2900–AD83

3522. VETERANS EDUCATION; PROCEDURAL DUE PROCESS, EDUCATIONAL ASSISTANCE TEST PROGRAM

CFR Citation: 38 CFR 21.5732

Completed:

Reason	Date	FR Cite
Final Action	06/03/91	56 FR 25045
Final Action Effective	07/03/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, 202 233-2092

RIN: 2900–AE51

3523. STATUTORY CHANGES AFFECTING THE VOCATIONAL REHABILITATION PROGRAM

CFR Citation: 38 CFR 21.272

Completed:

Reason	Date	FR Cite
Final Action	04/11/91	56 FR 14648
Final Action Effective	05/13/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, 202 233-6496

RIN: 2900–AE56

3524. VOCATIONAL TRAINING PROGRAMS FOR CERTAIN PENSIONERS

CFR Citation: 38 CFR 21.6050; 38 CFR 21.6420

Completed:

Reason	Date	FR Cite
Final Action	05/09/91	56 FR 21448
Final Action Effective	12/18/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, 202 233-6496

RIN: 2900–AE57

3525. SETTLEMENT INTEREST

CFR Citation: 38 CFR 6.71; 38 CFR 8.83

Completed:

Reason	Date	FR Cite
Final Action	04/16/91	56 FR 15285
Final Action Effective	05/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, 215 951-5710

RIN: 2900–AE79

3526. VETERANS EDUCATION; INCREASE IN RATES PAYABLE IN THE EDUCATIONAL ASSISTANCE TEST PROGRAM (EATP)

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Completed:

Reason	Date	FR Cite
Final Action	09/06/91	56 FR 44007
Final Action Effective	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, 202 233-2092

RIN: 2900–AE80

3527. DEATH PENSION ELIGIBILITY—WARTIME SERVICE

CFR Citation: 38 CFR 3.3(b); 38 CFR 3.1(d)

Completed:

Reason	Date	FR Cite
Final Action	04/29/91	56 FR 19578
Final Action Effective	04/29/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bissett, Jr., 202 233-3005

RIN: 2900–AF04

3528. OMNIBUS BUDGET RECONCILIATION ACT OF 1990: TO IMPLEMENT PROVISIONS OF PUB. L. 101-508

CFR Citation: 38 CFR 1.575(b); 38 CFR 3.3; 38 CFR 3.55; 38 CFR 3.215; 38 CFR 3.342(a); 38 CFR 3.400; 38 CFR 3.501; 38 CFR 3.551; 38 CFR 3.1600(f); 38 CFR 3.1612

Completed:

Reason	Date	FR Cite
Final Action	06/03/91	56 FR 25043
Final Action Effective	11/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900–AF09

3529. BASIC ENTITLEMENT

CFR Citation: 38 CFR 21.40; 38 CFR 21.42; 38 CFR 21.47; 38 CFR 21.50

Completed:

Reason	Date	FR Cite
Final Action	04/18/91	56 FR 15835
Final Action Effective	11/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, 202 233-6496

RIN: 2900–AF16

3530. ● ACCRUED BENEFITS

Legal Authority: 38 USC 30; 38 USC 32; 10 USC 106

CFR Citation: 38 CFR 3.1000(g)

Legal Deadline: None

Abstract: This amendment will assure that regulations governing payments of accrued benefits under new programs of educational assistance accurately list all educational assistance programs for which payment of accrued benefits may be authorized.

Timetable:

Action	Date	FR Cite
Final Action	04/24/91	56 FR 18732
Final Action Effective	04/24/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Bissett, Jr., (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AF20

3531. VA ACQUISITION REGULATION: EXPANSION OF PROCUREMENT PREFERENCE PROGRAM

CFR Citation: 48 CFR 819; 48 CFR 852

Completed:

Reason	Date	FR Cite
Final Action	09/06/91	56 FR 44010
Final Action Effective	12/03/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sherry Patton, 202 233-5001

RIN: 2900–AE90

3532. DELEGATIONS OF AUTHORITY

CFR Citation: 38 CFR 2.6(e)(4)

Completed:

Reason	Date	FR Cite
Final Action	03/22/91	56 FR 12123
Final Action Effective	04/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Kane, 202 233-2252

RIN: 2900–AF19

3533. DISCLOSURE OF CLAIMANT RECORDS IN CONNECTION WITH JUDICIAL PROCEEDINGS GENERALLY

CFR Citation: 38 CFR 1.511

Completed:

Reason	Date	FR Cite
Final Action	04/18/91	56 FR 15833
Final Action Effective	05/20/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Leandri, 202 233-2454

RIN: 2900–AE73

3534. ● DELEGATION OF AUTHORITY TO INSPECTOR GENERAL

Legal Authority: 5 USC 552(a)

CFR Citation: 38 CFR 2.6

Legal Deadline: None

Abstract: The Privacy Act requires that the head of an Agency authorize each and every request for law enforcement records from other agencies. This delegation of authority from the Secretary to the Inspector General allows these requests to be authorized by the Inspector General.

Timetable:

Action	Date	FR Cite
Final Action	05/22/91	56 FR 23519
Final Action Effective	05/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maureen Regan, Counsel to the IG (50C), Department of Veterans Affairs, Office of Inspector General, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5640

RIN: 2900–AF21

[FR Doc. 91-20872 Filed 10-18-91; 8:45 am]

BILLING CODE 8320-01-F

Federal Register

Monday
October 21, 1991

Part XVII

ACTION

Semiannual Regulatory Agenda

ACTION (ACTION)

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision, or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Frank B. Stilwell III, General Counsel, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, (202) 606-4833.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 601), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Dated: August 13, 1991.

Jane A. Kenny,

Director.

ACTION (ACTION)

Prerule Stage

3535. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM ACTION

Legal Authority: 42 USC 6101; 42 USC 5042(13); 42 USC 5060; 42 USC 5057

CFR Citation: 45 CFR 1221

Legal Deadline: None

Abstract: In accordance with 42 USC 6101 and 42 USC 4951, ACTION will promulgate regulations implementing provisions of the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, **202 606-4812**

RIN: 3001–AA10

3536. VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURE

Significance: Agency Priority

Legal Authority: 42 USC 5042(13); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1225

Legal Deadline: None

Abstract: In accordance with section 417 of the Domestic Volunteer Service Act of 1973, as amended, ACTION will update its regulations regarding volunteer discrimination complaint procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, **202 606-4812**

RIN: 3001–AA20

3537. ● STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH—SUPPLEMENTAL REGULATIONS

Significance: Agency Priority

Legal Authority: PL 95-521; EO 12674; EO 12371

CFR Citation: 45 CFR 1201

Legal Deadline: None

Abstract: The regulation will supplement the ethics regulations issued by the Office of Government Ethics, addressing matters of particular relevance or importance to ACTION and its programs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Britanya E. Rapp, Associate General Counsel, ACTION, 1100 Vermont Avenue, NW., Suite 9200, Washington, DC 20525, **202 606-4833**

RIN: 3001–AA21

ACTION (ACTION)

Final Rule Stage

3538. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None

Abstract: In accordance with 42 USC 2000(d)(1), ACTION will update regulations implementing provisions of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color and national origin in federally assisted programs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, **202 606-4812**

RIN: 3001–AA06

3539. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: PL 92-318

CFR Citation: 45 CFR 1231

Legal Deadline: None

Abstract: In accordance with PL 92-318, ACTION will promulgate regulations implementing provisions of Title IX of the Education Amendments of 1972, as amended, which prohibit discrimination based on sex in federally assisted programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, **202 606-4812**

RIN: 3001–AA17

3540. NEW RESTRICTIONS ON LOBBYING FINAL COMMON RULES

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, Sec 319; 42 USC 5042(13); 42 USC 5060

CFR Citation: 45 CFR 1230

Legal Deadline: None

Abstract: In accordance with PL 101-121, ACTION will promulgate final regulations to implement provisions prohibiting recipients of Federal contracts and grants from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government. The regulations also require disclosure of lobbying using nonappropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Margaret M. McHale, Chief, Procurement and Grants Division, ACTION, 1100 Vermont Avenue, NW., Room 2101, Washington, DC 20525, **202 606-5150**

RIN: 3001–AA18

[FR Doc. 91-20873 Filed 10-18-91; 8:45 am]

BILLING CODE 6050-28-F

federal register

Monday
October 21, 1991

Part XVIII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Ch. VIII

Unified Agenda of Federal Regulations

AGENCY: Advisory Council on Historic Preservation (ACHP).

ACTION: Publication of agenda.

SUMMARY: The following ACHP regulation is scheduled for development from February through April 1992. It is submitted herein for publication in the Unified Agenda of Federal Regulations. E.O. 12291.

FOR FURTHER INFORMATION CONTACT: See person listed below for specific agenda information.

Advisory Council on Historic Preservation.

Robert D. Bush,

Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Proposed Rule Stage

3541. FREEDOM OF INFORMATION ACT REGULATIONS

Legal Authority: 16 USC 470 Nat. Historic Preservation Act of 1966, as amended

CFR Citation: 36 CFR 810.5

Legal Deadline: None

Abstract: The regulation will increase the fees charged to requesters of information to better reflect the cost to the Government of locating and copying the documents requested. Copying charges would be increased from $0.10 to $0.13 per page; fees for searches by professional staff from $2.00 to $4.65 per quarter hour; and fees for searches by clerical staff from $1.00 to $2.30 per quarter hour. The regulation would thus impose a "user's fee" to users of the Government FOIA system which is more consistent with other agencies' fees.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	03/00/92	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Katherine Barns Soffer, Associate General Counsel, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., #809, Washington, DC 20004, 202 786-0503

RIN: 3010–AA03

[FR Doc. 91-22437 Filed 10 18-91; 8:45 am]

BILLING CODE 4310-10-F

Monday
October 21, 1991

Part XIX

Agency for International Development

Semiannual Regulatory Agenda

federal register

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: AID regulations agenda.

SUMMARY: The Agency for International Development (AID) is publishing this agenda as required by section 5(a) of Executive Order 12291 "Federal Regulation" (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives AID's plan for the issuance of proposed regulations during the next 12 months. It is expected that the information provided in this agenda will enable the public to be more aware of and to participate more effectively in AID's rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list in general, contact: Mr. Fred D. Allen, Office of Administrative Services, Agency for International Development, Washington, DC 20523; telephone (703) 875-1573.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act (RFA)

AID does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Dated: August 16, 1991.

John F. Owens,

Acting Associate Administrator for Finance and Administration.

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Prerule Stage

3542. ● DONATION OF AGRICULTURAL COMMODITIES/PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (SECTION 416(B) PROGRAM)

Legal Authority: 7 USC 1411; PL 97-253, Sec 110

CFR Citation: 22 CFR 210

Legal Deadline: None

Abstract: This regulation sets forth provisions of the Agency for International Development (AID), acting as an agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the section 416(b) program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, PL 83-480.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Analyst, Agency for International Development, Bureau for Food for Peace and Voluntary Assistance (FVA/PPM/PCD), Washington, DC 20523, **703 235-0849**

RIN: 0412–AA05

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Final Rule Stage

3543. REGULATION FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Legal Authority: 5 USC 552a; 5 USC 553; 22 USC 2381

CFR Citation: 22 CFR 215

Legal Deadline: None

Abstract: The regulation is being reviewed for update. Two new systems of records are being studied for incorporation.

Timetable:

Action	Date	FR Cite
NPRM	01/23/91	56 FR 2475
NPRM Comment Period End	02/22/91	56 FR 2475
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Harper, Chief, Public Inquiries Division, Agency for International Development, Office of External Affairs, Washington, DC 20523, **202 647-4220**

RIN: 0412–AA03

3544. ● TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Legal Deadline: None

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, cooperatives, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements

AID

Final Rule Stage

with an intent to improve its effectiveness and efficiency.

Timetable:

Action	Date	FR Cite
NPRM	08/29/91	56 FR 42766
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Analyst, Agency for International Development, Bureau for Food for Peace, and Voluntary Assistance (FVA/PPM/PCD), Washington, DC 20523, 703 235-0849

RIN: 0412–AA06

3545. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; 22 USC 2381

CFR Citation: 22 CFR 227

Legal Deadline: None

Abstract: The regulation is being issued to implement new restrictions prohibiting recipients of Federal grants from using appropriated funds for lobbying the Executive or Legislative branches of the Federal Government in connection with a specific grant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Kathleen O'Hara, Chief, Procurement Policy Branch, Agency for International Development, Planning Policy and Evaluation Staff, Bureau for Management Services, Washington, DC 20523, 703 875-1534

RIN: 0412–AA16

3546. ● AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION

Legal Authority: 22 USC 2381

CFR Citation: 48 CFR 705; 48 CFR 706; 48 CFR 719; 48 CFR 726; 48 CFR 752

Legal Deadline: None

Abstract: The regulation is being amended to implement the provisions in the fiscal year 1991 Foreign Operations, Export Financing, and Related Programs Appropriations Act concerning contracting and subcontracting with disadvantaged enterprises.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/91	56 FR 27207
Final Action	11/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kathleen O'Hara, Chief, Procurement Policy Branch, Bureau for Management Services, Agency for International Development, Washington, DC 20523, 703 875-1534

RIN: 0412–AA18

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

Completed Actions

3547. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 42 USC 289; 49 USC 300v-1(b)

CFR Citation: 22 CFR 200

Legal Deadline: None

Abstract: This final rule will modify current regulations for the protection of human subjects at Title 22 CFR Part 200 to incorporate changes developed by the Interagency Human Subjects Coordinating Committee, Federal Coordinating Council on Science Engineering and Technology (FCCSET). The Committee drafted a common rule for Federal departments and agencies conducting or supporting research involving human subjects which was based on the HHS regulations. This effort was in response to a key recommendation of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research in the First Biennial Report in 1981.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
NPRM Comment Period End	01/09/89	
Final Action	06/18/91	56 FR 28003
Final Action Effective	08/19/91	56 FR 28003

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Dr. James Shelton, Medical Officer, Agency for International Development, Office of Population Research Division, Room 820 SA-18, Washington, DC 20523-1819, 703 875-4702

RIN: 0412–AA17

[FR Doc. 91-22438 Filed 10-18-91; 8:45 am]

BILLING CODE 6116-01-F

Federal Register

Monday
October 21, 1991

Part XX

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESSES: U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street NW., Suite 501, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Mr. James J. Raggio, General Counsel, (202) 653-7834 (voice or TDD).

Lawrence W. Roffee,

Executive Director, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Prerule Stage

3548. ● AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR VEHICLES

Significance: Agency Priority

Legal Authority: PL 101-336, Sec 405 Americans with Disabilities Act

CFR Citation: 36 CFR 1192

Legal Deadline: None

Abstract: To amend the American with Disabilities Act Accessibility Guidelines for vehicles to include additional requirements for ferries, excursion boats, and other vehicles.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, 202 653-7834

RIN: 3014–AA11

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Completed Actions

3549. AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES

Significance: Agency Priority

Legal Authority: 42 USC 12101 et seq; Americans with Disabilities Act; PL 101-336, Sec 405

CFR Citation: 36 CFR 1191

Legal Deadline: Final, Statutory, April 26, 1991.

Abstract: To publish accessibility guidelines for purposes of titles II and III of the Americans with Disabilities Act to ensure that buildings and facilities are accessible in terms of architecture and design, transportation, and communication to individuals with disabilities.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/90	55 FR 35858
ANPRM Comment Period End	10/01/90	
Notice of Public Hearings	01/30/91	56 FR 3433
Final Action	07/26/91	56 FR 35408
Final Action Effective	07/26/91	

Buildings and Facilities

NPRM 01/22/91 (56 FR 2296)

NPRM, Corrections 01/25/91 (56 FR 2981)

Transportation Facilities

SNPRM 03/20/91 (56 FR 11874)

Transportation Vehicles

NPRM 03/20/91 (56 FR 11824)

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: Accessibility guidelines for transportation vehicles are described in RIN 3014-AA10.

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036-3894, 202 653-7834

RIN: 3014–AA09

3550. ● AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR TRANSPORTATION VEHICLES

Significance: Agency Priority

Legal Authority: PL 101-336, Sec 405 Americans with Disabilities Act

CFR Citation: 36 CFR 1192

Legal Deadline: Final, Statutory, April 26, 1991.

Abstract: To publish the accessibility guidelines for purposes of titles II and III of the Americans with Disabilities Act to ensure that rail passenger cars and vehicles are accessible in terms of architecture and design, transportation, and communication to individuals with disabilities.

Timetable:

Action	Date	FR Cite
NPRM	03/20/91	56 FR 11824
NPRM Comment Period End	05/20/91	
Final Action	09/06/91	56 FR 45530
Final Action Effective	09/06/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA10

3551. ● AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES

Significance: Agency Priority

Legal Authority: PL 101-336, Sec 405 Americans with Disabilities Act

CFR Citation: 36 CFR 1191 appendix

Legal Deadline: None

Abstract: To amend the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities to include additional requirements for State and local government buildings and facilities, children's environments, recreational facilities, and boat and ferry docks.

Timetable:

Action	Date	FR Cite
Final Action	09/06/91	56 FR 45500
Final Action Effective	09/06/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA12

[FR Doc. 91-21604 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21, 1991

Part XXI

Commission on Civil Rights

Semiannual Regulatory Agenda

COMMISSION ON CIVIL RIGHTS (CCR)

COMMISSION ON CIVIL RIGHTS

45 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: U.S. Commission on Civil Rights.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the U.S. Commission on Civil Rights will have under development during the 6-month period from October 1, 1991, through March 31, 1992. The purpose for publishing this agenda is to give notice of any regulatory activity by the Commission in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For further information on any items in the agenda, contact: Emma Monroig, Solicitor, U.S. Commission on Civil Rights, Room 604, 1121 Vermont Avenue NW., Washington, DC 20425, (202) 376-8375.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by the Commission are not "major" rules within the meaning of E.O. 12291, and no Regulatory Impact Analysis is required. The Commission has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public nor will the regulations have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required.

Emma Monroig,

Solicitor.

COMMISSION ON CIVIL RIGHTS (CCR) — Proposed Rule Stage

3552. COMMISSION ON CIVIL RIGHTS—UPDATE AND REVISION

Legal Authority: 42 USC 1975 to 1975f; 5 USC 552(a); 5 USC 552(b)

CFR Citation: 45 CFR 701; 45 CFR 702; 45 CFR 703; 45 CFR 705

Legal Deadline: None

Abstract: The regulation updates and revises most of the Commission's current regulations, specifically 45 CFR 701, 702, 703, and 705. 45 CFR 701 identifies the organization and functions of the Commission. 45 CFR 702 specifies the rules on hearings, reports, and meetings of the Commission. 45 CFR 703 identifies the operations and functions of the Commission's State advisory committees. 45 CFR 705 states the Commission's obligations under the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Emma Monroig, Solicitor, Commission on Civil Rights, 1121 Vermont Avenue, NW., Suite 606, Washington, DC 20425, 202 376-8375

RIN: 3035–AA02

COMMISSION ON CIVIL RIGHTS (CCR) — Completed Actions

3553. IMPLEMENTATION OF FREEDOM OF INFORMATION REFORM ACT

Significance: Agency Priority

CFR Citation: 45 CFR 704 (Revision)

Completed:

Reason	Date	FR Cite
Final Action	04/16/90	55 FR 9884
Final Action Effective	04/16/90	55 FR 9884

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Emma Monroig, 202 376-8351

RIN: 3035–AA00

[FR Doc. 91-22947 Filed 10-18-91; 8:45am]

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Federal Register

Monday
October 21, 1991

Part XXII

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-3996-7]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA revises and issues the regulatory agenda semiannually. The agenda appears in the **Federal Register** each April and October and is intended to keep interested parties informed of the progress of EPA regulations. It provides specific information on the status of regulations that are under development, revision, and review at the Agency.

ADDRESSES: If you want to be on the mailing list for future agendas, please write or call Bridgette Dent, Regulation Development Branch, EPA, PM-223Y, Washington, DC 20460, (202) 260-5475.

If you have suggestions for improving this publication or need general information about the agenda, please write or call Anthony Britten, Regulation Development Branch, EPA, PM-223Y, Washington, DC 20460, (202) 260-5251.

FOR FURTHER INFORMATION CONTACT: For information about a specific item in the agenda, contact the person listed with each entry.

SUPPLEMENTARY INFORMATION: The agenda provides the title, an abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and schedule for completing the action for each regulation under review. The following statutes are covered in the agenda:

Asbestos Hazard Emergency Response Act (AHERA)
Atomic Energy Act (AEA)
Clean Air Act (CAA)
Clean Water Act (CWA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Hazardous and Solid Waste Amendments (HSWA)
Marine Protection, Research, and Sanctuaries Act (MPRSA)
Resource Conservation and Recovery Act (RCRA)
Safe Drinking Water Act (SDWA)
Superfund Amendments and Reauthorization Act (SARA)
Toxic Substances Control Act (TSCA)
Water Quality Act of 1987 (WQA)
General - (Other acts including grant and procurement regulations that cut across several program areas)

It also indicates the "review authority," which may be different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 requires agencies to submit entries for the Administration's annual "Regulatory Program." It defines priority activities that Federal departments and agencies will work on during the upcoming year. Its purpose is to minimize duplication and conflict among regulatory activities and enhance public understanding of the Administration's regulatory objectives.

Executive Order 12291 establishes the general policy that Federal departments and agencies should review their regulations to ensure that the costs of the regulations are justified by their benefits. The Office of Management and Budget (OMB) reviews agency rules to assess their compliance with the Executive order's goals of maximizing net social benefits.

The Regulatory Flexibility Act (RFA) requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared; i.e., those regulations that would have a significant impact on a substantial number of small entities. EPA invites public comment regarding RFA issues on the list of regulations EPA is currently developing. Reviews that EPA has targeted under the RFA are identified under "Analysis." The agenda identifies the types of entities affected under "Small Entities Affected." The "Government Levels Affected" (i.e., State, local, or Federal) is also indicated.

The RFA requires that Federal departments and agencies review existing regulations that have a significant economic impact on a substantial number of small entities at least once every 10 years. EPA is in the process of compiling a list of existing regulations to be reviewed and invites public comment identifying any rules that should be added to the list; i.e., that have a significant economic impact on a substantial number of small entities. Comments should be provided in the following format:

- Title
- Authorizing statute and CFR citation
- Description of economic effects on small entities, especially on the commenting person or organization
- Recommendations for changes

Any additional detailed comments or data are welcome.

When the Agency completes its reviews, it will indicate in the agenda whether it will revise or rescind such regulations. This announcement complies with the RFA and EPA's July 16, 1981, plan (46 FR 36930) for reviewing regulations under the Act.

The Paperwork Reduction Act (PRA) requires Federal departments and agencies to review their information collection activities to assure that they need and will use the information and manage it efficiently. They must also ensure that the information to be collected is of high quality, appropriate for its intended use, and does not already exist at some other Federal agency. In addition, the PRA requires agencies to minimize the cost of collecting the information for both the respondent and the agencies. Congress gave oversight authority to OMB. EPA must have OMB approval before it either collects information or requires that information be collected.

Organization of the Agenda

The agenda is organized by statute and ordered numerically within each statutory area. Entries within each statute are divided into four categories: (1) Prerule, (2) proposed rule, (3) final rule, and (4) completed actions (i.e., regulations that EPA is deleting from the agenda because the Agency has completed, withdrawn, or postponed them indefinitely). Detailed information on each of these categories is presented below.

I. Prerulemakings

Prerulemaking actions are activities intended to determine whether to initiate rulemaking. These activities include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking, significant studies or analyses of the possible need for regulatory action, requests for public comment on the need for regulatory

action, or important pre-regulatory policy proposals.

This section also includes review of existing EPA regulations. The purpose of such reviews is to determine whether the Agency should revise, rescind, or leave the existing rule unchanged. If EPA decides to revise or rescind an existing regulation, that action will appear in the next agenda in the proposed rule section along with a timetable for completing the revision or rescission.

II. Proposed and Final Rules

This section includes all "significant" EPA regulations. Some are priority regulations under development that are subject to Executive Order 12498 or that the Agency has designated for priority development or revision. These regulations are also subject to certain provisions of E.O. 12291, RFA, and PRA. EPA generally lists regulations in this category of the agenda once they are within a year of proposal or promulgation. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away. However, the listings exclude (a) specialized categories of actions (e.g., EPA approvals of State plans and other actions that do not apply nationally) and (b) routine actions (e.g., pesticide tolerances and minor amendments to existing rules).

III. Completed Actions

These are actions that appeared in the previous agenda, which EPA is deleting because they are completed or are no longer under consideration for rulemaking. Information on these regulations is less detailed than for those that are still under consideration.

Dated: September 5, 1991.

Daniel C. Esty,

Deputy Assistant Administrator, Office of Policy, Planning, and Evaluation.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3554	SAR No. 2602. Tolerances and Exemptions from Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities or Processed Foods	2070-AC18
3555	SAR No. 2684. Regulation of Pesticidal Transgenic Plants (Revision)	2070-AC02
3556	SAR No. 2687. Pesticide Data Requirements (Revision)	2070-AC12
3557	SAR No. 1640 Worker Protection Standards (Hazard Communication to Workers)	2070-AC34
3558	SAR No. 2337. Sale of Restricted Use Pesticides to Noncertified Persons	2070-AB48
3559	SAR No. 2406. Pesticide Applicator Certification Fees for EPA Administered Programs	2070-AB76
3560	SAR No. 2445. Amendments to Experimental Use Permit Rule for Certain Microbial Pesticides (Revision)	2070-AB77
3561	SAR No. 2338. Reporting Requirements for Risk/Benefits Information (Revision)	2070-AB50
3562	SAR No. 2724. Pesticide Data Requirements: Methods for Safe Storage and Disposal	2070-AC11
3563	SAR No. 2351 Classification of Certain Pesticides for Restricted Use Due to Ground Water Concerns	2070-AC33
3564	SAR No. 2983 Technical Amendments to Pesticide Special Review Procedures	2070-AC35
3565	SAR No. 2725. FIFRA Books and Records of Pesticide Production and Distribution (Revision)	2070-AC07
3566	SAR No. 2659. Pesticide Management and Disposal in Container Design, Storage, Disposal, Container Design, and Transportation of Pesticides	2070-AB95
3567	SAR No. 2659. Pesticide Management and Disposal: Procedural Regulations for Suspended and Cancelled Pesticides	2070-AC32
3568	SAR No. 2639. Child-Resistant Packaging Regulations (Revision)	2070-AB96

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3569	SAR No. 3113. Endangered Species Protection Program	2070-AC42
3570	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
3571	SAR No. 2351. Restricted Use Classification for Groundwater Contaminating Pesticides	2070-AB60
3572	SAR No. 2446. Regulations on Certification of Pesticide Applicators (Revision)	2070-AB75
3573	SAR No. 2720. Policy or Procedures for Notification to the Agency of Stored Pesticides with Cancelled or Suspended Registration	2070-AC08
3574	SAR No. 2554. Interpretative Rule - Advertising Claims Made for Registered Pesticide Products	2070-AB88
3575	SAR No. 2735. Revision of Statement of Policy on FIFRA Section 17, Pesticides and Devices Intended for Export	2070-AC09
3576	SAR No. 1640. Worker Protection Standards (Revision)	2070-AA49

EPA

Toxic Substances Control Act (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3577	SAR No. 2894. Master Testing List	2070-AC30

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3578	SAR No. 3007. Addition of Air Toxics to Toxic Release Inventory (TRI)	2070-AC40
3579	SAR No. 2555. Toxic Chemical "Peak Release" Reporting Rule (Revision)	2070-AB86
3580	SAR No. 2425. Responses to Petitions Received to Add to or Delete Chemicals from the List of Toxic Chemicals Under Section 313 of SARA	2070-AC00
3581	SAR No. 2800. Policy Statement Implementing the Prior Informed Consent Procedures for the Export/Import of Industrial Chemicals	2070-AC22
3582	Decisions on Test Rules: Proposed Rules	2070-AB07
3583	SAR No. 2245 and SAR No. 2657. Negotiated Consent/Procedural Test Rule (Revision)	2070-AB30
3584	SAR No. 2563. SARA Section 110 Chemicals Generic Test Rule	2070-AB79
3585	SAR No. 2865. Multi-Chemical Endpoint(s) Test Rule	2070-AC36
3586	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
3587	SAR No. 2247. Generic Significant New Use Rule (SNUR) for Acrylate Compounds	2070-AB56
3588	SAR No. 2325 (SNUR for Certain Biotech Products); SAR No. 2326 Rulemaking Concerning Certain Microbial Products ("Biotechnology") under the Toxic Substances Control Act (TSCA)	2070-AB61
3589	SAR No. 2760. Premanufacture Notification (PMN) Rule Amendments	2070-AC14
3590	SAR No. 2848. Regulatory Investigation under the Toxic Substances Control Act (TSCA) to Reduce Lead (Pb) Consumption and Use	2070-AC21
3591	SAR No. 1976. Proposed Follow-up Rules on Non-5(e) New Chemical Substances	2070-AC38
3592	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
3593	SAR No. 2878. Polychlorinated Biphenyls (PCBs) Disposal Amendments	2070-AC01
3594	SAR No. 2779. Use of Acrylamide and N-Methylolacrylamide (NMA) for Grouting	2070-AC17
3595	SAR No. 2905. Environmental Hazard Communication Rule	2070-AC29
3596	SAR No. 3021. Polychlorinated Biphenyls (PCBs) Transformer Reclassification Rule	2070-AC39
3597	SAR No. 2129. Amendment to the TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AC19
3598	SAR No. 1923. Proposed Follow-up Rules on Existing Chemicals	2070-AC37

Toxic Substances Control Act (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3599	Decision on Test Rules: Final Rules	2070-AB94
3600	SAR No. 2865. Multi-Chemical Endpoint(s) Rule	2070-AC27
3601	SAR No. 2881. TSCA Section 4(a)(1)(B) Policy Definition and Extension of Comment Period	2070-AC31
3602	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals Substances	2070-AA59
3603	Chemical Specific Significant New Use Rules (SNURs) to Extend Provisions of Section 5(e) Orders	2070-AB27
3604	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
3605	SAR No. 2560. Procedures and Criteria for Termination of Polychlorinated Biphenyls (PCBs) Disposal Permits	2070-AB81
3606	SAR No. 2750. Polychlorinated Biphenyls (PCBs): Wet Weight/Dry Weight Clarification	2070-AC16
3607	SAR No. 2844. Regulatory Investigation of Dioxin in Pulp and Paper Mill Sludge	2070-AC23
3608	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rules	2070-AB08
3609	SAR No. 1139. Section 8(d) Health and Safety Data Reporting Rules	2070-AB11
3610	SAR No. 2904. Export Notification Requirements; Changes to Reporting Requirements	2070-AC28

EPA

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3611	SAR No. 2743. Section 313 Sunset Review Amendments	2070-AC15
3612	SAR No. 2284. Regulatory Investigation of Chlorinated Solvents	2070-AB41

Clean Water Act (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3613	SAR No. 2497. Water Quality Standards for Toxic Pollutants	2040-AB56
3614	SAR No. 2981. Implementation of Section 403 of the Federal Water Pollution Control Act	2040-AB94

Clean Water Act (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3615	SAR No. 2825. Federal NPDES Fees in States Where EPA Administers the NPDES Program	2040-AB86
3616	SAR No. 1427. Effluent Guidelines and Standards for the Pharmaceutical Manufacturing Category	2040-AA13
3617	SAR No. 2473. Effluent Guidelines and Standards for the Pesticide Chemicals Category	2040-AB32
3618	SAR No. 2712. Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Category	2040-AB53
3619	SAR No. 2745. Effluent Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers (OCPSF) Category	2040-AB65
3620	SAR No. 2747. Effluent Guidelines and Standards for the Coastal Subcategory of the Oil and Gas Extraction Category	2040-AB72
3621	SAR No. 2805. Effluent Guidelines and Standards for the Waste Treatment Category	2040-AB78
3622	SAR No. 2806. Effluent Guidelines and Standards for the Machinery Manufacturing and Rebuilding Category	2040-AB79
3623	SAR No. 2749. National Pollution Discharge Elimination System and Sludge Management State Program Regulations for Indian Tribes	2040-AB70
3624	SAR No. 2304. Plan to Review and Promulgate Effluent Guidelines and Standards	2040-AA90
3625	SAR No. 2493. NPDES Regulatory Revisions	2040-AB38
3626	SAR No. 2501. NPDES Permit Application Standard Form A and Short Form A (Revision)	2040-AB39
3627	SAR No. 2196. Denial or Restriction of Disposal Sites (Revision)	2040-AB20
3628	SAR No. 2804. Clean Water Act Section 404 Program Definition	2040-AB74
3629	SAR No. 2737. Revisions to Ocean Dumping Regulations for Dredged Material	2040-AB62
3630	SAR No. 2736. Reorganization and Corrections to List of Ocean Dumping Sites	2040-AB63
3631	SAR No. 2820. Shore Protection Act, Section 4103(b) Regulations	2040-AB85

Clean Water Act (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3632	SAR No. 1649. Effluent Guidelines and Standards for Offshore Subcategory of the Oil and Gas Extraction Category	2040-AA12
3633	SAR No. 2475. Water Quality Standards—Revision for Indian Tribes	2040-AB36
3634	SAR No. 2748. Amendments to Water Quality Planning and Management Regulations	2040-AB68
3635	SAR No. 2587. Revisions to Regulations for Modification of Secondary Treatment Requirements for Municipal Discharge into Marine Waters	2040-AB29
3636	SAR No. 2200. NPDES Regulations: Stormwater Implementation Rule (Revision)	2040-AB89
3637	SAR No. 2682. Treatment of Indian Tribes as States Under Section 404 of the Clean Water Act	2040-AB69
3638	SAR No. 2162. Sewage Sludge Use and Disposal Regulation	2040-AA74

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Atomic Energy Act (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3639	SAR No. 2590. Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	2060-AC30
3640	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04
3641	SAR No. 2073. Residual Radioactivity	2060-AB31

Atomic Energy Act (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3642	SAR No. 1162. Transuranium Elements	2060-AA01
3643	SAR No. 1166. Groundwater Protection Standards for Inactive Uranium Tailing Sites	2060-AC03

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3644	SAR No. 2340. National Primary Drinking Water Regulations: Disinfection, Disinfectants and Disinfection By-Products (Revision)	2040-AA97
3645	SAR No. 2807. National Primary Drinking Water Regulations: Arsenic	2040-AB75
3646	SAR No. 2803. Drinking Water Laboratory Certification Regulations	2040-AB80
3647	SAR No. 2772. National Primary Drinking Water Regulations: 25 Contaminants From Drinking Water Priority List (Phase VI)	2040-AB82
3648	SAR No. 2782. Revision of VOC Analytical Methods Under the SDWA	2040-AB87
3649	SAR No. 2970. National Primary Drinking Water Regulations Implementation: Variances and Exemptions	2040-AB95
3650	SAR No. 2765. Osage Mineral Reserve Underground Injection Control Program (Revision)	2040-AB76
3651	SAR No. 2784. Construction Requirements for Class II (Oil and Gas Related Wells) Under Part C of the SDWA	2040-AB77
3652	SAR No. 2778. Management of Class V Injection Wells Under Part C of the Safe Drinking Water Act	2040-AB83

Safe Drinking Water Act (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3653	SAR No. 2948. Revision to the Safe Drinking Water Act's Underground Injection Control Regulations for Class I Hazardous Waste Injection Wells	2040-AB92
3654	SAR No. 2440. Indian Rule for the Wellhead Protection Program and Sole Source Aquifer Demonstration Program	2040-AB18
3655	SAR No. 2426. Revisions to the Safe Drinking Water Act's Underground Injection Control (UIC) Regulations	2040-AB27
3656	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides	2040-AA94
3657	SAR No. 2630. National Primary Drinking Water Regulations: Inorganic and Organic Compounds (Phase V/24 Contaminants)	2040-AB11
3658	SAR No. 2781. Approval of Additional Analytical Methods for Total Coliforms and E. Coli Under the SDWA	2040-AB84

Safe Drinking Water Act (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3659	National Primary Drinking Water Regulations, Implementation of Primary Enforcement Authority—Reconsideration of Primary Withdrawal Language	2040-AB26
3660	SAR No. 2782. Analytical Technique; Determination of Radium 228 in Drinking Water	2040-AB90

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Safe Drinking Water Act (SDWA)—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3661	SAR No. 1755. National Primary Drinking Water Regulations: Synthetic Organic Chemicals and Inorganic Chemicals, Monitoring for Unregulated Contaminants (Phase II, 38 Contaminants)	2040-AA55
3662	SAR No. 2610. National Primary Drinking Water Regulations: Lead and Copper	2040-AB51
3663	SAR No. 2897. Variance Criteria for Total Coliform Rule	2040-AB91

Noise Control Act (NCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3664	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24

Resource Conservation and Recovery Act (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3665	SAR No. 2936. Land Disposal Restrictions - Phase III: Rulemaking on Newly Identified Wastes	2050-AD38
3666	SAR No. 2572. Determination on Wastes from Combustion of Coal by Electric Utility Power Plants	2050-AC40
3667	SAR No. 2207. Disposal of Containerized Liquids in Hazardous Waste Landfills	2050-AA34
3668	SAR No. 2821. Materials Source Separation for Municipal Waste Landfills (MSWLFs)	2050-AD08

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3669	SAR No. 2634. Oil Pollution Prevention Regulation—Phase I	2050-AC62
3670	SAR No. 2332. Mandatory Inspections of Hazardous Waste Management Facilities	2050-AB59
3671	SAR No. 2799. Degradable Plastic Ring Carrier Regulation	2050-AD09
3672	SAR No. 2987. Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements: Extension of the October 26, 1991 Compliance Date	2050-AD32
3673	SAR No. 2934 Land Disposal Restrictions- Phase I: Rulemaking on Contaminated Debris and Newly Identified Wastes	2050-AD36
3674	SAR No. 2935. Land Disposal Restrictions - Phase II: Rulemaking on Contaminated Soil and Newly Identified Wastes	2050-AD37
3675	SAR No. 2871. Modifications to the Regulation of Zinc-Containing Fertilizers Using Hazardous Waste KO61	2050-AD17
3676	SAR No. 2872. Modifications to the Definition of Solid Waste and Regulations of Hazardous Waste Recycling	2050-AD18
3677	SAR No. 2870. Modifications of the Hazardous Waste Recycling Regulatory Program	2050-AD19
3678	SAR No. 2524. No-Migration Variance for Prohibited Hazardous Waste Land Disposal	2050-AC44
3679	SAR No. 2780. Causes for Permit Modifications to Hazardous Waste Management Facilities	2050-AD05
3680	SAR No. 2826. New and Revised Testing Methods Approved for RCRA Subtitle C Hazardous Waste Testing Manual SW-846, Third Edition, Update II	2050-AD06
3681	SAR No. 2434. Management of Used Oil	2050-AC17
3682	SAR No. 2482. Identification and Listing of Hazardous Wastes - De Minimis Exemption Levels	2050-AC25
3683	SAR No. 2635. Exclusions for Waste Generated On-Board Ships (Revision)	2050-AC61
3684	SAR No. 2716. Identification and Listing of Hazardous Wastes from Chlorotoluene Production	2050-AC84
3685	SAR No. 3014. Modifications to Final Management Standards for Wood Preserving Facilities	2050-AD35
3686	SAR No. 2857 Amendments to Biennial Reporting Requirements	2050-AD10
3687	SAR No. 2303. Location Standards for Hazardous Waste Facilities	2050-AB42
3688	SAR No. 2391. Landfill, Surface Impoundment, and Waste Pile Closures for Hazardous Waste Management Facilities	2050-AB81
3689	SAR No. 2439. Permitting Experimental Facilities Conducting Hazardous Waste Research	2050-AC04
3690	SAR No. 2503. Corrective Action for Releases to Ground Water from Regulated Hazardous Waste Units	2050-AC28
3691	SAR No. 2664. Definition of Hazardous Waste Tank, Surface Impoundment and Waste Pile (Revision)	2050-AC72

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Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3692	SAR No. 2675. Hazardous Waste Sump Requirements in Response to Rulemaking Petition (Revision)	2050-AC79
3693	SAR No. 2435. Hazardous Waste Management System: Ground Water Monitoring Constituents (Phase II) and Methods	2050-AC05
3694	SAR No. 2875. Hazardous Waste Surface Impoundment Retrofitting	2050-AD27
3695	SAR No. 2158. Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs	2050-AB01
3696	SAR No. 2827. RCRA Subtitle C Indian Program Authorization	2050-AD07
3697	SAR No. 2389. Mining Waste Management Under RCRA Subtitle D	2050-AB77
3698	SAR No. 2761. Financial Test for Local Governments that Own/Operate Municipal Solid Waste Landfills	2050-AD04
3699	SAR No. 2751. Municipal Solid Waste Landfills; State Permit Program Determination of Adequacy	2050-AD03
3700	SAR No. 2465. Underground Storage Tanks Containing Hazardous Substances - Financial Responsibility Requirements	2050-AC15

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3701	SAR No. 2911. Hazardous Waste Management System: Amendments to Interim Status Standards for Downgradient Ground Water Monitoring Well Locations at Hazardous Waste Facilities	2050-AD28
3702	SAR No. 2224 Solid Waste Disposal Facility Criteria	2050-AB21
3703	SAR No. 2507. Test Methods for Evaluating Solid Waste (Manual SW846 Third Edition) Incorporation by Reference and Mandatory Good Laboratory Practices—Update 1	2050-AC32
3704	SAR No. 2622. Hazardous Waste Management System, Amendment to Subpart C Rulemaking Petitions: Use of Groundwater Data in Delisting Decisions	2050-AC65
3705	SAR No. 2227. Identification and Listing of Hazardous Wastes from Coke By-Product Industries	2050-AC85
3706	SAR No. 2080. Liners and Leak Detection for Hazardous Waste Land Disposal Units	2050-AA76
3707	SAR No. 2277. Amendments to Ground-Water Monitoring at Hazardous Waste Facilities	2050-AB20
3708	SAR No. 2388. Double Liner and Leachate Collection Systems for Hazardous Waste Land Disposal Units	2050-AB76
3709	SAR No. 2390. Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities	2050-AB80
3710	SAR No. 2453. Emission Controls for Hazardous Waste Incinerators	2050-AB90
3711	SAR No. 2647. RCRA Subtitle C Financial Test Criteria (Revision)	2050-AC71
3712	SAR No. 2903. Land Disposal Restrictions Modifications to the Standard for KO61 High Zinc Category	2050-AD20
3713	SAR No. 2642. Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements: Financial Test for Self Insurance for Local Government Entities	2050-AC67

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3714	SAR No. 2653. Medical Waste Demonstration Tracking Program	2050-AC74
3715	SAR No. 2575. RCRA Definition of Solid Waste (Revision)	2050-AC68
3716	SAR No. 2494. Municipal Waste Combustor Ash Management	2050-AC24
3717	SAR No. 2651. Determination on Solid Waste from Selected Mineral Processing Operations	2050-AC41
3718	SAR No. 2461. Land Disposal Restrictions for Soil and Debris Containing Hazardous Wastes	2050-AC03
3719	SAR No. 2741. Technical Amendment to Final Underground Storage Tank Rules for Overfill Prevention	2050-AC97
3720	SAR No. 2802. Procedures for Issuance of and Administrative Hearings on RCRA Section 9003(h) Corrective Action Orders for Underground Storage Tanks	2050-AD12

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Clean Air Act (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3721	SAR No. 2762. NAAQS: Carbon Monoxide (Review)	2060-AA63
3722	SAR No. 1004. NAAQS: Nitrogen Dioxide (Review)	2060-AC06

Clean Air Act (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3723	SAR No. 2793. Protection of Stratospheric Ozone: Recycling	2060-AC80
3724	SAR No. 2795. Protection of Stratospheric Ozone: Phase Out	2060-AC84
3725	SAR No. 2801. Nonconformance Penalties for 1994 Model Year Emission Standards for Heavy-Duty Vehicles and Engines	2060-AC96
3726	SAR No. 2830. Revision of Gasoline Volatility Enforcement Procedures	2060-AC97
3727	SAR No. 2967. Requirements for the Enhanced Monitoring of Ozone and Ozone Precursors	2060-AD11
3728	SAR No. 2909. Revision of Rules for Prevention of Significant Deterioration (PSD) and New Source Review (NSR)	2060-AD13
3729	SAR No. 2939 Award Regulations	2060-AD15
3730	SAR No. 2940. Citizen Suit Regulation	2060-AD17
3731	SAR No. 2942. Enhanced Monitoring and Compliance Certification Regulations	2060-AD18
3732	SAR No. 2937 Field Citation Regulations	2060-AD19
3733	SAR No. 2938. Contractor Listing Regulations	2060-AD21
3734	SAR No. 2957. California Clean-Fuels Pilot Program - Opt In	2060-AD31
3735	SAR No. 2951. Clean Fuel Fleet Programs	2060-AD32
3736	SAR No. 2961. Locomotive Emissions Standards	2060-AD33
3737	SAR No. 2950. Motor Vehicle Certification Short Test and Performance Warranty Procedures	2060-AD34
3738	SAR No. 2869. Revised Light-Duty Durability Procedures	2060-AD36
3739	SAR No. 2956. Urban Bus Emissions Regulations - Testing Procedures	2060-AD38
3740	SAR No. 2886. Acid Rain Allowance System Regulation	2060-AD40
3741	SAR No. 3031. Acid Rain Phase I Reserve/Phase II Allowance Allocations Subpart	2060-AD42
3742	SAR No. 3009. Acid Rain Opt-In Regulation	2060-AD43
3743	SAR No. 2887. Acid Rain Continuous Emissions Monitoring Regulation	2060-AD44
3744	SAR No. 3112. Gaseous and Particulate Emission Regulations for 1996 and Later Model Year non-road Diesel Engines Rated Equal to or Greater than Forty Horsepower	2060-AD54
3745	SAR No. 3111. Prohibition of Leaded Gasoline for Highway Use	2060-AD55
3746	SAR No. 3028 Clarification of Best Available Control Technology Regulatory Definition	2060-AD61
3747	SAR No. 1919. NAAQS: Lead (Review)	2060-AA95
3748	SAR No. 1920. NAAQS: Ozone (Review)	2060-AA96
3749	SAR No. 2930. Criteria for Imposing Discretionary Sanctions under Title I	2060-AD10
3750	SAR No. 2719. Medical Waste Incinerator	2060-AC62
3751	SAR No. 2916 NSPS: Municipal Waste Combustion—Phase II and Phase III	2060-AD00
3752	SAR No. 3015. NSPS: Review of Subpart L—Secondary Lead Smelters	2060-AD01
3753	SAR No. 3106. NSPS: Review of Subpart Da—Electric Utility Steam Generating Units (SO_2)	2060-AD04
3754	SAR No. 3108. NSPS: Municipal Waste Combustion—Phase III (Combustors Less Than 250 Tons/Day)	2060-AD08
3755	SAR No. 1686. NESHAP: Coke Oven Emissions from Coke Oven Charging, Door Leaks, and Topside Leaks on Coal Charged Batteries	2060-AA48
3756	SAR No. 2892. NESHAP: Asbestos—Comprehensive Revisions	2060-AB51
3757	SAR No. 2386. NESHAP: Chromium—Industrial Cooling Towers	2060-AC12
3758	SAR No. 2841. NESHAP: Chromium—Electroplating	2060-AC14
3759	SAR No. 2363. NESHAP: Hazardous Organic	2060-AC19
3760	SAR No. 2360. NESHAP: Perchloroethylene Dry Cleaning	2060-AC27
3761	SAR No. 2484. NESHAP: Ethylene Oxide from Commercial Sterilization	2060-AC28
3762	SAR No. 1695. NESHAP: Organic Solvent Degreasing	2060-AC31
3763	SAR No. 2814. Statement of Policy Regarding Petitions under Section 112 of Title III of the Clean Air Act Amendments of 1990	2060-AC91
3764	SAR No. 2918. General Provisions for Major and Area Sources of Air Toxics	2060-AC98
3765	SAR No. 3105. NESHAP: Pulp and Paper	2060-AD03
3766	SAR No. 3107. Guidance for the Implementation of Section 112(g) - Modifications	2060-AD06
3767	SAR No. 3109. Identification of Lesser Quantity Cutoffs for Major Sources Under Section 112	2060-AD09
3768	SAR No. 2991. Protection of Stratospheric Ozone: Safe Alternatives	2060-AD48
3769	SAR No. 2965. NESHAP for Wood Furniture Manufacturing	2060-AD57
3770	SAR No. 3029 Radionuclide Major Source Definition	2060-AD60
3771	SAR No. 2964 Economic Incentive Program Rules Authorized under Title I of the CAA	2060-AD58

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Clean Air Act (CAA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3772	SAR No. 3104. Standards for Tank Vessel Loading Operations	2060-AD02
3773	SAR Nos. 2988, 2989, 2990. FTS:8-629-5350. RACM/BACM Guidance for Fugitive Dust Sources, Prescribed Burning, and Residential Wood Combustion	2060-AD23
3774	SAR No. 2766. Revisions to Regulations for Gas Guzzler Tax	2060-AC76
3775	SAR No. 2763. Emissions Standards for New Motor Vehicles and Motor Vehicle Engines Fueled with Compressed Natural Gas or Liquified Petroleum Gas	2060-AC79
3776	SAR No. 2665. Amendments to Motor Vehicle Imports Regulations Pertaining to Canadian Vehicles	2060-AC58
3777	SAR No. 2589. Revisions to the Stack Height Regulation	2060-AC60
3778	SAR No. 2727. Emission Design and Defect Warranty and Parts List	2060-AD56
3779	SAR No. 2365. Fuel and Fuel Additives: Registration Requirements	2060-AC10
3780	SAR No. 2629. General Requirements for Determination of Gasoline Metal Content	2060-AC52
3781	SAR No. 2728. Revisions to Regulations on Registration of Fuel and Fuel Additives	2060-AC74
3782	SAR No. 2769. Control of Air Toxics from Motor Vehicles	2060-AC75
3783	SAR No. 2889. Acid Rain Permits Regulation	2060-AD46
3784	SAR No. 2888. Acid Rain Nitrogen Oxides Control Regulation	2060-AD45
3785	SAR No. 2901. Protection of Stratospheric Ozone: Servicing of Motor Vehicle Air Conditioners	2060-AD50
3786	SAR No. 2907. Protection of Stratospheric Ozone: Product Ban	2060-AD49
3787	SAR No. 2906. Protection of Stratospheric Ozone: Labeling	2060-AD47
3788	SAR No. 2899. Protection of Stratospheric Ozone: Federal Procurement	2060-AD51
3789	SAR No. 3026 Acid Rain Excess Emissions Requirements Regulation	2060-AD53
3790	SAR No. 2857. Individual Constituents Standards - Phase III of RCRA Air Emission Standards	2060-AC90

Clean Air Act (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3791	SAR No. 2927. Designation and Classification of Nonattainment Areas	2060-AD22
3792	SAR No. 2726. Alternative Fuel Corporate Average Fuel Economy Labeling Requirements	2060-AC78
3793	SAR No. 2849. Reorganization of 40 CFR Part 86, Subpart A	2060-AC94
3794	SAR No. 2924. General Preamble—Requirements for Approval of State Implementation Plan Submittals under Clean Air Act Amendments of 1990	2060-AD12
3795	SAR No. 2893. Regulations for Implementing the Operating Permits Requirements of the Clean Air Act	2060-AD16
3796	SAR No. 2940 Administrative Penalty Regulations—Rules of Practice	2060-AD20
3797	SAR No. 2962. Heavy-Duty Engine Standards	2060-AD26
3798	SAR No. 2959. Reformulated Gasoline	2060-AD27
3799	SAR No. 2960. Winter Oxygenated Fuel Programs	2060-AD28
3800	SAR No. 2955. Phaseout of Lead in Gasoline and Test Procedure for Lead Substitutes	2060-AD29
3801	SAR No. 2958. California Clean Fuels Pilot Program—Credits Program	2060-AD30
3802	SAR No. 2902. Motor Vehicle and Engine Program Fees	2060-AD35
3803	SAR No. 2953. Urban Bus Emissions Regulations - Standards and Retrofit	2060-AD37
3804	SAR No. 2984. Acid Rain Auctions, Direct Sales, and IPP Written Guarantee Subpart	2060-AD41
3805	SAR No. 1002. NAAQS: Sulfur Oxides (Review)	2060-AA61
3806	SAR No. 1931. NSPS: SOCMI Reactor Processes	2060-AB55
3807	SAR No. 2535. NSPS: Municipal Solid Waste Landfills	2060-AC42
3808	SAR No. 2285. NSPS: Calciners and Dryers	2060-AC67
3809	SAR No. 2839. Development of a List of Source Categories and Schedule for Regulating Source Categories of Hazardous Air Pollutants Subject to Section 112 of the CAA Amendments of 1990	2060-AC87
3810	SAR No. 2819. Compliance Extensions for Early Reduction of Hazardous Air Pollutants	2060-AC89
3811	SAR No. 3030 National Emissions Standards for Hazardous Air Pollutants; Polonium-210 Emissions from Elemental Phosphorus Plants	2060-AD59
3812	SAR No. 3027 Applicability of Title I New Source Requirements to Electric Utilities (WEPCO)	2060-AD62
3813	SAR No. 2557. Guideline on Air Quality Models (Revision)	2060-AC43
3814	SAR No. 3029. Control Techniques Guidelines	2060-AD05
3815	SAR No. 2384. Motor Vehicle Test Procedures for Evaporative Hydrocarbons (Revision)	2060-AC64
3816	SAR No. 2704 On-Board Vehicle Based Diagnostic System Requirement	2060-AC65
3817	SAR No. 2384. Control of Gasoline Motor Vehicle Refueling Emissions	2060-AC04
3818	SAR No. 2660 Cold Ambient Air Temperature Carbon Monoxide Emission Standards	2060-AC59
3819	SAR No. 2637. Alternative Test Procedure for the Voluntary Aftermarket Part Certification Program	2060-AC50
3820	SAR No. 2638. Motor Vehicle Emissions Performance Warranty Short Tests	2060-AC51
3821	SAR No. 2690. Radon User Fees	2060-AC66

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Clean Air Act (CAA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3822	SAR No. 2240. Treatment, Storage, and Disposal Facility - RCRA Air Emission Standards	2060-AB94

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3823	SAR No. 2850. Revision of 40 CFR Part 80 to Delete Outdated Sections	2060-AC95
3824	SAR No. 2931 Tier 1 Light-Duty Tailpipe Standards and Useful Life Requirements	2060-AD25
3825	SAR No. 2854. Volatility Regulations for Gasoline and Alcohol Blends Sold in Texas in Calendar Year 1991	2060-AC93
3826	SAR No. 2792. Approval and Promulgation of Implementation Plans: Revision of the Visibility FIP for Arizona	2060-AC82
3827	SAR No. 2925. Development of SIP Completeness Criteria	2060-AD24
3828	SAR No. 2916. Municipal Waste Combustion—Phase II (Combustors Greater than 250 Tons/Day)	2060-AC99

Superfund (CERCLA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3829	SAR No. 2972. List of Substances and Threshold Quantity	2050-AD25
3830	SAR No. 2979 Accident Prevention Regulations and Risk Management Plan	2050-AD26
3831	SAR No. Reportable Quantity Adjustments of Lead, Lead Compounds, Lead-Containing Hazardous Waste Streams, and Methyl Isocyanate	2050-AD16
3832	SAR No. 3000. Designation under CERCLA and Reportable Quantity Adjustments of New Clean Air Act Hazardous Air Pollutants	2050-AD33
3833	SAR No. 2702. Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Cost Recovery	2050-AC98
3834	SAR No. 2650. National Contingency Plan-Subpart K: A Roadmap to the NCP for Federal Facilities	2050-AC76
3835	SAR No. 3102. National Priorities List (NPL) for Uncontrolled Hazardous Waste Sites—Proposed Update XI	2050-AD22
3836	SAR No. 3103. National Priorities List for Uncontrolled Hazardous Waste Sites —Proposed Update XII	2050-AD23
3837	SAR No. 2976. Amendment to the NCP Appendix: Procedures for Contract Laboratory Program Investigation	2050-AD34
3838	SAR No. 2855. Procedures for Reimbursement Petitions Under Section 106(b) of CERCLA	2050-AD11
3839	SAR No. 2882. Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan	2050-AD24
3840	SAR No. 2923 Oil Pollution Prevention Regulation - Phase II	2050-AD30
3841	SAR No. 2758. Addition of Chemicals to the List of Extremely Hazardous Substances Based on Their Physical Properties	2050-AD02
3842	SAR No. 2847. Mandatory Pollution Prevention Reporting for Toxic Release Inventory (TRI)	2070-AC24

Superfund (CERCLA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3843	SAR No. 2336. Designation of Extremely Hazardous Substances as CERCLA Hazardous Substances	2050-AB62
3844	SAR No. 2429. Reportable Quantity Adjustments of Extremely Hazardous Substances	2050-AC14
3845	SAR No. 2394. Reporting Exemptions for Federally Permitted Releases of Hazardous Substances	2050-AB82
3846	SAR No. 2868. Reportable Quantity Adjustments for Petroleum Refinery Primary Treatment Sludges	2050-AD15
3847	SAR No. 2564. Response Claims Procedures for the Hazardous Substances Superfund	2050-AA90
3848	SAR No. 2498. Administrative Hearing Procedure for Superfund Claims	2050-AC26
3849	SAR No. 2401. Technical Assistance Grants to Groups of Individuals at Superfund Sites	2050-AC10
3850	SAR No. 2409. Reimbursement of Local Governments for Emergency Response to Hazardous Substance Releases	2050-AC11
3851	SAR No. 2512. Administrative Hearing Procedures for Class II Penalties Under CERCLA and Emergency Planning and Community Right-to-Know Act	2050-AC39
3852	SAR No. 2615. Prior Notice of Citizen Suits Under CERCLA	2050-AC70

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Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3853	SAR No. 2538. Procedures for Planning and Implementing Off-Site Response Actions	2050-AC35

General—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3854	SAR No. 0952. Evaluation Procedure for Award of Fixed Price Contracts for Commercial Supplies and Services	2030-AA09
3855	SAR No. 3098. Procurement Integrity	2030-AA25
3856	SAR No. 3100. Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	2030-AA27
3857	SAR No. 3101. General Regulation for Assistance Programs for Other than State and Local Governments	2030-AA28
3858	SAR No. 2662. Amendments to Part 22 Consolidated Procedural Rules	2020-AA13
3859	SAR No. 2652. EPCRA Inspection Authority and Procedures	2020-AA15
3860	SAR No. 2195. Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06
3861	SAR No. 2789. Duplication of Work	2030-AA23

General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3862	SAR No. 2884. Lender Liability Under CERCLA	2020-AA17
3863	SAR No. 0951. Contractor Compliance with Information Resources Management Directives	2030-AA10
3864	SAR No. 2683. Payment of Fee on Term Form Contracts	2030-AA15
3865	SAR No. 3099. Oral Orders	2030-AA26
3866	SAR No. 2218. Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistance From the EPA (Revision)	2090-AA09
3867	New Restrictions on Lobbying	2030-AA24
3868	SAR No. 2791. Instructions for Preparation of Cost or Pricing Proposals	2030-AA20

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3869	SAR No. 3110. Federal Policy for the Protection of Human Subjects	2080-AA04
3870	SAR No. 2536. Procedures and Requirements Implementing the National Environmental Policy Act for the EPA's Research and Development Program and for Public and Other Federal Agency Involvement	2020-AA16

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3554. TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES OR PROCESSED FOODS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a)/FFDCA 408; 21 USC 348/FFDCA 409

CFR Citation: 40 CFR 177 to 180; 40 CFR 185 to 186

Legal Deadline: None

Abstract: This rule will set the criteria, interpretations, and categorizations the Agency will follow in establishing tolerances and food additive regulations under Sections 408 and 409 of FFDCA (USC 348) for pesticide residues in or on raw agricultural commodities (RAC's) or processed

foods. These regulations will restate, update, and/or clarify practices that have been developed over many years, some of which have never been codified.

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2602.

FTS:8-557-7700.

Agency Contact: Jim Downing, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, 703 557-7700

RIN: 2070–AC18

3555. REGULATION OF PESTICIDAL TRANSGENIC PLANTS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25; 7 USC 136c/FIFRA 5

CFR Citation: 40 CFR 152.20

Legal Deadline: None

Abstract: EPA is considering the need to clarify whether certain pesticides produced by or within transgenic plants may not be exempt from the provisions of FIFRA (the existing Section 152 has been interpreted as exempting from FIFRA regulation all plants that may be used as biological pest control agents). Pesticides produced by transgenic plants may receive regulatory oversight similar to that which is already in place for conventional pesticides; however, some modification to the oversight system may be appropriate to reflect the unique characteristics of these products. This regulation and its development will be coordinated with USDA/APHIS, FDA, and other agencies, as appropriate.

Timetable:

Action	Date	FR Cite
NPRM or Policy Statement	06/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAR No. 2684.

FTS:8-557-7974.

Agency Contact: Bernice Slutsky, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-7974

RIN: 2070–AC02

3556. PESTICIDE DATA REQUIREMENTS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 3, 4, 5, and 25

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: This amendment will update the existing data requirements (40 CFR 158) for evaluating the registrability of pesticide products. Reasons for the revisions include recent health and environmental concerns (e.g., groundwater contamination, worker exposure and neurotoxicity) and advancements in testing technology. The revisions will clarify data requirements to reflect current practice. Also, comparative product performance data requirements for use in risk/benefit analysis and in preparation of regulatory options used in making analysis and in preparation of regulatory options used in making risk/benefit decisions will be incorporated into 40 CFR 158. Procedural and explanatory sections of 40 CFR 158 will amended to make them consistent with the revised data requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2687.

FTS:8-557-8127.

Agency Contact: Amy Rispin, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-8127

RIN: 2070–AC12

3557. ● WORKER PROTECTION STANDARDS (HAZARD COMMUNICATION TO WORKERS)

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136(w)/FIFRA 25

CFR Citation: 40 CFR 170

Legal Deadline: None

Abstract: This action proposes revisions to the Worker Protection Standards. The revisions may propose the use of material safety data sheets or fact sheets for agricultural workers to make the FIFRA Hazard Communication Standards for Agricultural Workers consistent with OSHA's standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAR No. 1640

FTS:8-557-7666

Agency Contact: Patricia Breslin, Environmental Protection Agency, Pesticides and Toxic Substances, (H7506C), 703 557-7666

RIN: 2070–AC34

3558. SALE OF RESTRICTED USE PESTICIDES TO NONCERTIFIED PERSONS

Legal Authority: 7 USC 136i/FIFRA 11; 7 USC 136j/FIFRA 12; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 171.12

Legal Deadline: None

Abstract: This action is intended to develop regulations pursuant to FIFRA Section 12(a)(2)(F) to allow the sale of restricted use pesticides under certain circumstances to persons who are not certified applicators. Regulatory development will be coordinated with the review of State plans under FIFRA Section 11 to determine both need and compatibility with State authorities and programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2337.

FTS:8-557-7372.

Agency Contact: Robert Bielarski, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7372

RIN: 2070–AB48

3559. PESTICIDE APPLICATOR CERTIFICATION FEES FOR EPA ADMINISTERED PROGRAMS

Legal Authority: 31 USC 9701

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This rule is intended to implement a program for assessing fees for Federal certification and training of commercial and private applicators who apply restricted use pesticides. Fees will be collected in States with Federally-administered pesticide certification and training programs, and will cover the costs of administering such programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2406.

FTS:8-557-7372.

Agency Contact: John MacDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7372

RIN: 2070–AB76

3560. AMENDMENTS TO EXPERIMENTAL USE PERMIT RULE FOR CERTAIN MICROBIAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136c/FIFRA 5

CFR Citation: 40 CFR 172

Legal Deadline: None

Abstract: EPA proposes to amend its experimental use permit regulations for pesticides to clarify the circumstances under which an experimental use permit is presumed not to be required and the basis for that presumption. EPA also proposes to require notification to the Agency before initiation of small-scale testing of certain microbial pesticides. The Agency will review each notification to assess the potential for adverse impacts on human health or the environment and will then determine whether or not to approve the test, and/or whether to require an experimental use permit. This notification scheme would implement provisions of the Agency policy statement of June 26, 1986 (51 FR 23302), with some modifications.

Timetable:

Action	Date	FR Cite
Notice	02/15/89	54 FR 7026
NPRM	11/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2445.

FTS:8-557-7635.

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-7635

RIN: 2070–AB77

3561. REPORTING REQUIREMENTS FOR RISK/BENEFITS INFORMATION (REVISION)

Legal Authority: 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: FIFRA Section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6(a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is reissuing it as a proposal to clarify the types of information which registrants must report to EPA.

Timetable:

Action	Date	FR Cite
Final Action Interp and Policy Rule	08/23/78	43 FR 37611
Final Action Enforcement Policy	07/12/79	44 FR 40716
Final Action Codified Interpretive Rule	09/20/85	50 FR 38115
NPRM Interpretive Rule	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAR No. 2338.

FTS:8-398-8003.

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7508W), Washington, DC 20460, 703 308-8003

RIN: 2070–AB50

3562. PESTICIDE DATA REQUIREMENTS: METHODS FOR SAFE STORAGE AND DISPOSAL

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3, FIFRA 6, FIFRA 19

CFR Citation: 40 CFR 158; 40 CFR 165

Legal Deadline: None

Abstract: EPA is authorized to issue regulations to specify the types and minimum amounts of data the Agency requires to support the registration or continued registration of a pesticide, and for other purposes. This rule may specify the necessary information and data EPA would require regarding methods for the safe storage and disposal of pesticides. The data requirements table and supporting information would become a part of existing 40 CFR 158.

Timetable:

(Container Design Residue Removal)
NPRM 03/00/92
(Storage, Disposal of Excess)
NPRM 03/00/93

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2724.

FTS:8-557-7695.

Agency Contact: Paul F. Schuda, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-7695

RIN: 2070–AC11

3563. ● CLASSIFICATION OF CERTAIN PESTICIDES FOR RESTRICTED USE DUE TO GROUND WATER CONCERNS

Significance: Regulatory Program

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 152.175

Legal Deadline: None

Abstract: EPA will propose to restrict a number of pesticides to use by certified pesticide applicators. The goal of the action is to prevent or mitigate the potential for ground water contamination. The pesticides subject to this proposal will be selected from those which meet EPA's proposed criteria for restricted use consideration due to ground water concerns. Those criteria were published for comment on May 13, 1991 at 56 FR 22076 (RIN 2070-AB60).

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2351

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (H7508W), 703 308-8003

RIN: 2070–AC33

3564. ● TECHNICAL AMENDMENTS TO PESTICIDE SPECIAL REVIEW PROCEDURES

Legal Authority: 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 154

Legal Deadline: None

Abstract: Certain portions of 40 CFR part 154 require the Agency not to produce documents which are duplicative or add steps to the Special Review process. These amendments would serve to streamline the process.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2983

FTS:8-308-8015

Agency Contact: Richard P. Dumas, Environmental Protection Agency, Pesticides and Toxic Substances, (H7503W), 703 308-8015

RIN: 2070–AC35

3565. FIFRA BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION (REVISION)

Legal Authority: 7 USC 136f/FIFRA Section 8

CFR Citation: 40 CFR 169

Legal Deadline: None

Abstract: This action would amend the recordkeeping requirements for registrants and applicants for registration under FIFRA Section 8. It will also examine recordkeeping affected by the 1988 amendments to FIFRA and amend 40 CFR 169, as necessary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2725.

FTS:8-398-8383.

Agency Contact: Steve Howie, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 703 308-8383

RIN: 2070–AC07

3566. PESTICIDE MANAGEMENT AND DISPOSAL IN CONTAINER DESIGN, STORAGE, DISPOSAL, CONTAINER DESIGN, AND TRANSPORTATION OF PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136q/FIFRA 19; 7 USC 136a/FIFRA 3; 7 USC 136W/FIFRA 25

CFR Citation: 40 CFR 165

Legal Deadline: Other, Statutory, December 24, 1991.
Final Container Design and Residue Removal

Abstract: The 1988 amendments to FIFRA significantly expand EPA authority to regulate the management of pesticides, including storage, transportation, and disposal of pesticides. The Agency may exercise this authority through labeling provisions, and other regulations for storage, transport, and disposal of pesticides. As required under Section 19, EPA has conducted a study on pesticide container design. The Report to Congress on this study will be submitted in the fall of 1991.

Timetable:

Action	Date	FR Cite
NPRM (Storage, Disposal, Containment, and Transportation)	10/00/91	
NPRM (Container Design, Residue Removal, Storage, Bulk Containment)	03/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2659.

FTS:8-557-7695.

Agency Contact: Paul F. Schuda, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-7695

RIN: 2070–AB95

3567. ● PESTICIDE MANAGEMENT AND DISPOSAL: PROCEDURAL REGULATIONS FOR SUSPENDED AND CANCELLED PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136q/FIFRA 19

CFR Citation: 40 CFR 165

Legal Deadline: None

Abstract: This rule would establish procedures for mandatory and voluntary recall actions taken under Section 19(b) of FIFRA, and submission

of storage and disposal plans which registrants may submit to the Agency to become eligible for reimbursement of storage costs under Section 19(c) of FIFRA. In addition, it would establish criteria for indemnification of owners of suspended and canceled pesticides as authorized by Section 15 of the Act. Finally, this rule would propose to update Subpart B of 40 CFR Part 165, which addresses the Agency's responsibility for accepting for disposal, suspended and canceled pesticides to reflect changes made by the 1988 amendments to FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2659.

FTS:8-308-8295.

Agency Contact: David Stangel, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342W), 703 308-8295

RIN: 2070–AC32

3568. CHILD-RESISTANT PACKAGING REGULATIONS (REVISION)

Legal Authority: 7 USC 136/FIFRA 25

CFR Citation: 40 CFR 157

Legal Deadline: None
EPA regulations should be concurrent with CPSC.

Abstract: These regulations will revise current Child Resistant Packaging regulations (CRP) to be consistent with CRP protocol testing revisions the CPSC is proposing in its regulations. Also, these regulations will discuss the implementation of these changes in terms of pesticide registrations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2639.

FTS:8-557-7700.

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, 703 557-7700

RIN: 2070–AB96

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

3569. ● ENDANGERED SPECIES PROTECTION PROGRAM

Significance: Regulatory Program

Legal Authority: PL 100 - 478, Section 1010

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Pesticides are necessary for production of agricultural food and fiber commodities, yet have the potential to harm threatened or endangered species. EPA will develop and implement an endangered species pesticide labeling program designed to conserve federally listed species and to minimize the impacts to persons who use pesticides. The program will include development of species maps and pesticide use limitation bulletins to be distributed as an extension of pesticide labels. Pesticides that are determined to cause harm to endangered species will require label changes which display precautionary statements and directions on how to obtain county bulletins. The program will be coordinated with EPA, US Department of Agriculture, and States.

Timetable:

Final Endangered Species Protection Program
NOTICE 03/00/92

Proposed Endangered Species Protection Program
NOTICE 07/03/89 (54 FR 27984)

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 3113.

FTS:8-557-1007.

Agency Contact: Larry Turner, Environmental Protection Agency, Pesticides and Toxic Substances, (H7507C), 703 557-1007

RIN: 2070–AC42

3570. LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Legal Authority: 7 USC 136a to 136w

CFR Citation: 40 CFR 156; 40 CFR 167

Legal Deadline: None

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2289.

FTS:8-557-0944.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (H7501C), Washington, DC 20460, 703 557-0944

RIN: 2070–AB46

3571. RESTRICTED USE CLASSIFICATION FOR GROUNDWATER CONTAMINATING PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136d/FIFRA 6; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 152.170

Legal Deadline: None

Abstract: This rule will provide a mechanism for identifying pesticides which may pose an unreasonable risk

because of the potential to leach into groundwater. The Agency will promulgate criteria for identifying pesticides as candidates for classification for restricted use. Restricted use pesticides generally may be applied only by state certified applicators.

Timetable:

Action	Date	FR Cite
NPRM	05/13/91	56 FR 22076
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2351.

FTS:8-398-8003.

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7508), Washington, DC 20460, **703 308-8003**

RIN: 2070–AB60

3572. REGULATIONS ON CERTIFICATION OF PESTICIDE APPLICATORS (REVISION)

Legal Authority: 7 USC 136i/FIFRA 11; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This action is intended to revise existing regulations on certification of pesticide applicators. The current standards and requirements need to be updated to clarify definitions and to reflect changes in technology and current needs in State programs.

Timetable:

Action	Date	FR Cite
NPRM	11/07/90	55 FR 46890
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2446.

FTS:8-557-7372.

Agency Contact: John MacDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, **703 557-7372**

RIN: 2070–AB75

3573. POLICY OR PROCEDURES FOR NOTIFICATION TO THE AGENCY OF STORED PESTICIDES WITH CANCELLED OR SUSPENDED REGISTRATION

Legal Authority: 7 USC 136 / FIFRA 6

CFR Citation: 40 CFR 168

Legal Deadline: None

Abstract: This policy will clarify the requirements of section 6(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The policy will provide procedures for certain persons who possess cancelled or suspended pesticides to notify the EPA and State and local officials of (1) such possessions; (2) the quantity possessed; and (3) the place the pesticide is stored.

Timetable:

Action	Date	FR Cite
NPRM	03/28/91	56 FR 13042
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2720.

FTS:8-398-8383.

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, **703 308-8383**

RIN: 2070–AC08

3574. INTERPRETATIVE RULE - ADVERTISING CLAIMS MADE FOR REGISTERED PESTICIDE PRODUCTS

Legal Authority: 7 USC 136j /FIFRA 12

CFR Citation: 40 CFR 168

Legal Deadline: None

Abstract: This rule interprets FIFRA section 12(a)(1)(B) which provides for the regulation of claims made when advertising registered pesticide products. The rule will establish standards for acceptable advertising claims with respect to claims made about the safety and efficacy of the product.

Timetable:

Action	Date	FR Cite
Final Action Codified Interpretive Rule	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2554.

FTS:8-557-7443.

Agency Contact: Jean Jenkins, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, **703 557-7443**

RIN: 2070–AB88

3575. REVISION OF STATEMENT OF POLICY ON FIFRA SECTION 17, PESTICIDES AND DEVICES INTENDED FOR EXPORT

Legal Authority: 7 USC 136 / FIFRA 17

CFR Citation: 40 CFR 168

Legal Deadline: None

Abstract: This action will revise the Statement of Policy regarding the export of unregistered pesticides to identify the requirements which must be met for the export of unregistered pesticides and to spell out procedures which EPA will follow to notify foreign governments. Changes will be incorporated to improve recognition and response to potential violations of FIFRA 17.

Timetable:

Action	Date	FR Cite
Proposed Policy Statement	02/12/90	55 FR 4967
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2735.

FTS:8-398-8383.

Agency Contact: Phyllis Flaherty, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, **703 308-8383**

RIN: 2070–AC09

3576. WORKER PROTECTION STANDARDS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136w(a)'/FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 170

Legal Deadline: None

Abstract: The Worker Protection Standards for agricultural pesticides

EPA—FIFRA **Final Rule Stage**

will be revised to increase the scope of coverage, update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	07/08/88	53 FR 25970
Final Action	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1640.

FTS:8-557-7666.

Agency Contact: Patricia Breslin, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7666

RIN: 2070–AA49

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Toxic Substances Control Act (TSCA)

Prerule Stage

3577. MASTER TESTING LIST

Legal Authority: 15 USC 2603

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: This action would create a Master Testing List (MTL) of chemicals potentially subject to testing under Section 4 of the Toxic Substances Control Act (TSCA). The MTL would define the universe of data needs for chemicals, provide for government-wide and public participation to determine national testing priorities priorities, and use scarce national resources wisely to develop only the highest priority data needs. The MTL would provide a vehicle for resolving testing issues including developing standard test guidelines, measuring program success, and encouraging cost sharing. The MTL would be announced to the public, and updated periodically.

Timetable:

Action	Date
Policy Statement Notice	09/00/92

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2894.

FTS:8-260-8130.

Regulatory Flexibility Analysis: Undetermined.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-8130

RIN: 2070–AC30

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Toxic Substances Control Act (TSCA)

Proposed Rule Stage

3578. ● ADDITION OF AIR TOXICS TO TOXIC RELEASE INVENTORY (TRI)

Legal Authority: 42 USC 11023 /EPCRA 313; 42 USC 11048; 42 USC 11076

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action would add seventeen chemicals to the list of toxic chemicals subject to the reporting requirements of Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Sixteen of these chemicals are from a list of hazardous air pollutants subject to requirements of the Clean Air Act Amendments of 1990. Most of these hazardous air pollutants are already covered by Section 313 reporting including some categorical listings. Adding these chemicals will establish a Comprehensive Inventory of Air Toxics Releases and will also provide information on releases of these chemicals to other environmental media. The seventeenth chemical is to be added because it is extremely toxic to aquatic organisms.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: SAR No. 3007.

FTS:8--3667.

Agency Contact: Mary Ellen Weber, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), 202 260-3667

RIN: 2070–AC40

3579. TOXIC CHEMICAL "PEAK RELEASE" REPORTING RULE (REVISION)

Legal Authority: 42 USC 11013/SARA (EPCRA) 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action proposes to add a "peak release" reporting element to the Toxic Chemical Release Inventory (TRI) Reporting Form. Current reporting of releases is of annual releases to all environmental media. The proposal addresses the issue of obtaining more specific information on the highest single release in order to better assess acute risks to health and the environment. This action is being considered in the context of expansion of TRI coverage chemicals and of standard industrial classification (SIC) codes. Decisions made on major expansions will determine when and how EPA will proceed on this "Peak Release" rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2555.

FTS:8-260-3667.

Agency Contact: Mary Ellen Weber, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 260-3667

RIN: 2070–AB86

3580. RESPONSES TO PETITIONS RECEIVED TO ADD TO OR DELETE CHEMICALS FROM THE LIST OF TOXIC CHEMICALS UNDER SECTION 313 OF SARA

Legal Authority: 42 USC 11013/SARA (EPCRA) 313

CFR Citation: 40 CFR 372

Legal Deadline: Other, Statutory. For each of these petitions the Agency must either initiate rulemaking or provide an explanation for the denial in the Federal Register within 180 days.

Abstract: These actions grant or deny petitions received to add or delete chemicals from the list of toxic chemicals under Section 313 of the Superfund Amendments and Reauthorization Act (SARA) (also known as the Emergency Planning and Community Right to Know Act, EPCRA). The actions cover individual chemicals or groups of chemicals for which petitions have been received.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: SAR No. 2425.

FTS:8-260-3667.

Agency Contact: Mary Ellen Weber, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 260-3667

RIN: 2070–AC00

3581. POLICY STATEMENT IMPLEMENTING THE PRIOR INFORMED CONSENT PROCEDURES FOR THE EXPORT/IMPORT OF INDUSTRIAL CHEMICALS

Legal Authority: London Gdlns for Exchange of Info on Chemicals in Intl Trade

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The EPA intends to publish a proposed policy statement implementing the Prior Informed Consent (PIC) procedure for industrial chemicals. The principle of PIC was accepted by the United National Environment Programme (UNEP) as an amendment to the London Guidelines for the Exchange of Information on Chemicals in International Trade. The US is a member of UNEP and a signatory to the Guidelines. Hence, EPA is preparing this policy statement to further comply with the London Guidelines, specifically the provisions of the PIC procedure.

The goal of the Guidelines is to enhance the safe management of chemicals in all countries through the exchange of scientific, technical, economic, and legal information on chemicals in international trade. The policy statement will provide the current proposed list of industrial chemicals banned or severely restricted in the US which will include chemicals subject to regulatory action taken by agencies other than EPA. OTS believes this policy statement will establish a mechanism for information exchange which will advance the protection of human health and the global environment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2800.

FTS:8-260-3540.

Agency Contact: Barbara Ostrow, Environmental Protection Agency, Pesticides and Toxic Substances, Washington, DC 20460, (TS-778), 202 260-3540

RIN: 2070–AC22

3582. DECISIONS ON TEST RULES: PROPOSED RULES

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing, obtain testing through negotiated consent orders, or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-designated chemicals) for which the 12-month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through EPA review processes.

Timetable:

Aryl Phosphates (ITC List 2)
ANPRM 12/29/83 (40 FR 57452)
NPRM 11/00/91
Glycidols (ITC List 3)
ANPRM 12/30/83 (48 FR 57562)
NPRM 10/00/91
IRIS Chemicals (ITC List 27)
NPRM 11/00/91
IRIS Chemicals (ITC List 28)
NPRM 06/00/92
4-Vinylcyclohexane
NPRM/Consent Order 10/00/91

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FTS:8-260-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-8130

RIN: 2070–AB07

3583. NEGOTIATED CONSENT/PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This action will amend the testing consent order process to increase its efficiency. The consent order process was adopted by the Agency in June 1986. Based on experience to date, the Agency needs to

make changes in the process to reduce the resources required for consent order negotiation. This rule would propose appropriate procedural changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Interim Final Rule	06/30/86	51 FR 23706
Interim Final Rule (Technical Modification)	09/01/89	54 FR 36311
Interim Final Rule (Technical Modification)	09/01/89	54 FR 36311
NPRM	12/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2245 and SAR No. 2657.

FTS:8-260-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 260-8130**

RIN: 2070–AB30

3584. SARA SECTION 110 CHEMICALS GENERIC TEST RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: This action would set forth the policies and procedures for using the Toxic Substances Control Act (TSCA) section 4 testing and authority to obtain toxicity and chemical fate testing to fill certain data needs identified in toxicity profiles of chemicals prepared pursuant to Section 110 of the Superfund Amendments and Reauthorization Act (SARA).

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2563.

FTS:8-260-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 260-8130**

RIN: 2070–AB79

3585. ● MULTI-CHEMICAL ENDPOINT(S) TEST RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 799.5050

Legal Deadline: None

Abstract: A multi-chemical endpoint test rule will require the testing of many chemicals for a specific effect or endpoint, e.g., bioaccumulation. This type of rule is an alternative to single chemical rules which require testing of one chemical for many effects. The multi-chemical endpoint rule approach will obtain testing while conserving on Agency resources. The multi-chemical rule for persistent bioaccumulators will obtain environmental effects and chemical fate data on chemicals that are believed to persist and bioaccumulate in the environment. Emerging environmental concerns have focused on sediments contaminated with chemicals which are persistent (do not degrade) and bioaccumulate (may enter the human food chain). In addition, such chemicals are also typically toxic to aquatic and terrestrial organisms. EPA has identified over 30 chemicals for possible inclusion in the bioaccumulator test rule. EPA is also considering developing a multi-chemical test rule to obtain needed health and environmental effects testing for the 189 chemicals listed under Section 112 of the Clean Air Act (CAA). Another multi-substance test rule may be developed to (cont)

Timetable:

Action	Date	FR Cite
NPRM Bioaccumulators	09/00/92	
NPRM Certain TRI Chemicals	09/00/92	
NPRM CAA Section 112 Chemicals	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2865.

FTS:8-260-8130.

ABSTRACT CONT: obtain needed health and environmental effects data on a subset of high production and high emission Toxic Release Inventory (TRI) chemicals. Having this data would assist EPA in its evaluation of petitions to delist these chemicals from the TRI. These rules may be amended in the future to require the same testing for other chemicals. Also, future multi-chemical rules will require testing of additional endpoints and chemicals. The testing requirements for each chemical in a multi-chemical rule will be listed in a single table by chemical under Section 799.5050. This table will be amended with each publication of a new multi-chemical rule.

Agency Contact: Gary E. Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), **202 260-8130**

RIN: 2070–AC36

3586. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Action	Date	FR Cite
NPRM Aromatic Ether Diamines	05/30/90	55 FR 21877
NPRM Erionite Fiber	01/25/91	56 FR 2889
NPRM Amine Contain. Metalwking Fluids w/Potassium or Sodium Nitrites	10/00/91	
Final Action Erionite Fiber	10/00/91	

Action	Date	FR Cite
Final Action Amine Contain. Metalwking Fluids w/Potassium or Sodium Nitrites	04/00/92	
Final Action 2,4-Pentanedione	04/00/92	
Final Action Aromatic Ether Diamines	07/00/92	

Amine Contain. Metalwking Fluids w/Potassium or Sodium Nitrites
NPRM 01/24/91 (56 FR 2733)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1923.

FTS:8-260-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-3436

RIN: 2070–AA58

3587. GENERIC SIGNIFICANT NEW USE RULE (SNUR) FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2694/TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of manufacture or processing for a significant new use. The significant new use rule will apply to a subset of acrylates and methacrylates added to the inventory after the effective date of the rule. It will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2247.

FTS:8-260-3857.

Agency Contact: James Alwood, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3857

RIN: 2070–AB56

3588. RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY") UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA)

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 700; 40 CFR 720; 40 CFR 721

Legal Deadline: None

Abstract: EPA is planning to propose a regulation under TSCA for the oversight of certain microbial products of biotechnology. The proposed rule would be issued under the authority of Section 5 of TSCA, which generally requires that new chemical substances must be reviewed by EPA before they are introduced into commerce. EPA will consider the "Principles for Federal Oversight of Biotechnology: Planned Introductions Into the Environment of Organisms with Modified Hereditary Traits."

The proposed rule may include procedures for oversight of certain new organisms manufactured for general commercial use, and may propose a special notification procedure for new microorganisms introduced into the environment for research and development (R&D) purposes. EPA may also propose several exemptions for oversight, including an exemption for new (cont)

Timetable:

Action	Date	FR Cite
Notice	02/15/89	54 FR 7026
NPRM	02/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2325 (SNUR for Certain Biotech Products); SAR No. 2326 (PMN for Certain Biotech Products).

FTS:8-260-3725.

ABSTRACT CONT: microorganisms used for R&D purposes in contained structures which meet specified criteria; for certain new microorganisms introduced into the environment for R&D purposes; and for certain new microorganisms manufactured for general commercial use which are used in contained structures in accordance with specified criteria. EPA may also be proposing procedures for promulgating rules requiring significant new use notification under Section 5(a)(2) of TSCA.

Agency Contact: Lawrence E. Culleen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3725

RIN: 2070–AB61

3589. PREMANUFACTURE NOTIFICATION (PMN) RULE AMENDMENTS

Legal Authority: 15 USC 2604; 15 USC 2607; 15 USC 2613 /TSCA 5

CFR Citation: 40 CFR 720 to 723

Legal Deadline: None

Abstract: This action will amend the PMN rules (40 CFR 720 to 723) under Section 5 of the Toxic Substances Control Act (TSCA) to conform to current policy needs. These changes are necessary to increase efficiency and incorporate proposed program improvements. They are expected to reduce the administrative burdens/cost of the New Chemicals Program and the overall number of Section 5 submissions while maintaining an effective and environmentally sound program. EPA has identified "low-risk" categories that meet certain established criteria and can be screened out of the full PMN review process at an early date based on low health/environmental concern or low exposure scenarios. EPA would like to reduce the burden to PMN submitters and maximize the efficiency and resources of the program by modifying the rule to reduce reporting requirements for low risk categories. This would enable the Agency to reduce the number of Section 5 submissions and concentrate its resources on PMNs with potential health or environmental concerns.

EPA—TSCA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2760.

FTS:8-260-3725.

Agency Contact: Lawrence Culleen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3725

RIN: 2070–AC14

3590. REGULATORY INVESTIGATION UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA) TO REDUCE LEAD (PB) CONSUMPTION AND USE

Significance: Regulatory Program

Legal Authority: 15 USC 2604/TSCA 5; 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 721; 40 CFR 750

Legal Deadline: None

Abstract: This action initiates a regulatory investigation under the Toxic Substances Control Act (TSCA) Sections 5 and 6 to determine the most cost-beneficial way to reduce human exposure to lead (Pb). Under the first phase of the regulatory investigation EPA has published, the investigation will also involve examination of the potential sources of human exposure to lead throughout the life cycle and determination of unreasonable risks. Based on information gathered, EPA may propose TSCA Section 6(a) rules to restrict or phase-out high exposure Pb uses, and a TSCA Section 5(a)(2) significant new use rule (SNUR) for Pb to prevent exposure to Pb via regulatory economic incentives designed to encourage the use of less hazardous substitutes and recycling whenever cost-effective.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
Brass Fixtures		
NPRM 05/00/92		
Lead Solder		
NPRM 05/00/92		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2848.

FTS:8-260-3945.

Regulatory Flexibility Analysis: Undetermined.

Regulatory Impact Analysis: Undetermined.

Agency Contact: Paul J. Campanella, Environmental Protection Agency, Pesticides and Toxic Substances, Washington, DC 20460, (TS-794), 202 260-3945

RIN: 2070–AC21

3591. ● PROPOSED FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES

Legal Authority: 15 USC 2604 /TSCA 5; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to regulate the commercial development of new chemicals that have completed premanufacture notice (PMN) review where activities described in the PMN did not present an unreasonable risk but uncontrolled manufacture, import, processing, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturers, importer, or processor, who would engage in that are designated as significant new uses. Under the Expedited Follow-Up rule (EFUR), effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 6-12 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR may be regulated individually by notice and comment rulemaking.

Timetable:

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)
NPRM 06/11/86 (51 FR 21199)

Dialkyldialkoxysilane (91-327, 91-688)
NPRM 11/00/91

Dinitrophenyl Azo-2, 4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)

Diphenyl-2, 4, 6-Trimethylbenzol Phosphine Oxide (87-586)
NPRM 02/02/88 (53 FR 2857)

1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)
NPRM 12/08/97 (52 FR 46496)

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 1976.

FTS:8-260-3125.

Agency Contact: Stuart McArthur, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), 202 260-3125

RIN: 2070–AC38

3592. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Legal Deadline: None

Abstract: As described in the Federal Register on May 23, 1984, the Agency has been investigating regulatory options for reducing the exposure to formaldehyde of: (1) residents exposed to formaldehyde emissions from wood products used in the construction of manufactured homes; (2) similarly exposed residents of conventional homes; and (3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. When the Occupational Safety and Health Administration (OSHA) proposed a revised workplace standard in December 1985 that applies to all occupational exposure, EPA terminated its investigation with respect to apparel manufacturing employees. An investigation of risks from exposure to formaldehyde emissions from wood products is being conducted in consultation with the Department of Housing and Urban Development (HUD) and the Consumer Product Safety Commission (CPSC). Toxic Substances Control Act (TSCA) section 6 regulations may be developed to address certain pressed wood products that contain urea formaldehyde resins.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Pressed Wood Products		
NPRM 08/00/92		
Termination for Apparel Workers		
Section 9(d) and Notice of 03/19/86 (51 FR 9469)		

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2146.

FTS:8-260-2134.

Agency Contact: George Semeniuk, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-2134

RIN: 2070–AB14

3593. POLYCHLORINATED BIPHENYLS (PCBS) DISPOSAL AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 2605(e)(1)(A) /TSCA 6(e)

CFR Citation: 40 CFR 761, Subpart C, D, E, G

Legal Deadline: None

Abstract: The ANPRM solicits comments on alternate disposal methods for non-liquid PCBs and invites public input on modifications to the PCB disposal regulations. In February 1990, several parties petitioned EPA under Section 21 of TSCA to amend the regulations at 40 CFR 761, which govern the disposal of PCBs, and issue an interpretive rule or declaratory order construing the existing PCB disposal regulations. In responding to the petition, EPA agreed to initiate a regulatory investigation to determine whether or not to amend the disposal regulations. After analyzing the comments received in response to the ANPRM, a proposed rule will be drafted which will also address alternative disposal methods for newly identified scenarios such as large volume solids; mixed wastes such as PCB/radioactive wastes; and items not previously contemplated by the PCB regulations, such as household wastes, small capacitors, and used paints. This notice will also solicit comments on permitting, compliance monitoring and enforcement activities for PCBs conducted by various state environmental agencies under state laws and regulations.

Timetable:

Action	Date	FR Cite
ANPRM	06/10/91	56 FR 26738
NPRM	05/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2878.

FTS:8-260-3933.

Agency Contact: Tony Baney, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 260-3933

RIN: 2070–AC01

3594. USE OF ACRYLAMIDE AND N-METHYLOLACRYLAMIDE (NMA) FOR GROUTING

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 764

Legal Deadline: None

Abstract: EPA is examining the use of Acrylamide and N-Methylolacrylamide for grouting and the neurotoxic and possible carcinogenic risks to workers. Significant dermal exposures to grouters may occur even while using personal protective equipment. This investigation may lead to initiation of regulatory controls to reduce unreasonable risks. EPA is consulting with other appropriate Federal agencies, including the Occupational Safety and Health Administration.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2779.

FTS:8-260-3945.

Agency Contact: Paul J. Campanella, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3945

RIN: 2070–AC17

3595. ENVIRONMENTAL HAZARD COMMUNICATION RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 /TSCA 6

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: As part of its Existing Chemical Program revitalization, the Office of Toxic Substances is developing a rule requiring Environmental Hazard Communication (EHC) with the sale of commercial chemicals. As currently envisioned, the EHC rule would supplement the Occupational Safety and Health Administration's (OSHAs) Hazard Communication Rule with "environmental" requirements. The rule may require that environmental information be included on Material Safety Data Sheets, to the extent that environmental testing has been performed. The rule would not require testing to be performed if data were not available. The information could include the following: toxicity data, environmental fate data, use handling, transportation and disposal recommendations, and significant regulatory information. In addition, the EHC rule could require environmental labeling and/or training to supplement OSHA's requirement. Costs have not yet been determined.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2905.

FTS:8-260-3945.

Agency Contact: Paul J. Campanella, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3945

RIN: 2070–AC29

3596. ● POLYCHLORINATED BIPHENYLS (PCBS) TRANSFORMER RECLASSIFICATION RULE

Legal Authority: 15 USC 2605 /TSCA 6(e)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: This rule would relax the regulatory requirements for reclassifying PCB transformers to a

lower regulatory status by modifying the current reclassification requirements of 50 degree centigrade temperature and 90-day testing. Results of a preliminary analysis indicate that many transformers never reach the required temperature, but still reduce PCB concentrations and that safety risks to employees and to the general public occur in mandating the continued adherence to the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 3021.

FTS:8-260-3933.

Agency Contact: Tony Baney, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), 202 260-3933

RIN: 2070–AC39

3597. AMENDMENT TO THE TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Legal Authority: 15 USC 2607(a)/TSCA 8(a)

CFR Citation: 40 CFR 704 (Revision)

Legal Deadline: None

Abstract: This proposed rule will amend certain aspects of the CAIR. The CAIR is a model rule designed to gather production, use, and exposure information from chemical manufacturers, importers, and processors of listed chemical substances and mixtures. In response to public comments, EPA is considering revision of the CAIR to: establish exemptions for small and "de minimis" volumes; refine trade name reporting requirements; reduce certain advance substantiation requirements for Confidential Business Information (CBI) claims; and define processing activities using processor subclasses.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2129.

FTS:8-260-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-3436

RIN: 2070–AC19

3598. ● PROPOSED FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 /TSCA 5; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Proposed rules may be published on at least the chemicals listed on the timetable below.

Timetable:

Chloronil
NPRM 05/00/92
Lead
NPRM 04/00/92
Refractory Ceramic Fiber
NPRM 03/00/92

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 1923.

FTS:8-260-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), 202 260-3436

RIN: 2070–AC37

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Toxic Substances Control Act (TSCA)

Final Rule Stage

3599. DECISION ON TEST RULES: FINAL RULES

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: The following table lists chemicals for which EPA has issued proposed test rules and will take final action under the Toxic Substances Control Act (TSCA) section 4. The Agency defines final action as a promulgation of a test rule, issuance of a consent order, withdrawal of a proposed test rule or a decision not to test. (See also Decision on Test Rules: Proposed Rules under RIN: 2070-AB07).

Timetable:

Brominated Flame Retardants
NPRM 06/25/91 (56 FR 29140)
Final Action 09/00/92
Cyclohexane (ITC List 18)
NPRM 05/20/87 (52 FR 19096)
Final Action 06/00/92
Hexamethylene Diisoyanate (ITC List 22)
NPRM 05/17/89 (54 FR 21240)
Final Action 09/00/92
Mesityl Oxide
NPRM 07/03/90 (55 FR 30699)
FINAL ACTION/Consent Order 10/00/91
N-Methylpyrolidone
NPRM 03/28/90 (55 FR 11398)
Final Action 06/00/92
Office of Drinking Water
Final Action 06/00/92
Office of Drinking Water Chemicals
NPRM 05/24/90 (55 FR 21393)
Sodium Cyanide (ITC List 27)
Final Action/Consent Order 11/00/91

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FTS:8-260-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-8130

RIN: 2070–AB94

3600. MULTI-CHEMICAL ENDPOINT(S) RULE

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 799.5050

Legal Deadline: None

Abstract: A multi-chemical endpoint test rule will require the testing of many chemicals for a specific effect or endpoint, e.g., neurotoxicity. This type of rule is an alternative to single chemical rules which require testing of one chemical for many effects. The multi-chemical endpoint rule approach will obtain a significant amount of testing while conserving on Agency resources. The multi-chemical rule for developmental and reproductive toxicity testing will require testing of twelve chemicals for developmental and/or reproductive effects; the multi-chemical rule for neurotoxicity testing will obtain base set neurotoxicity testing of ten high production solvents. These rules may be amended in the future to require the same testing for other chemicals. Also, future multi-chemical rules will require testing of additional endpoints and chemicals. The testing requirements for each chemical in a multi-chemical rule will be listed in a single table by chemical under Section 799.5050. This table will be amended with each publication of a new multi-chemical rule.

Timetable:

Action	Date	FR Cite
NPRM	03/04/91	56 FR 9092
NPRM Developmental and Reproductive Toxicity	03/04/91	56 FR 9092
NPRM Neurotoxicity	03/04/91	56 FR 9105
Final Action Developmental and Reproductive Toxicity	09/00/92	
Final Action Neurotoxicity	09/00/92	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2865.

FTS:8-260-8130.

Regulatory Flexibility Analysis: Undetermined.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-8130

RIN: 2070–AC27

3601. TSCA SECTION 4(A)(1)(B) POLICY DEFINITION AND EXTENSION OF COMMENT PERIOD

Legal Authority: 15 USC 2603

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: EPA is proposing its policies for evaluating substantial production, substantial environmental release, and substantial human exposure criteria, set forth in Section 4(a)(1)(B) rulemaking activities. Under this new policy, threshold values are established for each criterion, rather than case-by-case determinations. EPA is extending the comment period on three proposed rules affected by this policy.

Timetable:

Action	Date	FR Cite
Final Action	06/00/92	
Policy Statement Notice 07/15/91 (56 FR 32295)		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2881.

FTS:8-260-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-8130

RIN: 2070–AC31

3602. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS SUBSTANCES

Legal Authority: 15 USC 2604/TSCA 5; 15 USC 2607/TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to regulate the commercial development of new chemicals that have completed premanufacture notice (PMN) review where activities described in the PMN did not present an unreasonable risk but uncontrolled manufacture, import, processing, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 6-12 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR may be regulated individually by notice and comment rulemaking.

Timetable:

Action	Date	FR Cite
Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)		
NPRM	06/11/86	51 FR 21199
Final Action	06/00/92	
Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives		
NPRM	10/25/84	49 FR 42960
Final Action	06/00/92	
Diphenyl-2,4,6-Trimethylbenzol Phosphine Oxide (87-586)		
NPRM	02/02/88	53 FR 2857
Final Action	02/00/92	
1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)		
NPRM	12/08/87	52 FR 46496
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1976.

FTS:8-260-3125.

Agency Contact: Stuart McArthur, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3125

RIN: 2070–AA59

3603. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES (SNURS) TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604/TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification notice (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can

manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA will publish a batch SNUR 6-12 times each year.

Timetable:

(85-703) (see additional information for title)
NPRM 06/23/86 (51 FR 22831)
Final Action 06/05/91 (56 FR 23667)
Brominated Aryl Alkyl Ether, Ethylated Amino
Final Action 06/05/91 (56 FR 23667)
NPRM 09/28/91 (49 FR 38303)
Certain Acrylate and Methacrylate Chemicals
NPRM (84-176/180/181/182/183/184) 03/27/85 (50 FR 12046)
Final Action 06/05/91 (56 FR 23667)
Certain Acrylate Chemicals (84-341/344)
NPRM 04/04/86 (51 FR 10027)
Final Action 06/05/91 (56 FR 23667)
Methylammonium n-Methyldithiocarbamate (84-1042)
NPRM 03/24/86 (51 FR 10027)
Final Action 06/05/91 (56 FR 23667)
N,N,N,N,-Tetrakis (oxiranulmethyl)
NPRM 01/13/86 (51 FR 1396)
Final Action 06/05/91 (56 FR 23667)
Substituted Benzene, Halogenated (84-660/704)
NPRM 03/18/86 (51 FR 9221)
Final Action 06/00/92
Substituted Bromothiophene (83-769)
NPRM 09/28/84 (49 FR 38310)
Final Action 06/05/91 (56 FR 23667)
Substituted Methylpyridine (83-237)
NPRM 02/06/84 (49 FR 4390)
Final Action 05/28/91 (56 FR 23766)
Substituted Tetrafluoro Alkanes (84-105/106/107)
NPRM 03/21/85 (50 FR 11384)
Final Action 06/00/92

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FTS:8-260-3725.

(85-703) Poly 2-hydroelectric melamine, polymers with 5-isocyana to 1-isocyanatomethyl-1,3,3-trimethylcyclohexane 2-hydroxyethyl acrylate-blocked

Agency Contact: Stuart McArthur, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3725

RIN: 2070–AB27

3604. POLYCHLORINATED BIPHENYLS (PCBS): APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 5/TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing, and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	05/22/90	55 FR 21023
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2150.

FTS:8-260-3972.

Agency Contact: Janice Canterbury, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 260-3972

RIN: 2070–AB20

3605. PROCEDURES AND CRITERIA FOR TERMINATION OF POLYCHLORINATED BIPHENYLS (PCBS) DISPOSAL PERMITS

Legal Authority: 15 USC 2605/TSCA 6(e); 5 USC 556 et seq

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under section 6(e) of the Toxic Substances Control Act (TSCA), the Agency is considering establishing uniform procedures and criteria for the revocation and suspension of TSCA PCB disposal permits. The regulation would establish uniform revocation procedures and criteria, thereby ensuring consistency in permit revocation proceedings.

Timetable:

Action	Date	FR Cite
NPRM	11/02/90	55 FR 46470
Final Action	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2560.

FTS:8-260-3788.

Agency Contact: Larraine Perry, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 260-3788

RIN: 2070–AB81

3606. POLYCHLORINATED BIPHENYLS (PCBS): WET WEIGHT/DRY WEIGHT CLARIFICATION

Legal Authority: 15 USC 2605/TSCA 6(e); 5 USC 556/et seq

CFR Citation: 40 CFR 761.1(b)

Legal Deadline: None

Abstract: Under Section 6(e) of the Toxic Substances Control Act (TSCA), the Agency is proposing to reinstate the phrase "on a dry weight basis" to 40 CFR 761,1(b). This phrase was inadvertently omitted from the PCB final rule that was published in the Federal Register on July 10, 1984 (49 FR 28172).

Timetable:

Action	Date	FR Cite
NPRM	04/06/90	55 FR 12866
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2750.

FTS:8-260-3961.

Agency Contact: David Hannemann, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 260-3961

RIN: 2070–AC16

3607. REGULATORY INVESTIGATION OF DIOXIN IN PULP AND PAPER MILL SLUDGE

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 744

Legal Deadline: NPRM, Judicial. Final, Judicial, November 30, 1992.
The Consent Decree between EPA, EDF, and NWF signed July 27, 1988 requires that EPA make best efforts to issue a final rule by November 30, 1992.

Abstract: The objective of this project is to reduce the unreasonable risks posed by dioxins and furans in bleached wood pulp and paper mill industrial sludge. In response to a July 1988 Consent Decree with the Environmental Defense Fund and the National Wildlife Federation, EPA announced on April 30, 1990 its schedule for a proposed rule under the Toxic Substances Control Act (TSCA), addressing the practice of industrial sludge land application (including mine reclamation and distribution/marketing). The Consent Decree required that this rule be proposed by April 30, 1991, and that EPA make its best efforts to issue a final rule by November 30, 1992.

Timetable:

Action	Date	FR Cite
NPRM	05/10/91	56 FR 21802
Final Action	11/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2844.

FTS:8-260-3945.

Agency Contact: Paul J. Campanella, Environmental Protection Agency, Pesticides and Toxic Substances, Washington, DC 20460, (TS-794), 202 260-3945

RIN: 2070–AC23

3608. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULES

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act Section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712). These chemicals have been identified by the Office of Toxic Substances, other EPA offices, and other federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. These data will also support risk assessment and test rule decisions.

Timetable:

Action	Date	FR Cite
Final Action 26th ITC List Chemicals	06/05/90	55 FR 23050
Final Action 27th ITC List Chemicals	10/00/91	
Final Action 28th ITC List Chemicals	10/00/91	
Final Action 29th ITC List Chemicals	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2178.

FTS:8-260-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-3436

RIN: 2070–AB08

3609. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and mixtures subject to the requirements of the Toxic Substances Control Act Section 8(d) Health and Safety Data Reporting Rule. These chemicals have been identified by the Office of Toxic Substances, other EPA offices, and other federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers, importers, and processors of substances listed under Section 8(d) at 40 CFR 716.120 must submit unpublished health and safety data on those substances.

Timetable:

Action	Date	FR Cite
Final Action 26th ITC List Chemicals	06/05/90	55 FR 23050
Final Action 27th ITC List Chemicals	10/00/91	
Final Action 28th ITC List Chemicals	10/00/91	
Final Action 29th ITC List Chemicals	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1139.

FTS:8-260-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-3436

RIN: 2070–AB11

3610. EXPORT NOTIFICATION REQUIREMENTS; CHANGES TO REPORTING REQUIREMENTS

Legal Authority: 15 USC 2111 /TSCA12

CFR Citation: 40 CFR 707

Legal Deadline: None

Abstract: The amendment will change the current annual export notification requirement for exporters of chemicals subject to test rules under Section 4 of the Toxic Substances Control Act (TSCA) to a one-time export notification requirement. Additionally, the amendment will change the current process internally within the Office of Toxic Substances by providing only one notice of export per Section 4 chemical to each importing country, rather than annually.

This change in the regulation will reduce the paperwork burden to EPA and industry while increasing the value of the notifications to importing countries by emphasizing, through continued yearly notifications, exports of chemicals which are of greater concern. Alternative burden reduction mechanisms will be considered including adopting a percentage cutoff for mixtures and requiring one-time

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notification for chemicals the subject of TSCA Section 5 actions, among others.

Timetable:

Action	Date	FR Cite
NPRM	07/12/89	54 FR 29524
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2904. FTS:8-260-3945.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 260-3945

RIN: 2070–AC28

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Toxic Substances Control Act (TSCA)

Completed Actions

3611. SECTION 313 SUNSET REVIEW AMENDMENTS

CFR Citation: 40 CFR 372

Completed:

Reason	Date	FR Cite
Final Action	06/26/91	56 FR 29183

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Mary Ellen Weber, 202 260-3667

RIN: 2070–AC15

3612. REGULATORY INVESTIGATION OF CHLORINATED SOLVENTS

Significance: Regulatory Program

CFR Citation: 40 CFR 754

Completed:

Reason	Date	FR Cite
Final Action	05/31/91	56 FR 24811

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Paul J. Campanella, 202 260-3945

RIN: 2070–AB41

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Clean Water Act (CWA)

Prerule Stage

3613. WATER QUALITY STANDARDS FOR TOXIC POLLUTANTS

Significance: Regulatory Program

Legal Authority: 33 USC 1313(c) /CWA 303(c)

CFR Citation: 40 CFR 131

Legal Deadline: None

Abstract: This action would establish a national basis, numeric water quality criteria for toxic pollutants that will become part of the water quality standards of states that have failed to comply with Section 303(c)(2)(B) of the CWA, thus, bringing those standards into compliance with the CWA, as amended.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	
NPRM	05/00/92	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2497. FTS:8-260-7315.

Agency Contact: David K. Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 260-7315

RIN: 2040–AB56

3614. IMPLEMENTATION OF SECTION 403 OF THE FEDERAL WATER POLLUTION CONTROL ACT

Significance: Regulatory Program

Legal Authority: 33 USC 1343/CWA 403

CFR Citation: 40 CFR 125; 40 CFR 120; 40 CFR 124

Legal Deadline: None

Abstract: The Ocean Discharge Criteria regulations (October 3, 1980; 40 CFR Part 125, Subpart M; 45 FR 65942) established ocean discharge guidelines from which a permit writer must make a determination that a discharge will or will not cause unreasonable degradation of the marine environment. These regulations implementing Section 403 leave gaps for the permitting agency (EPA region or delegated State) on discharger-specific requirements to prevent degradation of the ocean. These regulations will be revised to address the questions arising in implementing Section 403.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/91	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2981 FTS:8-260-7134.

Agency Contact: Barry Burgan, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 260-7134

RIN: 2040–AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Clean Water Act (CWA)

3615. FEDERAL NPDES FEES IN STATES WHERE EPA ADMINISTERS THE NPDES PROGRAM

Legal Authority: 31 USC 9701

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This regulation will allow EPA to charge fees for the cost associated with issuing Federal NPDES permits in States in which EPA is the permitting authority. These fees will be charged to industries and POTWs receiving NPDES permits for discharging into waters of the U.S.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
Final Action	04/00/93	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2825.

FTS:8-260-5682.

Agency Contact: Judith Hecht, Environmental Protection Agency, Water, (WH-556), Washington, DC 20460, 202 260-5682

RIN: 2040–AB86

3616. EFFLUENT GUIDELINES AND STANDARDS FOR THE PHARMACEUTICAL MANUFACTURING CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: None

Abstract: The Agency will review and revise as appropriate the effluent limitation guidelines and standards for the pharmaceutical manufacturing industry. A major part of the review will consider the inclusion of limitations on toxic and non-conventional volatile organic pollutants. The 1983 proposal covering New Source Performance Standards (NSPS) for conventional pollutants will also be reevaluated.

Timetable:

Action	Date	FR Cite
NPRM (NSPS)	10/27/83	48 FR 49832
NPRM	08/00/94	
Final Action	02/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1427.

FTS:8-260-7182.

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7182

RIN: 2040–AA13

3617. EFFLUENT GUIDELINES AND STANDARDS FOR THE PESTICIDE CHEMICALS CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 455

Legal Deadline: Final, Statutory, December 31, 1986.
Date contained in Water Quality Act of 1987

Abstract: On October 4, 1985 the EPA promulgated a final regulation establishing Best Available Technology (BAT) effluent limitations, New Source Performance Standards (NSPS), Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS) for the pesticide industry under the Clean Water Act. On July 25, 1986, the final regulation was remanded to the EPA by the Eleventh Circuit Court of Appeals in response to a joint motion filed by the Agency and other parties to litigation challenging the regulation. EPA removed the BAT effluent limitations, NSPS, PSNS, and PSES from the Code of Federal Regulations at the direction of the court and informed the public that the regulation is no longer effective (December 15, 1986; 51 FR 44911). The Best Practicable Technology (BPT) limitations published on April 25, 1978 and September 29, 1978, are still effective. The Agency intends to establish new effluent limitation guidelines and standards for pesticide manufacturers and formulators/packagers under separate rulemaking schedules for each segment.

Timetable:

Formulators/Packagers		
NPRM	06/00/93	
Final Action	11/00/94	
Manufacturers		
NPRM	03/00/92	
Final Action	07/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2473.

FTS:8-260-7156.

Agency Contact: Thomas Fielding, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7156

RIN: 2040–AB32

3618. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: NPRM, Judicial, October 1991.
Judicial deadline (dioxin/furan regulations only): Extension of consent decree deadline being negotiated.

Abstract: EPA will review the existing Best Practicable Technology (BPT) and Best Conventional Technology (BCT) effluent limitations for all 600 mills in the pulp, paper, and paperboard industry, as well as Best Available Technology (BAT), New Source Performance Standards (NSPS), Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS) for the 105 mills which bleach chemical pulps. The Agency will determine whether the existing limitations should be revised and whether to regulate dioxins, furans, and other compounds (e.g., chlorinated organic compounds) for the 105 mills.

Timetable:

Action	Date	FR Cite
NPRM	07/00/93	
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2712.

FTS:8-260-7165.

Agency Contact: George Heath, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7165

RIN: 2040–AB53

3619. EFFLUENT GUIDELINES AND STANDARDS FOR THE ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS (OCPSF) CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311 /CWA 301

CFR Citation: 40 CFR 414

Legal Deadline: None

Abstract: On October 10, 1989, the US Court of Appeals for the Fifth Circuit remanded a portion of the Organic Chemicals, Plastics, Synthetic Fibers (OCPSF) regulation that was originally promulgated on November 5, 1987 (54 FR 42522). The revocation notice that implemented the provisions of the remand was published on June 29, 1990 (55 FR 26691). The Agency has initiated technical and economic studies to provide the basis for reproposing and repromulgating appropriate limitations in 1993.

In the interim, EPA has proposed amendments to 40 CFR 414 to implement the provisions of settlement agreements negotiated with petitioners during litigation of the OCPSF regulation. The proposed amendments would allow regulatory authorities to establish cyanide limitations and standards based on best professional judgment for elevated levels of non-amenable cyanide that result from the unavoidable complexing of cyanide at the process source of cyanide-bearing waste (cont)

Timetable:

Action	Date	FR Cite
Notice Revocation (1 Pollutant)	06/29/89	54 FR 27351
Notice Revocation (19 Pollutants)	06/29/90	55 FR 26691
NPRM Settlement Agreement Items	10/18/90	55 FR 42332
NPRM Remand Issues	12/00/91	
Final Action Settlement Agreement Items	01/00/92	
Final Action Remand Issues	05/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA (Addendum)

Additional Information: SAR No. 2745.

FTS:8-260-7151.

ABSTRACT CONT: streams. Another amendment proposes to allow regulatory authorities to establish metals limitations and standards to accommodate low background levels of metals in non- "metal-bearing waste streams" that result from corrosion of construction materials or from contamination of raw materials. EPA is also proposing to amend Appendices A and B to Part 414 to correct listing errors. The last amendment specifies the method for determining BOD5 and TSS effluent limitations for direct discharge plants with manufacture processes in more than one subcategory.

Agency Contact: George M. Jett, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7151

RIN: 2040–AB65

3620. EFFLUENT GUIDELINES AND STANDARDS FOR THE COASTAL SUBCATEGORY OF THE OIL AND GAS EXTRACTION CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501; 33 USC 1311/CWA 301

CFR Citation: 40 CFR 435.40, Subpart D

Legal Deadline: None

Abstract: EPA will propose effluent limitation guidelines based on Best Available Technology (BAT), Best Conventional Technology (BCT), and New Source Performance Standards (NSPS) for coastal oil and gas extraction facilities. This regulation will apply to the facilities involved in exploration, development and production operations.

Timetable:

Action	Date	FR Cite
Notice	11/08/89	54 FR 46919
NPRM	01/00/94	
Final Action	12/00/95	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2747.

FTS:8-260-7124.

Agency Contact: Marvin Rubin, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7124

RIN: 2040–AB72

3621. EFFLUENT GUIDELINES AND STANDARDS FOR THE WASTE TREATMENT CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR Subchapter N

Legal Deadline: None

Abstract: The Waste Treatment Category consists of three groups of facilities: a. Centralized Waste Treaters (CWT) that generally treat aqueous and liquid hazardous and non-hazardous waste; b. hazardous waste incinerators with wet scrubbers; and c. municipal and hazardous waste landfills with leachate collection. The Agency is developing regulations for Waste Treatment facilities in two phases. The Phase I regulation will cover CWT facilities that generally treat aqueous and liquid hazardous and non-hazardous waste. Although the Agency has not yet scheduled a Phase II regulation which would regulate

hazardous waste incinerators and landfill leachate discharges, it plans on collecting screening information in conjunction with the Phase I technical study.

Timetable:

Action	Date	FR Cite
Phase I: NPRM	04/00/94	
Phase I: Final Action	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2805.

FTS:8-260-7141.

Agency Contact: Debra DiCianna, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7141

RIN: 2040–AB78

3622. EFFLUENT GUIDELINES AND STANDARDS FOR THE MACHINERY MANUFACTURING AND REBUILDING CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR Subchapter N

Legal Deadline: None

Abstract: EPA will propose effluent limitation guidelines for metal machinery and equipment, including manufacture, assembly, rebuilding, repair and maintenance. This category will cover seven major industrial groups: Aircraft, Aerospace, Hardware (including Machine Tools, Screw Machines, Metal Forging and Stamping, Metal Springs, Heating Equipment, Fabricated Structural Metal) Ordnance, Stationary Industrial Equipment (including Electrical Equipment), Mobile Industrial Equipment and Electronic Equipment (including Communication Equipment).

Timetable:

Action	Date	FR Cite
NPRM	12/00/93	
Final Action	06/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2806.

FTS:8-260-7126.

Agency Contact: Ernst P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7126

RIN: 2040–AB79

3623. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM AND SLUDGE MANAGEMENT STATE PROGRAM REGULATIONS FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 33 USC 1342; 33 USC 1345; 33 USC 1377

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 501

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This rule, pursuant to CWA Section 518, will establish the requirements and procedures by which an Indian tribe may be treated as a State and be approved to administer the NPDES and/or sludge management program for the purpose of CWA Sections 402, 405, 308, and in part, 309.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2749.

FTS:8-260-2696.

Agency Contact: Katherine Dowell, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 260-7050

RIN: 2040–AB70

3624. PLAN TO REVIEW AND PROMULGATE EFFLUENT GUIDELINES AND STANDARDS

Significance: Regulatory Program

Legal Authority: 33 USC 1314(m)/CWA 304(m)

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, January 1, 1992.
Statutory deadline for EPA to issue biennial notice.

Abstract: In accordance with Section 304(m) of the Clean Water Act, EPA published a biennial plan in the Federal Register for the promulgation of new effluent limitations guidelines and standards and the review and revision of existing guidelines and standards for categories of sources discharging toxic and non-conventional pollutants. Section 304(m) establishes a planning process that sets the Agency's agenda for future effluent guidelines and standards rulemaking. The first notice was published in the Federal Register on January 2, 1990; it describes EPA's plan to prepare new or revised guidelines covering nine industry categories and to conduct pre-regulatory studies for eleven other industries. Subsequent 304(m) notices will identify additional categories for promulgation of new guidelines and revision of existing guidelines.

Timetable:

Action	Date	FR Cite
Notice	01/02/90	55 FR 80
Notice	01/00/92	
Notice	05/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2304.

FTS:8-260-7120.

Agency Contact: Eric Strassler, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7120

RIN: 2040–AA90

3625. NPDES REGULATORY REVISIONS

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125; 40 CFR 403; 40 CFR 434; 40 CFR 501

Legal Deadline: None

Abstract: This action would revise the NPDES and other regulations pursuant to requirements contained in the 1987

Water Quality Act. In addition, several other changes may be made to clarify existing requirements and policies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2493.

FTS:8-260-7718.

This action may affect small entities subject to NPDES permits or pretreatment requirements due to statutory or programmatic changes.

Agency Contact: Deborah Karp, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 260-7718

RIN: 2040–AB38

3626. NPDES PERMIT APPLICATION STANDARD FORM A AND SHORT FORM A (REVISION)

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122.21(j)

Legal Deadline: None

Abstract: This action would revise the current NPDES Permit Application Standard Form A (municipal) and Short Form A (municipal) to reflect amendments to the Clean Water Act and changes in program requirements and emphasis. The new application forms must replace the old versions and enable permit writers to obtain more pertinent information regarding expected discharges and the environmental impact of proposed operations.

Timetable:

Action	Date	FR Cite
NPRM (Municipal Forms)	01/00/92	
Final Action	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2501.

FTS:8-260-9523.

Agency Contact: Patrick Bradley, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 260-7017

RIN: 2040–AB39

3627. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Legal Deadline: None

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will amend the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. The revisions will reflect our experiences to date under Section 404(c), and more clearly address use of 404(c) in advance of a specific proposed discharge.

Timetable:

Action	Date	FR Cite
NPRM	01/00/93	
Final Action	01/00/94	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2196.

FTS:8-260-7799.

Agency Contact: Suzanne E. Schwartz, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 260-7799

RIN: 2040–AB20

3628. CLEAN WATER ACT SECTION 404 PROGRAM DEFINITION

Significance: Agency Priority

Legal Authority: 33 USC 1344/CWA 404

CFR Citation: 40 CFR 232.2(q)

Legal Deadline: None

Abstract: This action would revise the definition of "waters of the U.S." by adding four examples to those currently contained under that definition. The intent of this action is to clarify aspects of the current definition which define waters, "the use, degradation or destruction of which would or could affect interstate or foreign commerce," as waters of the U.S. We are not proposing to address any aspects of the definition of "waters of the U.S. in this rulemaking other than those relating to these four examples.

Timetable:

Action	Date	FR Cite
NPRM	07/00/93	
Final Action	07/00/94	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2804.

FTS:8-260-7799.

Agency Contact: Greg Peck, Environmental Protection Agency, Water, (A-104), Washington, DC 20460, 202 260-7799

RIN: 2040–AB74

3629. REVISIONS TO OCEAN DUMPING REGULATIONS FOR DREDGED MATERIAL

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 225; 40 CFR 227; 40 CFR 228

Legal Deadline: None

Abstract: This rulemaking would revise the regulations applicable to the ocean dumping of dredged material. Issuance of these regulations is necessary to respond to the decision in National Wildlife Federation vs. Costle, 629 F. 2d. 118 (DC Circuit 1980) and to incorporate program experience. The revisions will make necessary technical changes and will improve the clarity of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	
Final Action	09/00/93	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2737.

FTS:8-260-8448.

EPA—CWA

Proposed Rule Stage

This action was split from RIN 2040-AA78

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 260-8448

RIN: 2040–AB62

3630. REORGANIZATION AND CORRECTIONS TO LIST OF OCEAN DUMPING SITES

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 228.12

Legal Deadline: None

Abstract: This action is necessary to correct technical errors in the list of ocean dumping sites and to better organize the format in which ocean dumping sites are listed in the Code of Regulations. The revision would correct misprints and other technical errors, and organize the list of sites by EPA region and type of material.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2736.

FTS:8-260-8448.

This action was split from RIN 2040-AA78.

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 260-8448

RIN: 2040–AB63

3631. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS

Legal Authority: 33 USC 2601/Shore Protection Act of 1988 (PL 100-6-88),4103(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Administrator, in consultation with the Secretary of Transportation, is developing regulations which may include the following: (1) requiring the waste sources, receiving facilities, and vessels assure that municipal or commercial waste will not be deposited into coastal waters during loading, offloading, and transport; (2) requiring the adoption by each responsible party of a manual identifying procedures to prevent, report, and clean up deposit of waste into coastal waters including recordkeeping requirements; and (3) if the Administrator determines that tracking systems are required to assure adequate enforcement of laws preventing the deposit of waste into coastal waters, requiring installation of the appropriate systems within eighteen months after the Administrator makes that determination. Potential cost per vessel, if installation of tracking systems is required, will be a minimum of $3500. Benefits resulting from regulation will be reduction of municipal and commercial waste (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	10/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2820.

FTS:8-260-8448.

ABSTRACT CONT: deposited into coastal waters and more effective enforcement programs to prevent such deposition.

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 260-8448

RIN: 2040–AB85

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Clean Water Act (CWA)

3632. EFFLUENT GUIDELINES AND STANDARDS FOR OFFSHORE SUBCATEGORY OF THE OIL AND GAS EXTRACTION CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435, Subpart A

Legal Deadline: Final, Judicial, June 1992.

Abstract: The Agency has proposed Best Available Technology (BAT) and Best Conventional Technology (BCT) effluent guidelines, and New Source Performance Standard (NSPS) for the offshore oil and gas on extraction point source category. The offshore subcategory includes facilities located seaward of the inner boundary of the territorial seas (see 40 CFR 435.10).

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
Notice Extension of Comment Period	11/13/85	50 FR 46784
Notice Extension of Comment Period	12/31/85	50 FR 53348
Notice of Data Availability	10/21/88	53 FR 41356
Notice Extension of Comment Period	12/05/88	53 FR 48947
Notice (Correction)	01/09/89	54 FR 634
NPRM	11/26/90	55 FR 49094
NPRM	03/13/91	56 FR 10664
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1649.

FTS:8-260-7115.

Agency Contact: Ronald Jordan, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7115

RIN: 2040–AA12

3633. WATER QUALITY STANDARDS—REVISION FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 518

CFR Citation: 40 CFR 131

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: These rules would establish the procedures by which an Indian tribe can qualify for treatment as a state for the purposes of CWA sections 303 and 401. The revised water quality standards regulation may also establish a mechanism to resolve unreasonable consequences arising from Indian tribes and States adopting differing water quality standards for common bodies of water.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39098
Final Action	10/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2475.

FTS:8-260-7315.

Agency Contact: David Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 260-7315

RIN: 2040–AB36

3634. AMENDMENTS TO WATER QUALITY PLANNING AND MANAGEMENT REGULATIONS

Legal Authority: 33 USC 1251 et seq /CWA 303(d); 33 USC 1251 et seq /CWA 305(b); 33 USC 1251 et seq /CWA 304(l); 33 USC 1314(l) /CWA 304(l)

CFR Citation: 40 CFR 130

Legal Deadline: None

Abstract: EPA will publish final amendments to 40 CFR Part 130 related to Section 303(d) of the Clean Water Act (CWA). EPA proposed these amendments on January 12, 1989 and reopened the comment period on July 24, 1989. The proposed amendments would require States to submit to EPA the list of water-quality limited waters required under Section 303(d) every two years, and to use the States' Biennial Water Quality Reports required by 305(b) of the CWA as the reporting vehicle. Also, EPA published a final rule in the Federal Register on January 4, 1989, amending 40 CFR Parts 122, 123, and 130. This regulation sets out EPA's interpretation of Section 304(l) of the CWA. Section 304(l) requires the States to list those waters that are adversely affected by toxic, conventional, and nonconventional pollutants. In addition, the regulation requires States to identify the point sources discharging to certain listed waters, and to prepare individual control strategies (ICSs) that will control point source discharges of toxic pollutants. On September 28, 1990, the Ninth Circuit remanded a portion of EPA's regulations. The remand requires EPA to amend its regulations to require (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1300
Notice to Reopen Public Comment Period	07/24/89	54 FR 30765
Final Action	11/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2748.

FTS:8-260-5392.

ABSTRACT CONT: an expanded list of point sources that impair water quality. EPA is to reconsider whether ICSs should be required for the expanded list of point source discharges. This final rule will amend EPA's regulations to expand the list of point sources. EPA will consider the breadth of the ICS requirement in another action.

Agency Contact: Donald Brady, Environmental Protection Agency, Water, (WH-553), Washington, DC 20460, 202 260-5392

RIN: 2040–AB68

3635. REVISIONS TO REGULATIONS FOR MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR MUNICIPAL DISCHARGE INTO MARINE WATERS

Legal Authority: 33 USC 1311(h)/CWA 301(h)

CFR Citation: 40 CFR 125

Legal Deadline: None

Abstract: The revisions to the regulations primarily are intended to respond to statutory changes made to sec. 301(h) of the Clean Water Act (33 USC 1311(h)), which governs secondary treatment waivers for municipal discharges into marine waters. The statutory changes to be addressed include, among other things, new requirements for minimum treatment levels and additional requirements for pretreatment programs for certain waiver applicants. In addition, the Agency is considering revising the regulations to address more specifically procedures and requirements for the renewal of secondary treatment waivers. The revised regulations will affect only the limited number of municipal treatment plants which met the 1982 statutory deadline for applying for a secondary treatment waiver.

Timetable:

Action	Date	FR Cite
NPRM	01/24/91	56 FR 2814
Final Action	04/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAR No. 2587.

FTS:8-260-7129.

Agency Contact: Virginia Fox-Norse, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 260-7129

RIN: 2040–AB29

3636. NPDES REGULATIONS: STORMWATER IMPLEMENTATION RULE (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This revision makes two changes to the basic NPDES regulations regarding the administrative impact of the Storm Water permitting process by modifying the requirements for the submittal of discharge monitoring reports and by requiring notice of intent for coverage under general permits in lieu of individual permit applications for individual permits.

Timetable:

Action	Date	FR Cite
NPRM	08/16/91	56 FR 40948
Final Action	00/00/00	

EPA—CWA

Final Rule Stage

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2200.

FTS:8-260-9524.

Agency Contact: Kevin Weiss, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 260-9524

RIN: 2040–AB89

3637. TREATMENT OF INDIAN TRIBES AS STATES UNDER SECTION 404 OF THE CLEAN WATER ACT

Significance: Regulatory Program

Legal Authority: 33 USC 1251 et seq

CFR Citation: 40 CFR 230; 40 CFR 233

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This rule would a) establish requirements for determining eligibility of Indian Tribes to be treated as States for purposes of Section 404 of the CWA and if found eligible, and b) allow for assumption of the dredge and fill permit program. The rule also allows Tribes to be treated as States, in part, for Section 309.

Timetable:

Action	Date	FR Cite
NPRM	11/29/89	54 FR 49180
Final Action	02/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2682.

FTS:8-260-5043.

Agency Contact: Lori Williams, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 260-5043

RIN: 2040–AB69

3638. SEWAGE SLUDGE USE AND DISPOSAL REGULATION

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Legal Deadline: NPRM, Statutory, November 30, 1986. Final, Statutory, August 31, 1987.

Abstract: The Agency will promulgate standards and management practices for the use and disposal of sewage sludge as required by Section 405 of the Clean Water Act, as amended. The use and disposal methods regulated in this rulemaking are: land application, distribution and marketing, incineration, landfilling and surface disposal. Inorganic and organic pollutants are being regulated for the various use and disposal practices.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5746
Notice of Availability of Data From National Sewage Sludge Survey	11/09/90	55 FR 47210
Final Action	01/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2162.

FTS:8-260-7301.

Agency Contact: Alan B. Rubin, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 260-7301

RIN: 2040–AA74

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Atomic Energy Act (AEA)

3639. ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

Legal Authority: 42 USC 2201/AEA 161 and Reorganization Plan 3 of 1970

CFR Citation: 40 CFR 191

Legal Deadline: None

Abstract: On August 15, 1985, the Agency promulgated generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. These standards applied to management and disposal of such materials generated by activities under the jurisdiction of the Department of Energy or regulated by the Nuclear Regulatory Commission. They established limits for the release of radioactive materials to the environment. Subsequent to promulgation of this rule, several petitions for review were filed and consolidated in the U.S. Court of Appeals for the First Circuit. On September 23, 1987 the Court vacated and remanded Subpart B of the Standards to the Agency for revision consistent with its ruling.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	
Final Action	06/00/93	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2590.

FTS:8-260-9633.

Agency Contact: Ray Clark, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 260-9633

RIN: 2060–AC30

3640. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2201 /AEA 274; 15 USC 2625 /TSCA 6(a)(6)

CFR Citation: 40 CFR 193; 40 CFR 764

Legal Deadline: None

Abstract: Under 40 CFR 193, the Agency is considering whether to set generally applicable standards for the management and disposal of low-level radioactive wastes under the purview of the Atomic Energy Act, as amended. The Agency is considering criteria for

declaring certain wastes as below regulatory concern as part of this activity. Under 40 CFR 764, the Agency is also considering whether to regulate the disposal of certain naturally occuring and accelerator-produced radioactive wastes.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	12/00/91	
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 1727.

FTS:8-260-9633.

Agency Contact: James M. Gruhlke, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 260-9633

RIN: 2060–AA04

3641. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 161; 42 USC 2021/AEA 272

CFR Citation: 40 CFR 194

Legal Deadline: None

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22264
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2073.

FTS:8-260-9620.

Regulatory Flexibility Analysis: Undetermined.

Agency Contact: Martin P. Halper, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 260-9620

RIN: 2060–AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Atomic Energy Act (AEA)

Final Rule Stage

3642. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action provides interim recommendations to Federal agencies to establish dose rate limits for people exposed to transuranium elements in the general environment.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1162.

FTS:8-260-9620.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 260-9620

RIN: 2060–AA01

3643. GROUNDWATER PROTECTION STANDARDS FOR INACTIVE URANIUM TAILING SITES

Significance: Regulatory Program

Legal Authority: 42 USC 2022(a) /AEA 275(a)

CFR Citation: 40 CFR 192

Legal Deadline: None

Abstract: The Tenth Circuit Court of Appeals has remanded the ground water standards at 40 CFR 192.20(a)(2) and (3). The new standards will replace these remanded standards.

Timetable:

Action	Date	FR Cite
NPRM	09/24/87	52 FR 36000
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1166.

FTS:8-260-9620.

Agency Contact: Kurt Feldmann, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 260-9620

RIN: 2060–AC03

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Safe Drinking Water Act (SDWA)

Proposed Rule Stage

3644. NATIONAL PRIMARY DRINKING WATER REGULATIONS: DISINFECTION, DISINFECTANTS AND DISINFECTION BY-PRODUCTS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory. NPRM, Judicial, June 30, 1993.

Abstract: EPA will propose that all public water systems using groundwater use disinfection treatment processes; variance criteria will be developed. The Agency intends to propose MCLGs and MCLs or treatment technique requirements for disinfectants and disinfection by-products as part of Phase VI.

Timetable:

Action	Date	FR Cite
NPRM	06/00/93	
Final Action	06/00/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2340.

FTS:8-260-7379.

Agency Contact: Stig Regli, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-7379

RIN: 2040–AA97

3645. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ARSENIC

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1989.
Judicial, June 1, 1991 (Research Assessment)

Abstract: This rule will set an MCLG and revised NPDWR for arsenic in drinking water, pursuant to the SDWA amendments of 1986. The SDWA requires EPA to promulgate national primary drinking water regulations for 83 specific contaminants of which arsenic is one. The SDWA directs EPA to promulgate MCLGs at a level at which, in the Administrator's judgment, "no known or anticipated adverse effects on the health of persons occur and which allows for an adequate margin of safety." MCLs are the federally enforceable standards and are set as close to the MCLGs as is feasible, taking costs into consideration.

Timetable:

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	11/00/94	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2807.

FTS:8-260-7274.

Agency Contact: Maria Gomez-Taylor, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-7274

RIN: 2040–AB75

3646. DRINKING WATER LABORATORY CERTIFICATION REGULATIONS

Legal Authority: 42 USC 300/SDWA 1401, 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA may propose national regulations for certification of laboratories which analyze compliance samples under the SDWA. These regulations will establish the "National Quality Assurance Program for Lab Certification," referred to in 40 CFR 142.10(b)(3)-(4).

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2803.

FTS:8-260-3022.

Agency Contact: Baldev Bathija, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-3022

RIN: 2040–AB80

3647. NATIONAL PRIMARY DRINKING WATER REGULATIONS: 25 CONTAMINANTS FROM DRINKING WATER PRIORITY LIST (PHASE VI)

Significance: Regulatory Program

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: NPRM, Statutory, January 1, 1990. Final, Statutory, January 1, 1991. NPRM, Judicial, June 30, 1993.

Abstract: EPA will propose MCLGs and NPDWRs for 25 contaminants from the Drinking Water Priority List, as required by the SDWA of 1986. The SDWA requires regulation of at least 25 contaminants, which are known or anticipated to occur in public water systems, every three years starting in 1991. The SDWA directs EPA to promulgate MCLGs at a level at which, in the Administrator's judgment, "no known or anticipated adverse effects on the health of persons occur and which allows for an adequate margin of safety." MCLs are federally enforceable standards and are set as close to the MCLGs as is feasible, taking costs into consideration.

Timetable:

Action	Date	FR Cite
NPRM	06/00/93	
Final Action	06/00/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2772.

FTS:8-260-9566.

Agency Contact: David Huber, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-9566

RIN: 2040–AB82

3648. REVISION OF VOC ANALYTICAL METHODS UNDER THE SDWA

Legal Authority: 42 USC 300/SDWA 1412; 42 USC 300(b)/SDWA 1401

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: This action will replace September 1986 versions of EPA methods 502.1, 502.2, 503.1, 524.1, and 524.2 for monitoring of 51 unregulated (section 1445) VOCs with December 1988 version of the same methods. Also, this action will allow the use of the sa same updated methods 502.1, 502.2, 503.1, 524.1, and 542.2 for compliance monitoring of trihalomethanes (THMs) in drinking water under section 141.30.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2782.

FTS:8-260-3022.

(Note: This action was split from SAR No. 2781).

Agency Contact: Baldev Bathija, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-3022

RIN: 2040–AB87

3649. ● NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION: VARIANCES AND EXEMPTIONS

Legal Authority: 42 USC 300 /SDWA 1415 & 1416

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: This regulation will establish criteria for the issuance of variances and exemptions under the Safe Drinking Water Act (SDWA). It will enable small systems with high costs to have more time to comply with selected regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	09/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2970.

FTS:8-260-5521.

Agency Contact: Avrum W. Marks, Environmental Protection Agency, Water, (WH-550E), 202 260-5521

RIN: 2040–AB95

3650. OSAGE MINERAL RESERVE UNDERGROUND INJECTION CONTROL PROGRAM (REVISION)

Legal Authority: 42 USC 300f/SDWA 1421 to 1425

CFR Citation: 40 CFR 147

Legal Deadline: None

Abstract: The Safe Drinking Water Act (SDWA) requires EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. EPA is proposing amendments to its Underground Injection Control (UIC) program regulations for the Osage Mineral in Oklahoma (40 CFR 147 Subpart GGG) to allow the Regional Administrator flexibility to waive certain technical requirements for temporary abandoned wells and to designate a portion of the Happy Hollow and Z-Sand aquifers in Western Osage County, Oklahoma as exempted aquifers. The proposed changes will provide the Regional Administrator with the same flexibility that presently exists in the generic Federal regulations (40 CFR 144.28(c)(2)(iv) and 144.52(a)(6)) to waive certain technical requirements applicable to active injection wells upon a demonstration by the owner or operator that the well will not endanger underground sources of drinking water during the period of temporary abandonment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAR No. 2765.

FTS:8-260-5558.

Agency Contact: Donald M. Olson, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, 202 260-5558

RIN: 2040–AB76

3651. CONSTRUCTION REQUIREMENTS FOR CLASS II (OIL AND GAS RELATED WELLS) UNDER PART C OF THE SDWA

Legal Authority: 42 USC 300f/SDWA 1421 to 1425

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: Part C of the SDWA directs EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. The greatest number of injection wells are Class II (oil and gas related) wells operated by the petroleum industry for disposal of produced brines and enhanced recovery projects. EPA is considering proposing standards for all newly constructed or converted (from production operations) Class II injection wells. These standards may establish new or incremental performance criteria to ensure protection of underground sources of drinking water (USDWs).

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	
Final Action	09/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Sectors Affected: 131 Crude Petroleum and Natural Gas; 132 Natural Gas Liquids; 138 Oil and Gas Field Services

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2784

FTS:8-260-5586.

Agency Contact: Jeffrey Smith, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, 202 260-5586

RIN: 2040–AB77

3652. MANAGEMENT OF CLASS V INJECTION WELLS UNDER PART C OF THE SAFE DRINKING WATER ACT

Significance: Regulatory Program

Legal Authority: 42 USC 300f/SDWA 1421 to 1425

CFR Citation: 40 CFR 144; 40 CFR 145; 40 CFR 146

Legal Deadline: None

Abstract: The SDWA requires EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. Previously promulgated regulations specified minimum standards and technical requirements for Class I-IV wells. Class V wells, such as certain septic systems and a variety of drainage wells, are the subject of this action. EPA intends to establish a regulatory framework for the management of these wells that will protect against contamination of groundwater while recognizing the difficulties of this diverse well class. Development of any regulatory program will focus on providing maximum flexibility to state, sub-state, and local entities. EPA will characterize risks associated with various Class V injection wells since data are unavailable for risk assessments on an individual subcategory basis.

EPA—SDWA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	02/00/94	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2778.

FTS:8-260-5532.

Agency Contact: George H. Hoessel, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, 202 260-5532

RIN: 2040–AB83

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Safe Drinking Water Act (SDWA)

3653. REVISION TO THE SAFE DRINKING WATER ACT'S UNDERGROUND INJECTION CONTROL REGULATIONS FOR CLASS I HAZARDOUS WASTE INJECTION WELLS

Legal Authority: 42 USC 300(F), as amended /SDWA; 52 USC 6901, as amended /RCRA

CFR Citation: 40 CFR 146, Subpart G

Legal Deadline: NPRM, Judicial. Final, Judicial, July 30, 1992.

Abstract: This proposed revision to Testing and Monitoring Requirements under 40 CFR 146.68(d)(4) was part of a settlement agreement for NRDC vs. EPA DC Circuit No. 88-1657 and Consolidated Cases. EPA agreed to issue a notice of proposed rulemaking to provide that a casing inspection log shall be run whenever the owner or operator conducts a workover in which the injection tubing is pulled. The Director may waive this requirement due to well construction or other factors. The Director may require this log to be run every 5 years in certain cases. The NPRM was issued in August 1991. A final rule reflecting this revision to Section 146.68(d)(4) should be promulgated by July 30, 1992.

Timetable:

Action	Date	FR Cite
NPRM	08/19/91	56 FR 41108
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2948.

FTS:8-260-7275.

Agency Contact: Bruce Kobelski, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, 202 260-7275

RIN: 2040–AB92

3654. INDIAN RULE FOR THE WELLHEAD PROTECTION PROGRAM AND SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 300j-11/SDWA 1451

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, December 19, 1987.

Abstract: The Safe Drinking Water Act Amendments of 1986 authorize the EPA Administrator to treat Indian tribes as States, where appropriate. The Indian rule for the Wellhead Protection and Sole Source Aquifer Demonstration Programs will allow eligible Indian tribes to apply for and receive grants under these two programs, in the same manner as States.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46712
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Additional Information: SAR No. 2440.

FTS:8-260-7077.

Agency Contact: Ramona Traovato, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, 202 260-7077

RIN: 2040–AB18

3655. REVISIONS TO THE SAFE DRINKING WATER ACT'S UNDERGROUND INJECTION CONTROL (UIC) REGULATIONS

Legal Authority: 42 USC 300j-4 /SDWA 1445; 42 USC 300h-1 /SDWA 1422

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: These amendments to the UIC Program clarify the intent of the regulations covering authorization-by-rule requirements at 40 CFR Part 144, Subpart C. These new provisions will clarify how existing injection wells become authorized by rule and when injection is prohibited for failure to comply with authorization- by-rule requirements. EPA has proposed amendments to the noncompliance and program reporting requirements at 40 CFR 144.8; to the mechanical integrity requirements at 40 CFR 144.28(f) and 144.51(p). Finally, a new regulation will codify SDWA 1445(a)(1) as it applies to the UIC program.

Timetable:

Action	Date	FR Cite
NPRM	06/28/90	55 FR 26464
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2426.

FTS:8-260-5668.

Agency Contact: Francoise Brasier, Environmental Protection Agency, Water, (WH-50GE), Washington, DC 20460, 202 260-5668

RIN: 2040–AB27

3656. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1989. NPRM, Judicial, June 15, 1991. Final, Judicial, April 17, 1993.

Abstract: EPA has proposed Maximum Contaminant Levels Goals (MCLGs) and Primary Drinking Water Standards

for radionuclides in drinking water. These radionuclides include radium, uranium, radon, total alpha, and beta particle and photon emitters. This rule also establishes analytical techniques to identify Radium 228 in drinking water, which was being developed independently in the past (see RIN 2040-AB90, SAR No. 2782).

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM	09/30/86	51 FR 34836
NPRM	07/18/91	56 FR 73050
Final Action	04/00/93	
Determination of Radium 228 in Drinking Water		
NPRM (Analytical Technique)	07/18/91	(56 FR 33050)
Final Action (Analytical Technique)	04/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2281.

FTS:8-260-8049.

Agency Contact: Gregory Helms, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 260-8049

RIN: 2040–AA94

3657. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS (PHASE V/24 CONTAMINANTS)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142; 40 CFR 143

Legal Deadline: Final, Statutory, June 19, 1989. NPRM, Judicial, June 29, 1990. Final, Judicial, February 29, 1992. June 29, 1990 and February 29, 1992 Judicial deadlines are for the Administrator's signature.

Abstract: This rule will set MCLGs and NPDWRs for 24 inorganic and organic chemicals specified in the Safe Drinking Water Act (SDWA).

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	07/25/90	55 FR 30370
Notice of Availability	10/00/91	
Final Action	02/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2630.

FTS:8-260-7274.

Agency Contact: Maria Gomez-Taylor, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-7274

RIN: 2040–AB11

3658. APPROVAL OF ADDITIONAL ANALYTICAL METHODS FOR TOTAL COLIFORMS AND E. COLI UNDER THE SDWA

Legal Authority: 42 USC 300/SDWA 1412; 42 USC 300(b)/SDWA 1401

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: Two analytical methods were approved for the detection of E. Coli and action on another method (colilert) was deferred. Pending EPA evaluation, and notice and comment, publication of a final rule approving colilert may occur by December 30, 1991.

Timetable:

Action	Date	FR Cite
NPRM Total Coliform	06/01/90	55 FR 22752
NPRM E Coli	01/08/91	56 FR 631
Final Action Total Coliform	01/08/91	56 FR 643
Notice of Availability E Coli	10/00/91	
Final Action Colilert	12/00/91	
Final Action E Coli	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2781.

FTS:8-260-3022.

Agency Contact: Paul Berger, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-3022

RIN: 2040–AB84

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Safe Drinking Water Act (SDWA)

Completed Actions

3659. NATIONAL PRIMARY DRINKING WATER REGULATIONS, IMPLEMENTATION OF PRIMARY ENFORCEMENT AUTHORITY—RECONSIDERATION OF PRIMARY WITHDRAWAL LANGUAGE

Significance: Agency Priority

CFR Citation: 40 CFR 142.17(a)(2)

Completed:

Reason	Date	FR Cite
Final Action	06/03/91	56 FR 25046

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Carl Reeverts, 202 260-5522

RIN: 2040–AB26

3660. ANALYTICAL TECHNIQUE; DETERMINATION OF RADIUM 228 IN DRINKING WATER

CFR Citation: 40 CFR 141

Completed:

Reason	Date	FR Cite
Combined with RIN 2040-AA94	09/15/91	

Small Entities Affected: None

Government Levels Affected: None

EPA—SDWA

Completed Actions

Agency Contact: Ivan B. DeLoatch, 202 260-2273

RIN: 2040–AB90

3661. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SYNTHETIC ORGANIC CHEMICALS AND INORGANIC CHEMICALS, MONITORING FOR UNREGULATED CONTAMINANTS (PHASE II, 38 CONTAMINANTS)

Significance: Regulatory Program

CFR Citation: 40 CFR 141; 40 CFR 142; 40 CFR 143

Completed:

Reason	Date	FR Cite
Final Action for 5 MCLGs and MCLs	07/01/91	56 FR 30266

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Al Havinga, 202 260-5555

RIN: 2040–AA55

3662. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LEAD AND COPPER

Significance: Regulatory Program

CFR Citation: 40 CFR 141; 40 CFR 142

Completed:

Reason	Date	FR Cite
Final Action	06/07/91	56 FR 26460

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Jeff Cohen, 202 260-5456

RIN: 2040–AB51

3663. VARIANCE CRITERIA FOR TOTAL COLIFORM RULE

CFR Citation: 40 CFR 142; 40 CFR 141

Completed:

Reason	Date	FR Cite
Withdrawn - EPA has decided not to take further action at this time.	09/15/91	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Paul Berger, 202 260-3039

RIN: 2040–AB91

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Noise Control Act (NCA)

3664. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905(a)(1)/ NCA 6(a)(1)

CFR Citation: None

Legal Deadline: None

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2046.

FTS:8-260-4996.

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: Ken Feith, Environmental Protection Agency, Air and Radiation, (ANR-443), Washington, DC 20460, 202 260-4996

RIN: 2060–AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

Resource Conservation and Recovery Act (RCRA)

3665. ● LAND DISPOSAL RESTRICTIONS - PHASE III: RULEMAKING ON NEWLY IDENTIFIED WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6901/RCRA 1002

CFR Citation: 40 CFR 268

Legal Deadline: Final, Judicial, March 1994.

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA to promulgate regulations prohibiting one or more methods of land disposal of hazardous wastes. The rules define treatment standards that must be met before hazardous wastes may be disposed of on land. These standards are based on Best Demonstrated Available Technology (BDAT). The final rule for scheduled waste (those listed as hazardous prior to November 8, 1984) became effective on May 8, 1990. The present rulemaking covers certain wastes identified since the originally scheduled wastes were

brought under the purview of the Land Disposal Restrictions (LDR) (e.g., wood preserving waste, in a number of potliners, and characteristically hazardous mineral processing wastes).

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	
NPRM	03/00/93	
Final Action	03/00/94	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2936.

FTS: 8-308-8771.

Agency Contact: Debbie Wood, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), 703 308-8771

RIN: 2050–AD38

3666. DETERMINATION ON WASTES FROM COMBUSTION OF COAL BY ELECTRIC UTILITY POWER PLANTS

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: Not yet determined

Legal Deadline: Other, Statutory, September 1988.
Regulatory Determination

Abstract: EPA conducted a study of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste and other wastes generated by the combustion of coal by electric utility power plants. The study was in response to Section 8002(n) of RCRA and culminated in a Report to Congress on March 8, 1988. EPA must determine within six months after submitting the report, holding public hearings, and allowing for public comment whether to regulate any of these wastes under Subtitle C of RCRA.

Timetable:

Action	Date	FR Cite
Notice Regulatory Determination	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2572.

FTS:8-398-8412

Agency Contact: Bob Hall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 703 308-8412

RIN: 2050–AC40

3667. DISPOSAL OF CONTAINERIZED LIQUIDS IN HAZARDOUS WASTE LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(c) / RCRA 3004(c)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: Final, Statutory, February 8, 1986. Final, Judicial, October 1992.
Judicial deadline for Supplemental Notice in October, 1991. 19 1

Abstract: EPA has proposed these regulations under the Hazardous and Solid Waste Amendment of 1984. As proposed, the regulation will 1) minimize the placement of containers holding liquid hazardous waste and free liquids in hazardous waste landfills, and 2) prohibit the use of absorbents that biodegrade or release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46824
Notice of Availability of Supplemental Information	06/24/87	52 FR 23695
Supplemental Notice	10/00/91	
Final Action	10/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2207.

FTS:8-260-2214.

Agency Contact: Ken Shuster, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-340), Washington, DC 20460, 202 260-2214

RIN: 2050–AA34

3668. MATERIALS SOURCE SEPARATION FOR MUNICIPAL WASTE LANDFILLS (MSWLFS)

Legal Authority: RCRA 4004(a); RCRA 4001; RCRA 4003(a); RCRA 4010(c)

CFR Citation: 40 CFR 256; 40 CFR 257; 40 CFR 258

Legal Deadline: None

Abstract: In response to the shortage of waste landfill capacity, EPA issued in 1989 a strategy for improving the nation's management of municipal solid waste (MSW). As part of this strategy, EPA set a national goal of 25% source reduction and recycling by 1992.

EPA is considering a variety of options which may assist in achieving that goal. The Agency is preparing a notice which discusses these options.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2821.

FTS:8-260-4489.

Agency Contact: Bob Dellinger, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-9872

RIN: 2050–AD08

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Resource Conservation and Recovery Act (RCRA)

3669. OIL POLLUTION PREVENTION REGULATION—PHASE I

Significance: Agency Priority

Legal Authority: 33 USC 1321 /CWA 311(j)(l)(C)

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: Following a major inland zone oil spill with substantial environmental impacts (i.e., Ashland Oil in Floreffe, PA in January, 1988) an interagency task force reviewed the adequacy of regulations concerning the prevention and control of oil spills. The task force recommended a number of options, including an upgrade to the Oil Pollution Prevention Regulation and an inventory of the regulated community. A two-phased regulatory approach is being pursued, Phase I the existing regulation will be clarified to indicate that many widely accepted industry practices that are currently treated as recommended practices by the regulated community henceforth will be considered as required practices. The Phase II regulatory effort recommends other modifications, and will implement new requirements of the Oil Pollution Act of 1990, such as contingency planning for facilities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	10/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2634.

FTS:8-260-9814.

Agency Contact: Monica Chatman-McEaddy, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, **202 260-9814**

RIN: 2050–AC62

3670. MANDATORY INSPECTIONS OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6927(e) /RCRA 3007(e)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This action may establish requirements for mandatory inspections of treatment, storage, and disposal facilities for hazardous waste. The regulation may establish the manner, frequency, recordkeeping, and reporting of the inspections.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	06/00/93	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2332.

FTS:8-260-9329.

Agency Contact: Emily Chow, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, DC 20460, **202 260-9329**

RIN: 2050–AB59

3671. DEGRADABLE PLASTIC RING CARRIER REGULATION

Legal Authority: PL 100-556 /Sections 102 to 103; 42 USC 6914(b); 42 USC 6914(1)

CFR Citation: 40 CFR 234

Legal Deadline: Final, Statutory, October 28, 1990.

Abstract: Plastic ring carriers have been found in the marine environment and fish and other wildlife have become entangled in them. Ring carriers were identified as an article of concern in the marine environment in EPA's February 1990 report to Congress on plastics. Congress has determined that degradable carriers should reduce the incidence of entanglement and has directed EPA to develop regulations that ring carriers be made of degradable material unless EPA finds that degradable rings pose more risk than non-degradable rings. EPA may specify degradability time frames and testing methods. A number of States currently require degradable rings. Nearly all rings manufactured in the United States are currently photodegradable.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2799.

FTS:8-260-5649.

Agency Contact: Tracy Bone, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, **202 260-5649**

RIN: 2050–AD09

3672. ● UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS: EXTENSION OF THE OCTOBER 26, 1991 COMPLIANCE DATE

Legal Authority: 42 USC 6921; 42 USC 6621; 42 USC 6991

CFR Citation: 40 CFR 280; 40 CFR 281

Legal Deadline: None

Abstract: This rule extends the October 26, 1991 financial responsibility compliance date for 14 months. Based on an on-going review of the financial assurance market, EPA was concerned that financial assurance mechanisms were not becoming available rapidly enough to meet the needs of tank owners who must comply by October 26, 1991. Therefore, EPA has decided to modify this compliance date.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2987.

FTS:8-308-8882.

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410WF), **703 308-8882**

RIN: 2050–AD32

3673. ● LAND DISPOSAL RESTRICTIONS- PHASE I: RULEMAKING ON CONTAMINATED DEBRIS AND NEWLY IDENTIFIED WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6901/RCRA 1001

CFR Citation: 40 CFR 268

Legal Deadline: Final, Judicial, May 1992.

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA to promulgate regulations prohibiting one or more methods of land disposal of hazardous wastes. The rules define treatment standards that must be met before hazardous wastes may be disposed of on land. These standards are based on Best Demonstrated Available Technology (BDAT). The final rule for scheduled wastes (those listed as hazardous prior to November 8, 1984) became effective May 8, 1990. The present rulemaking covers debris contaminated with hazardous waste and certain wastes identified since the originally scheduled wastes were brought under the purview of the Land Disposal Restrictions (LDR) (e.g., Petroleum Refinery wastes FO37 and FO38).

Timetable:

Action	Date	FR Cite
ANPRM	05/30/91	56 FR 24362
NPRM	11/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2934

FTS: 8-308-8771

Agency Contact: Debbie Wood, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), 703 308-8771

RIN: 2050–AD36

3674. ● LAND DISPOSAL RESTRICTIONS - PHASE II: RULEMAKING ON CONTAMINATED SOIL AND NEWLY IDENTIFIED WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6901/RCRA 1001

CFR Citation: 40 CFR 268

Legal Deadline: Final, Judicial, April 1993.

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA to promulgate regulations prohibiting one or more methods of land disposal of hazardous wastes. The rules define treatment standards that must be met before hazardous wastes may be disposed of on land. These standards are based on Best Demonstrated Available Technology (BDAT). The final rule for scheduled wastes (those listed as hazardous prior to November 8, 1984) became effective on May 8, 1990. The present rulemaking covers soil contaminated with hazardous waste and certain wastes identified since the originally scheduled wastes were brought under the purview of the Land Disposal Restrictions (LDR) (e.g., those covered by the Toxicity Characteristic for organics).

Timetable:

Action	Date	FR Cite
ANPRM	05/30/91	56 FR 24362
NPRM	05/00/92	
Final Action	04/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2935.

FTS:8-308-8771.

Agency Contact: Debbie Wood, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), 703 308-8771

RIN: 2050–AD37

3675. MODIFICATIONS TO THE REGULATION OF ZINC-CONTAINING FERTILIZERS USING HAZARDOUS WASTE KO61

Significance: Agency Priority

Legal Authority: 42 USC 6905 /RCRA 1004; 42 USC 6921 to 6928 /RCRA 3001 to 3008

CFR Citation: 40 CFR 261; 40 CFR 266

Legal Deadline: NPRM, Judicial, April 1992. Final, Judicial, October 1992.

Abstract: This rulemaking will address the regulatory exemption for zinc-containing fertilizers using hazardous waste KO61. The current exemption allows for such fertilizer to be placed on the land without meeting the applicable treatment standard that would otherwise be required under the land disposal restrictions program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
Final Action	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2871.

FTS:8-260-8551.

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-8551

RIN: 2050–AD17

3676. MODIFICATIONS TO THE DEFINITION OF SOLID WASTE AND REGULATIONS OF HAZARDOUS WASTE RECYCLING

Significance: Agency Priority

Legal Authority: 42 USC 6905 /RCRA 1004; 42 USC 6921 to 6928 /RCRA 3001 to 3008

CFR Citation: 40 CFR 261; 40 CFR 266

Legal Deadline: None

Abstract: This rulemaking will propose to modify the current regulatory framework to improve the implementation of the regulations that define a solid waste and the regulations governing the recycling of hazardous wastes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2872.

FTS:8-260-8551.

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-8551

RIN: 2050–AD18

3677. MODIFICATIONS OF THE HAZARDOUS WASTE RECYCLING REGULATORY PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 6905 /RCRA 1004; 42 USC 6921 to 6928 /RCRA 3001 to 3008

CFR Citation: 40 CFR 261; 40 CFR 266

Legal Deadline: None
Settlement agreement pending.

Abstract: This rulemaking will propose to modify the regulatory program for hazardous waste recycling. A number of specific modifications will address activities such as use constituting disposal (e.g., aggregate), battery recycling, closed loop recycling, and management of recalled pesticides. These proposed changes would address a number of specific problem areas in the current regulations, while the Agency considers whether more fundamental changes are warranted.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2870.

FTS:8-260-8551.

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-8551

RIN: 2050–AD19

3678. NO-MIGRATION VARIANCE FOR PROHIBITED HAZARDOUS WASTE LAND DISPOSAL

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency is considering a regulation that further specifies the process for operators to apply for and receive variances that would allow the land disposal of untreated hazardous wastes that have been prohibited from land disposal under 40 CFR 268. The variance would be available for land disposal units that demonstrate that there will be no migration of hazardous constituents from the unit for as long as the waste remains hazardous.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2524.

FTS:8-260-4679.

Accompanying draft guidance manual will be made available concurrent with publication of proposal. Guidance will assist facility owners and operators in characterizing environmental media of concern and environmental pathways along which constituent migration may occur.

Agency Contact: Dave Reeves, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 260-4679

RIN: 2050–AC44

3679. CAUSES FOR PERMIT MODIFICATIONS TO HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912/RCRA 2002; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6927/RCRA 3007; 42 USC 6974

CFR Citation: 40 CFR 270.41

Legal Deadline: None

Abstract: This amendment may allow EPA to modify a permit to correct an inadvertent omission of an applicable requirement under RCRA which is in effect prior to the data of permit issuance. The permit correction would follow the modification procedures in 40 CFR 124. Citizens would be able to request such a correction using existing procedures in 40 CFR 124.5.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2780.

FTS:8-260-7245.

Agency Contact: Wayne Roepe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 260-7245

RIN: 2050–AD05

3680. NEW AND REVISED TESTING METHODS APPROVED FOR RCRA SUBTITLE C HAZARDOUS WASTE TESTING MANUAL SW-846, THIRD EDITION, UPDATE II

Legal Authority: 42 USC 6912/RCRA 2002; 42 USC 6921/RCRA 3001; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6926/RCRA 3006

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This regulatory action will revise certain testing methods and add other new testing methods that are approved or required under Subtitle C of RCRA. These new and revised methods are found in Update II to the Third Edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA publication SW-846. The revision to the manual is necessary to provide improved and more complete analytical methods for RCRA-relating testing.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2826.

FTS:8-260-4761.

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, 202 260-4761

RIN: 2050–AD06

3681. MANAGEMENT OF USED OIL

Significance: Regulatory Program

Legal Authority: 42 USC 6921/RCRA 3001; 42 USC 6925/RCRA 3005; 42 USC 6930/RCRA 3010; 42 USC 6935/RCRA 3014

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Legal Deadline: NPRM, Statutory, November 8, 1985. Final, Statutory, November 8, 1986. NPRM, Judicial, September 3, 1991. Final, Judicial, May 1, 1992.

Abstract: EPA's decision not to list recycled oil as hazardous waste (51 FR 41900, 11/19/86) was remanded by the U.S. Court of Appeals (D.C. Circuit) on 10/7/88. EPA is reexamining its options for listing and management of used oil. EPA is collecting additional information on the potential toxicity of used oil to be made available for public comment. The Agency also projects issuing a new proposal for management standards in 1991.

Timetable:

Action	Date	FR Cite
NPRM	11/29/85	50 FR 49212
Final Action (Listing Decision for Recycled Used Oil)	11/19/86	51 FR 41900
NPRM (Listing Decision and Management Standards)	10/00/91	
Final Action	05/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2434.

FTS:8-260-4770.

Docket No. 3014

Agency Contact: Michaelle Wilson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-4770

RIN: 2050–AC17

3682. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - DE MINIMIS EXEMPTION LEVELS

Significance: Regulatory Program

Legal Authority: 42 USC 6921/ 3001 ; 42 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: None

Abstract: Under this action, listed wastes that meet the self-implementing de minimis exemption criteria for wastes would no longer be subject to hazardous waste management under Subtitle C of RCRA as listed hazardous wastes. Environmental media that meet the self-implementing exemption criteria for such media would no longer be considered to contain hazardous waste and would no longer be subject to waste management standards. In addition, the action proposes to modify some of the numerical treatment standards listed in Subpart D of CFR, Part 268. These standards are part of the Land Disposal Restrictions (LDR).

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2482.

FTS:8-260-4791

Entries combined, formerly titled "Concentration-Based Relisting of Wastes From Chlorinated Aliphatics" and "Concentration-Based Relisting of Wastes From Explosives, Inorganic Chemicals, and Iron and Steel Industries."

Agency Contact: William Collins, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-4791

RIN: 2050–AC25

3683. EXCLUSIONS FOR WASTE GENERATED ON-BOARD SHIPS (REVISION)

Legal Authority: 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002; 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a)

CFR Citation: 40 CFR 261.4(c)

Legal Deadline: None

Abstract: EPA is considering a rule which would broaden an existing exemption in 40 CFR 261.4(c), currently limited to product or raw material vessels, to all vessels. The result of this change would be a consistent regulation for all vessel operators, both product and non-product. In all cases, hazardous wastes generated on-board ships would not be subject to the RCRA regulations for storage, manifesting, etc., until the waste is removed from the ship. The discharge of any wastes while underway is governed by regulations issued under the provision of the Clean Water Act, Rivers and Harbors Act, Refuse Act, CERCLA/SARA, and others.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2635.

FTS:8-260-8551.

Agency Contact: Michele Anders, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-8551

RIN: 2050–AC61

3684. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES FROM CHLOROTOLUENE PRODUCTION

Legal Authority: 40 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986. NPRM, Judicial, September 1991. Final, Judicial, September 1992.

Abstract: RCRA Section 3001(e) requires EPA to make a determination whether or not to list certain chlorinated aromatic wastes as hazardous wastes within 15 months of the passage of HSWA. The hazardous waste listing regulations may be amended to add new waste codes from the production of certain chlorinated aromatic waste and to designate these wastes as hazardous substances under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2716.

FTS:8-260-4770.

Agency Contact: Dr. Ambika Bathija, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-4770

RIN: 2050–AC84

3685. ● MODIFICATIONS TO FINAL MANAGEMENT STANDARDS FOR WOOD PRESERVING FACILITIES

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6934; 42 USC 6938

CFR Citation: 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 302

Legal Deadline: None

Abstract: EPA is proposing to revise several elements of the wood preserving hazardous waste regulations and is requesting comments on these issues. The revisions include narrowing the scope of the wastewater listings to those wastewaters that come in contact with process contaminants, replacing the requirement that existing drip pads be impermeable with a numerical performance standard, requiring contingency plans and clean-up of storage yard drippage, and revising the schedule for upgrading existing drip pads to allow 15 years for incorporation of liners and leak detection systems.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 3014.

FTS:382-4770.

Agency Contact: Edward L. Freedman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), 202 260-4770

RIN: 2050–AD35

3686. AMENDMENTS TO BIENNIAL REPORTING REQUIREMENTS

Legal Authority: RCRA 3002(a)(c)

CFR Citation: 40 CFR 262.41; 40 CFR 264.75; 40 CFR 271.10; 40 CFR 265.75

Legal Deadline: None

Abstract: This amendment may require States to modify their hazardous waste reporting system to collect additional data elements from their large quantity generators and treatment, storage, and disposal (TSDs) facilities. Currently, States are required to collect only minimal data from generators on quantities and types of waste generated and how such waste are managed at TSDs. Such data are not sufficient for EPA to understand in any level of detail the demographics of hazardous waste generation and management in this country, and whether our regulations are having a desired effect. These minimal data requirements were last revised in 1985 with amendments to parts 40 CFR 262.41 (generators) and 40 CFR 264.75 and 40 CFR 265.75 (TSDs).

Timetable:

Action	Date	FR Cite
NPRM	11/30/91	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2857

FTS:8-260-9391

Agency Contact: Jim O'Leary, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-310), Washington, DC 20460, 202 260-9391

RIN: 2050–AD10

3687. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6912 /RCRA 2002; 42 USC 6924(o)(7) /RCRA 3004(o)(7)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: Section 3004(o)(7) of RCRA authorizes EPA to restrict the siting of hazardous waste treatment, storage, and disposal facilities in environmentally sensitive locations. EPA will promulgate new regulations and modify existing regulations where necessary to restrict the siting of new facilities. EPA's goal for the location standards is to ensure that new hazardous waste treatment, storage and disposal facilities in the most suitable locations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	12/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2303.

FTS:8-260-7370.

Agency Contact: Felicia Wright, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 260-7370

RIN: 2050–AB42

3688. LANDFILL, SURFACE IMPOUNDMENT, AND WASTE PILE CLOSURES FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will provide alternate closure options for EPA and authorized states to establish closure and post-closure requirements on a site-specific basis. The regulations address waste and site characteristics, potential pathways of hazardous constituent migration, and health effects. These rules allow for cover systems to be designed base on unique site and waste characteristics. EPA originally proposed this rule on March 19, 1987 (52 FR 8712); the Agency will repropose the rule.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8712
NPRM (Reproposal)	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2391.

FTS:8-260-4696.

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 260-4696

RIN: 2050–AB81

3689. PERMITTING EXPERIMENTAL FACILITIES CONDUCTING HAZARDOUS WASTE RESEARCH

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This proposal will establish special permitting procedures for experimental facilities conducting research and development on the storage, treatment, or disposal of hazardous waste. The regulations may allow experimental facilities considerable flexibility in operating according to an approved research plan, without requiring frequent permit modifications as details of the research changed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2439.

FTS:8-260-4696.

Agency Contact: Glen Strahs, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, 20460, 202 260-4782

RIN: 2050–AC04

3690. CORRECTIVE ACTION FOR RELEASES TO GROUND WATER FROM REGULATED HAZARDOUS WASTE UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will amend the technical and procedural requirements for conducting corrective action to clean up significant releases to ground water from regulated hazardous waste units at operating, closed, or closing RCRA facilities. The regulations will be used to amend the structure of the program and the requirements for implementing remedial action, remedy selection and corrective measures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2503.

FTS:8-260-4685.

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 260-4685

RIN: 2050–AC28

3691. DEFINITION OF HAZARDOUS WASTE TANK, SURFACE IMPOUNDMENT AND WASTE PILE (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004

CFR Citation: 40 CFR 260

Legal Deadline: None

Abstract: The Agency is receiving information on an increasing number of situations where it is difficult to determine whether specific types of hazardous waste management units meet the definition of a tank, waste pile or surface impoundment. EPA intends to clarify the difference between these units by revising the definitions for these units in 40 CFR260.1. In particular, EPA expects to address the use of liners for primary containment as well as other issues relating to the use of "earthen" and "nonearthen" materials.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2664.

FTS:8-260-8551.

Agency Contact: Becky Cuthberston, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-8551

RIN: 2050–AC72

3692. HAZARDOUS WASTE SUMP REQUIREMENTS IN RESPONSE TO RULEMAKING PETITION (REVISION)

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6921; 42 USC 6974; 42 USC 6924; 42 USC 6925

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: This regulation will address a petition for rulemaking submitted by the Boeing Company, requesting that EPA amend several hazardous waste tank system requirements as applied to certain existing sumps. A sump is a type of tank. The petition focuses on those existing sumps that are situated inside of buildings and constructed as an integral part of the building's floor or foundation. The petitioner argues that because of differences in design, construction, and use, these sumps should be regulated independently of other hazardous waste storage/treatment tank systems. The regulation may also propose a modification to the definition of tanks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2675.

FTS:8-260-8551.

Agency Contact: Becky Cuthbertson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-8551

RIN: 2050–AC79

3693. HAZARDOUS WASTE MANAGEMENT SYSTEM: GROUND WATER MONITORING CONSTITUENTS (PHASE II) AND METHODS

Significance: Regulatory Program

Legal Authority: 42 USC 3251/RCRA 3004 and 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: Appendix IX of 40 CFR Part 264 is a list of hazardous constituents

presently referenced in 40 CFR Part 264, Subpart F for use in ground-water monitoring. This proposed amendment would make minor revisions to Appendix IX and create a new list for the first phase (Detection Monitoring) of the ground-water monitoring program. This proposal would also include a detailed discussion the appropriate ground-water monitoring techniques and requirements than currently exists in the regulations by revising and incorporating chapter 11 of "Test Methods for Evaluating Solid Waste" (EPA/SW0846), into 40 CFR Parts 264 and 270.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2435.

FTS:8-260-7240.

Agency Contact: James Brown, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington DC 20460, **202 260-7240**

RIN: 2050–AC05

3694. HAZARDOUS WASTE SURFACE IMPOUNDMENT RETROFITTING

Legal Authority: 42 USC 6905 /RCRA 3005(j)(6) and 3004(h)(4)

CFR Citation: 40 CFR 268.5

Legal Deadline: None

Abstract: This regulation will resolve the statutory conflict between RCRA Sections 3005(j)(6) and 3004(h)(4). Section 3005(j)(6) allows four years to retrofit surface impoundments to meet minimum technological requirements for treatment of newly identified wastes. Under the LDR program, EPA is required to establish BDAT standards for the newly identified wastes. If EPA grants a national capacity variance from BDAT treatment standards for the newly identified waste, Section 3004(h)(4) requires that during the variance period the waste may be disposed of in a surface impoundment only if it meets minimum technology requirement standards. We can resolve this conflict by issuing a rule that will allow four years to retrofit surface impoundments for those wastes granted a national capacity variance, unless treatment capacity becomes available sooner. This rule is part of the RCRA land disposal restriction programs and will allow continued management of newly identified hazardous wastes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2875.

FTS:8-398-8440.

Agency Contact: Linda Malcolm, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321W), Washington, DC 20460, **703 308-8440**

RIN: 2050–AD27

3695. COMPLIANCE MONITORING AND ENFORCEMENT REQUIREMENTS FOR STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.15; 40 CFR 271.16

Legal Deadline: None

Abstract: Regulations governing State Authorization requirements for compliance monitoring and enforcement actions may be revised to reflect the Hazardous and Solid Waste Amendments of 1984. EPA will consider other changes such as requirement for states to have administrative penalty authority.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2158.

FTS:8-260-8729.

Agency Contact: Nancy Parkinson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, DC 20460, **202 260-8729**

RIN: 2050–AB01

3696. RCRA SUBTITLE C INDIAN PROGRAM AUTHORIZATION

Legal Authority: 42 USC 6926(b)/3006(b)

CFR Citation: 40 CFR 271 (Revision)

Legal Deadline: None

Abstract: The Agency has decided to authorize Indian Tribes to implement the Subtitle C program. This regulation will establish the definition of an Indian Tribe and the criteria an Indian Tribe must meet for authorization purposes. Since the Agency also decided that Indian Tribes may be authorized for partial programs (States are not allowed partial State programs under RCRA authorization), the regulation will address this program difference. The regulation will also address Indian capability, including criminal enforcement capability. This regulation fulfills EPA's stated 1984 Indian Policy by ensuring the close involvement of tribal governments in making decisions and managing environmental programs affecting reservation lands.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2827.

FTS:8-260-2210.

Agency Contact: Karen Morley, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-342), Washington, DC 20460, **202 260-2210**

RIN: 2050–AD07

3697. MINING WASTE MANAGEMENT UNDER RCRA SUBTITLE D

Legal Authority: 42 USC 6941 to 6949 /RCRA 4001-4009

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Based on the first mining waste Report to Congress submitted 12/31/85, comments on the report, and other available information, EPA has determined that regulation of wastes from the extraction and beneficiation of ores and minerals under Subtitle C of the Resource Conservation and Recovery Act (RCRA) is not warranted at this time (51 FR 24496). Instead, EPA

plans to develop a program for mining waste under Subtitle D of RCRA, working with the States to determine the specific nature of their current mining waste activities and their future plans to administer such programs. EPA will propose a set of criteria for the proper disposal of mining wastes under RCRA Subtitle D authority. EPA will also work with other Federal agencies (e.g., DOI, USGS) to avoid duplication in regulatory efforts. EPA has formed a policy dialogue committee with representatives from states, other Federal agencies, the mining industry, and public interest groups to discuss issues related to Federal program development.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 2389.

FTS:8-398-8413

Agency Contact: Stephen Hoffman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 703 308-8413

RIN: 2050–AB77

3698. FINANCIAL TEST FOR LOCAL GOVERNMENTS THAT OWN/OPERATE MUNICIPAL SOLID WASTE LANDFILLS

Legal Authority: 42 USC 6941 to 6949/RCRA 4001 to 4009

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: This rule would allow financially strong local governments that own/operate municipal solid waste landfills the option of using a financial test to demonstrate financial assurance for costs associated with closure, post-closure, and corrective action of known releases.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: SAR No. 2761.

FTS:8-260-6259.

Agency Contact: Ed Coe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 260-6259

RIN: 2050–AD04

3699. MUNICIPAL SOLID WASTE LANDFILLS; STATE PERMIT PROGRAM DETERMINATION OF ADEQUACY

Legal Authority: 42 USC 6945/RCRA 4005

CFR Citation: 40 CFR 239

Legal Deadline: None

Abstract: Regulations will describe procedures EPA will use to make determinations of adequacy for State Solid Waste permitting programs, as required by Section 4005 of the Solid Waste Disposal Act, as amended (RCRA). This state adequacy determination regulation is critical to the successful implementation of the Revised Criteria. Section 4005(c)(1)(B) requires States to adopt and implement a permit program, or other system of prior approval, within 18 months after the promulgation of revised criteria under Section 4004(a), as required by Section 4010(c). Section 4005(c)(1)(C) requires the Administrator to determine whether each State has developed an "adequate permit program" under this paragraph.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2751.

FTS:8-260-7920

Agency Contact: Timothy Jones, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-7920

RIN: 2050–AD03

3700. UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES - FINANCIAL RESPONSIBILITY REQUIREMENTS

Legal Authority: 42 USC 6991 /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Final, Statutory, August 8, 1988.

Abstract: This regulation will establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM was published to help gather data (e.g., frequency of releases from such USTs, costs of corrective action and third-party damages, and the regulated community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/88	53 FR 3818
NPRM	09/00/92	
Final Action	09/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2465.

FTS:8-260-7903.

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410WF), Washington, DC 20460, 202 308-8882

RIN: 2050–AC15

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

3701. HAZARDOUS WASTE MANAGEMENT SYSTEM: AMENDMENTS TO INTERIM STATUS STANDARDS FOR DOWNGRADIENT GROUND WATER MONITORING WELL LOCATIONS AT HAZARDOUS WASTE FACILITIES

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924; 42 USC 6925; 42 USC 6935

CFR Citation: 40 CFR 265

Legal Deadline: NPRM, Judicial, December 7, 1990. Final, Judicial, December 7, 1991.

Abstract: This proposal is being initiated as part of a settlement agreement arising from a challenge by Shell Oil Co., (et al) to the Part 265 ground water monitoring requirements.

The proposed rule, if finalized, would amend 40 CFR Section 265.91(a) to allow alternate placement of hydraulically downgradient monitoring wells existing for units at interim status facilities where existing physical obstacles prevent well installation at the limit of the waste management area.

Timetable:

Action	Date	FR Cite
NPRM	01/18/91	56 FR 2108
Final Action	12/07/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2911.

FTS:8-260-7371.

Agency Contact: Neal Durant, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 260-7371**

RIN: 2050–AD28

3702. SOLID WASTE DISPOSAL FACILITY CRITERIA

Significance: Regulatory Program

Legal Authority: 42 USC 6907(a)(3)/RCRA 1008(a)(3); 42 USC 6944(a)/RCRA 4004(a); 42 USC 6949(a) to (c)/RCRA 4010(a) to (c); 33 USC 1345(d)/CWA 405(d); 33 USC 1345(e)/CWA 405(e)

CFR Citation: 40 CFR 257; 40 CFR 258

Legal Deadline: Final, Statutory, March 31, 1988.

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) require that EPA, by March 31, 1988, revise the Subtitle D criteria for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators. In response to this statutory mandate, EPA is revising the Subtitle D criteria for municipal landfills. The proposed revised criteria include groundwater monitoring requirements, location standards, corrective action requirements, operating requirements, closure and post-closure requirements, performance or design standards, and financial assurance requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	53 FR 33314
NPRM Comment Period End	11/30/88	53 FR 41210
Final Action	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2224

FTS:8-260-3346

Agency Contact: Paul Cassidy, Andrew Teplitzky, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, **202 260-3346**

RIN: 2050–AB21

3703. TEST METHODS FOR EVALUATING SOLID WASTE (MANUAL SW846 THIRD EDITION) INCORPORATION BY REFERENCE AND MANDATORY GOOD LABORATORY PRACTICES—UPDATE 1

Legal Authority: 42 USC 6912 /RCRA 2002

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This action proposes to update testing methods in the RCRA testing regulations to: a) permit persons to use the latest (3rd) edition of Test Methods for Evaluating Solid Waste (SW-846); and b) require that all testing conducted in support of the RCRA regulatory program follow minimum good laboratory practices and quality control/quality assurance procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3212
NPRM (Supplemental)	02/08/90	55 FR 4440
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2507.

FTS:8-260-4761.

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, **202 260-4761**

RIN: 2050–AC32

3704. HAZARDOUS WASTE MANAGEMENT SYSTEM, AMENDMENT TO SUBPART C RULEMAKING PETITIONS: USE OF GROUNDWATER DATA IN DELISTING DECISIONS

Legal Authority: 42 USC 6903 /RCRA 1004; 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 260.22

Legal Deadline: None

Abstract: This amendment as proposed will generally require those who submit delisting petitions for hazardous wastes to provide groundwater monitoring data as part of their petition. The amended regulations will clarify the Agency's existing authority to consider the impact of a petitioned waste on groundwater and deny a petition based on groundwater contamination. EPA is seeking this amendment to clarify its authority to request and consider such data in delisting decisions.

Timetable:

Action	Date	FR Cite
NPRM	10/12/89	54 FR 41930
Final Action	12/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2622.

FTS:8-260-4787.

Agency Contact: Narendra Chaudhari, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, **202 260-4787**

RIN: 2050–AC65

3705. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES FROM COKE BY-PRODUCT INDUSTRIES

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986. NPRM, Judicial, July 1991. Final, Judicial, July 1992.

Abstract: RCRA Section 3001(e) requires EPA to make a determination whether or not to list coke by-product wastes within 15 months of the passage of HSWA. The hazardous waste listing regulations may be amended by adding seven new waste codes from the coke by-products industry. These wastes may be designated as hazardous substances under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	07/25/91	56 FR 35758
Final Action	07/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Economic Impact Analysis

Additional Information: SAR No. 2227.

FTS:8-260-4770.

Agency Contact: Ron Josephson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, **202 260-4770**

RIN: 2050–AC85

3706. LINERS AND LEAK DETECTION FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(o); 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 271

Legal Deadline: Final, Statutory, May 8, 1987. Final, Judicial, December 1991.

Abstract: This rule, as proposed, would require: 1) new hazardous waste landfills, surface impoundments, waste piles, and land treatment units to utilize an approved leak detection system; 2) double liners and leachate collection systems for waste piles; and 3) development of a construction quality assurance program for liners, leak detection systems, and final covers.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20218
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2080.

FTS:8-260-2214.

Agency Contact: Ken Shuster, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-340), Washington, DC 20460, **202 260-2214**

RIN: 2050–AA76

3707. AMENDMENTS TO GROUND-WATER MONITORING AT HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 to 6927/RCRA 3004 to 3007

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action will change the Subpart F ground-water monitoring regulations. The following is a summary of the major proposed changes: - require use of site-specific data and modeling predictions on containment fate and transport for ground-water monitoring variances; - allow flexibility in well installation requirements when existing physical obstacles present installation at the point of compliance; - clarify the definition of waste management area and provide flexibility in determining the appropriate monitoring or response programs for individual areas; - allow flexibility in schedules for submittal of the information upon approval by the Regional Administrator (RA); clarify the RA's authority to require monitoring of any flow pathway in the uppermost aquifer and unsaturated zone; - clarify the RA's authority to designate supplemental monitoring (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 28160
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2277.

FTS:8-260-7371.

ABSTRACT CONT: wells when justified by complicated monitoring situations; and allow a return to detection or compliance monitoring as appropriate; - add quality assurance and quality control requirements for groundwater monitoring devices and methods.

Agency Contact: Neal Durant, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 260-7371**

RIN: 2050–AB20

3708. DOUBLE LINER AND LEACHATE COLLECTION SYSTEMS FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Legal Authority: 42 USC 6924(o) /RCRA 3004(o)

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 144

Legal Deadline: Final, Statutory, November 1986. Final, Judicial, December 1991.

Abstract: This rule, as proposed, establishes minimum technology requirements (i.e., double liners and leachate collection systems) for new hazardous waste landfills and surface impoundments, and for lateral expansions and replacements for existing landfills and surface impoundments.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Notice of Availability of Information	04/17/87	52 FR 12566
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2388.

FTS:8-260-2214.

Agency Contact: Ken Shuster, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-340), Washington, DC 20460, 202 260-2214

RIN: 2050–AB76

3709. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(u), 3004(v)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, ground water and soil at solid waste management units (SWMUs) at operating, closed, or closing RCRA facilities. The regulations will be used to define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must make case-by-case decisions on action.

Timetable:

Action	Date	FR Cite
NPRM	07/27/90	55 FR 30798
Final Action	01/00/93	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2390.

FTS:8-260-4497.

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 260-4497

RIN: 2050–AB80

3710. EMISSION CONTROLS FOR HAZARDOUS WASTE INCINERATORS

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 9005

CFR Citation: 40 CFR 264

Legal Deadline: None

Abstract: EPA intends to amend the incinerator standards of Subpart O of Part 264 by proposing additional controls on emissions of metals and residual organic compounds.

Timetable:

Action	Date	FR Cite
NPRM	04/27/90	55 FR 17862
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2453.

FTS:8-398-8459.

Agency Contact: Shiva Garg, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington DC 20460, 703 308-8459

RIN: 2050–AB90

3711. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

Legal Deadline: None

Abstract: This amendment will revise financial test criteria that must be satisfied by TSDF owners and operators employing the test to demonstrate RCRA financial responsibility requirements. The anticipated revisions will adjust test criteria so as to increase availability of this assurance mechanism to financially viable and stable firms and increase sensitivity to bankruptcy prediction.

Timetable:

Action	Date	FR Cite
NPRM	07/01/91	56 FR 30201
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2647.

FTS:8-260-6259.

Agency Contact: Ed Coe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 260-6259

RIN: 2050–AC71

3712. LAND DISPOSAL RESTRICTIONS MODIFICATIONS TO THE STANDARD FOR KO61 HIGH ZINC CATEGORY

Legal Authority: 42 USC 6901 et seq /RCRA Section 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Judicial, August 8, 1991.

Abstract: This rulemaking responds to a court order that EPA develop requirement standards specific to the slag resulting from recycling of KO61 high zinc category waste.

Timetable:

Action	Date	FR Cite
NPRM	05/01/91	56 FR 15020
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2903.

FTS:8-398-8450.

Agency Contact: Sue Slotnick, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322W), Washington, DC 20460, 703 308-8462

RIN: 2050–AD20

3713. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS: FINANCIAL TEST FOR SELF INSURANCE FOR LOCAL GOVERNMENT ENTITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 20 CFR 280

Legal Deadline: None

Abstract: These regulations will establish a simple financial test that local governments can use for the purpose of self insuring for taking corrective action and compensating third parties for bodily injury and property damage as required by the Financial Responsibility Requirements promulgated in September 1988.

EPA—RCRA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/18/90	55 FR 24692
Final Action	12/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: SAR No. 2642. FTS:8-260-7903.

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410WF), Washington, DC 20460, 202 308-8882

RIN: 2050–AC67

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Resource Conservation and Recovery Act (RCRA)

Completed Actions

3714. MEDICAL WASTE DEMONSTRATION TRACKING PROGRAM

Significance: Regulatory Program

CFR Citation: 40 CFR 259

Completed:

Reason	Date	FR Cite
Withdrawn - Statutory authority ended June 1, 1991	09/30/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Michelle Wilson, 202 260-8551

RIN: 2050–AC74

3715. RCRA DEFINITION OF SOLID WASTE (REVISION)

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn - This action is superseded by RINs 2050-AD18 and AD19	09/30/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Mitch Kidwell, 202 260-8551

RIN: 2050–AC68

3716. MUNICIPAL WASTE COMBUSTOR ASH MANAGEMENT

Significance: Regulatory Program

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn - Agency expects no action on rule this fiscal year	09/30/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Doreen Sterling, 202 260-4489

RIN: 2050–AC24

3717. DETERMINATION ON SOLID WASTE FROM SELECTED MINERAL PROCESSING OPERATIONS

Significance: Regulatory Program

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
End Review	06/13/91	56 FR 27232

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Bob Hall, 703 308-8412

RIN: 2050–AC41

3718. LAND DISPOSAL RESTRICTIONS FOR SOIL AND DEBRIS CONTAINING HAZARDOUS WASTES

Significance: Regulatory Program

CFR Citation: 40 CFR 268

Completed:

Reason	Date	FR Cite
Withdrawn Superseded by 3 new actions:"Land Disposal Restrictions"	09/30/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Jerry Vorbach, 703 308-8469

RIN: 2050–AC03

3719. TECHNICAL AMENDMENT TO FINAL UNDERGROUND STORAGE TANK RULES FOR OVERFILL PREVENTION

CFR Citation: 40 CFR 280.20(c)

Completed:

Reason	Date	FR Cite
Final Action	08/13/91	56 FR 38342

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David O'Brien, 703 308-8874

RIN: 2050–AC97

3720. PROCEDURES FOR ISSUANCE OF AND ADMINISTRATIVE HEARINGS ON RCRA SECTION 9003(H) CORRECTIVE ACTION ORDERS FOR UNDERGROUND STORAGE TANKS

CFR Citation: 40 CFR 24

Completed:

Reason	Date	FR Cite
Final Action	09/27/91	56 FR 49376

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Josh Baylson, 703 308-8887

RIN: 2050–AD12

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

Clean Air Act (CAA)

3721. NAAQS: CARBON MONOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.8

Legal Deadline: Final, Statutory. Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the CO NAAQS was completed in September 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Clean Air Scientific Advisory Comm. Committee (CASAC) Review of Draft Criteria Doc.	04/29/91	00 FR 0000
CASAC Review of Draft Staff Paper	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2762.

FTS:8-629-5533.

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5656

RIN: 2060–AA63

3722. NAAQS: NITROGEN DIOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.11

Legal Deadline: Final, Statutory. Reviews by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information (criteria document) that has become available since the last review of the NO2 NAAQS was completed in June 1985. The criteria document will be reviewed by the Clean Air Scientific Advisory Committee (CASAC). The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
CASAC Review of Draft Criteria Document	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1004.

FTS:8-629-5533.

Agency Contact: John Haines, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, N.C. 27711, 919 541-5533

RIN: 2060–AC06

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Clean Air Act (CAA)

3723. PROTECTION OF STRATOSPHERIC OZONE: RECYCLING

Significance: Regulatory Program

Legal Authority: PL 101-549, Sec 608 Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, January 1, 1992.

Abstract: EPA must promulgate regulations establishing standards and requirements regarding the use and disposal of Class I substances during the service, repair, or disposal of appliances and industrial process refrigeration. As required by Section 608, these regulations shall include requirements that maximize the recapture and recycling of such substances during service, repair, and disposal.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/90	55 FR 18256
NPRM	10/00/91	
Final Action	07/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2793.

FTS:8-260-7497.

Agency Contact: Debbie Ottinger, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-4991

RIN: 2060–AC80

3724. PROTECTION OF STRATOSPHERIC OZONE: PHASE OUT

Significance: Regulatory Program

Legal Authority: 42 USC 7457(b)

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, September 15, 1991.

Abstract: EPA currently has regulations in place that limit ozone-depleting substances under the Montreal Protocol. EPA proposed to revise these regulations on 08/15/91 to support the revised Montreal Protocol and the Clean Air Act of 1991. Under the Clean Air Act Amendments of 1990, EPA must further revise these regulations to phase-out these chemicals by the year 2000.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2795.

FTS:8-260-7497.

Agency Contact: David Lee, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-7497

RIN: 2060–AC84

3725. NONCONFORMANCE PENALTIES FOR 1994 MODEL YEAR EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES AND ENGINES

Legal Authority: 42 USC 7524

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will address the availability of nonconformance penalties (NCPs) and specific upper limits and penalty rates for 1994 and later emission standards for heavy-duty vehicles (HDVs) and engines (HDEs). The availability of NCPs will allow a manufacturer of HDVs or HDEs, whose vehicles or engines fail to conform to certain applicable emission standards but which do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This action also addresses issues related to the selection of vehicle or engine configurations for production compliance audits (PCA's), eligibility criteria for PCA's, and the measurement of emission results during PCA testing.

Timetable:

Action	Date	FR Cite
NPRM	12/21/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2801.

FTS:8-260-2536.

Agency Contact: Anthony Erb, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, 202 260-2536

RIN: 2060–AC96

3726. REVISION OF GASOLINE VOLATILITY ENFORCEMENT PROCEDURES

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This regulation will address aspects of the volatility regulations pertaining to presumptively liable parties, the use of fuels for research, and other special projects, and test methods for determining volatility.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2830.

FTS:8-260-2635.

Agency Contact: James Caldwell, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 260-2635

RIN: 2060–AC97

3727. REQUIREMENTS FOR THE ENHANCED MONITORING OF OZONE AND OZONE PRECURSORS

Significance: Agency Priority

Legal Authority: PL 101-549

CFR Citation: 40 CFR 58

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: Ozone continues to constitute one of the most pervasive national air pollution problems. In order to obtain a more comprehensive and representative data base on ozone and ozone formation, this rule provides for the enhanced monitoring of ozone, oxides of nitrogen, and volatile organic compounds in certain areas designated as nonattainment for ozone. The rule addresses, among other things, the location, minimum number of monitors per area, and the sampling frequency for each class of pollutant. The rule will ensure national consistency and efficiency in the operation of these enhanced monitoring networks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2967.

FTS:8-629-5492.

Agency Contact: Geri Dorosz, Environmental Protection Agency, Air and Radiation, (MD-14), Research Triangle Park, NC 27711, 919 541-5492

RIN: 2060–AD11

3728. REVISION OF RULES FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NEW SOURCE REVIEW (NSR)

Significance: Regulatory Program

Legal Authority: Clean Air Act, Title I, Title IV

CFR Citation: 40 CFR 51.160 to 51.166; 40 CFR 51, Appendix S; 40 CFR 52.21; 40 CFR 52.24

Legal Deadline: None

Abstract: The purpose of this action is to amend EPA's existing new source review regulations, including prevention of significant deterioration, to conform with the new requirements of the Clean Air Act Amendments of 1990. In addition, certain other revisions will be made to improve the clarity of the existing regulatory language. This rulemaking will satisfy obligations under Exhibit B of the settlement agreement in Chemical Manufacturers vs. EPA, No. 79-112 (DC Cir.). The regulations contain procedures for reviewing, permitting, and specifying controls for the construction and modification of major air pollution sources in attainment and nonattainment areas. Several new source review regulations will be affected, including the State implementation requirements for the review of new sources and modifications (40 CFR 51.160-166 and Appendix S). The Federal prevention of significant deterioration program (40 CFR 52.21), and Federal restrictions on new source construction (40 CFR 54.24).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2909.

FTS:8-629-5592.

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air

and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5592

RIN: 2060–AD13

3729. AWARD REGULATIONS

Legal Authority: PL 101-549, Sec 701

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Regulations will be developed to define the criteria for administering awards to persons who furnish information or services which lead to criminal convictions or civil penalties under the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action	01/00/93	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAR No. 2939

FTS:8-308-8709

Agency Contact: Clara Poffenberger, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, 703 308-8709

RIN: 2060–AD15

3730. CITIZEN SUIT REGULATION

Legal Authority: PL 101-549, Sec 707

CFR Citation: 40 CFR 135

Legal Deadline: None

Abstract: Citizen suit regulations will be revised to establish procedures for EPA intervention in citizen suits. The regulations will establish the penalty fund authorized by the Clean Air Act and include criteria for determining how the monies in the fund will be administered and to whom.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2940.

FTS:8-260-2842

Agency Contact: Steve Viggiani/Mamie Miller, Environmental Protection Agency, Air and Radiation, (LE-134A)/(EN-341W), Washington, DC 20460, 202-382-2842, 703 308-8686

RIN: 2060–AD17

3731. ENHANCED MONITORING AND COMPLIANCE CERTIFICATION REGULATIONS

Legal Authority: PL 101-549, Sec 504(b), Sec 702

CFR Citation: 40 CFR 70; 40 CFR 71

Legal Deadline: Final, Statutory, November 1992.

Abstract: Regulations will be developed to provide guidance on the appropriate monitoring methods, recordkeeping and reporting requirements, and periodic compliance certification requirements for permits issued under Title V.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2942.

FTS:8-308-8697

Agency Contact: Steve Rapp, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, 703 308-8697

RIN: 2060–AD18

3732. FIELD CITATION REGULATIONS

Legal Authority: PL 101-549, Sec 701

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Regulations will be developed to implement the Agency's newly authorized field citation enforcement program. The regulations will define the scope of the program and the hearing procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
Final Action	05/00/93	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2937

FTS:8-308-8695

Agency Contact: Barrett Parker, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, 703 308-8695

RIN: 2060–AD19

3733. CONTRACTOR LISTING REGULATIONS

Legal Authority: PL 101-549, Sec 705; 33 USC 1368; EO 11738

CFR Citation: 40 CFR 15

Legal Deadline: None

Abstract: Section 306 of the Clean Air Act, Section 508 of the Clean Water Act, and Executive Order 11738 mandate the exclusion from Federal contracts, grants, or loans of facilities which are the source of criminal violations of those statutes and give EPA discretion to so bar facilities which are the source of continuing or receiving civil violations. Section 705 of the new Clean Air Act Amendments broadens this authority by giving EPA discretion to extend the bar to other facilities owned by a convicted person. The requested action would revise 40 CFR Part 15 to indicate when and whose this new authority will be exercised. At the same time, needed procedural improvements will be incorporated.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
Final Action	12/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2938.

FTS:8-260-8777/8-398-8686.

Agency Contact: Mamie Miller, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, 703 308-8686

RIN: 2060–AD21

3734. CALIFORNIA CLEAN-FUELS PILOT PROGRAM - OPT IN

Significance: Regulatory Program

Legal Authority: 42 USC 7589

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, November 1992.

Abstract: The Clean Air Act Amendments of 1990 mandate that EPA establish a pilot program in the State of California to demonstrate the effectiveness of clean-fuel vehicles in controlling air pollution in ozone non-attainment areas. As part of this program, EPA must promulgate regulations establishing a voluntary opt-in program for other States with serious, severe or extreme ozone nonattainment areas.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
Final Action	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2957.

FTS: 8-374-8264.

Agency Contact: Paul Machiele, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4264

RIN: 2060–AD31

3735. CLEAN FUEL FLEET PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 7586; 42 USC 7582; 42 USC 7587

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, November 1992. Other, Statutory, November 1992.
Final for Conversion Regulations and Standards

Abstract: This rulemaking will establish a clean fuel fleet emission standards, guidelines for a clean fuel fleet credit program, regulations governing the conversion of conventional vehicles to meet clean fuel fleet standards, and regulations exempting clean fuel fleet vehicles from transportation control measures. The Clean Air Act Amendments of 1990 mandated statutory deadlines for the above programs. The audits and TCM provisions will not be promulgated by November 1991, with the remaining provisions being promulgated by November 1992.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Vehicle Conversion Regulations	01/00/92	
Final Action	02/00/92	
Final Action Vehicle Conversion Regulations	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 2951.

FTS: 8-374-8408.

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4408

RIN: 2060–AD32

3736. LOCOMOTIVE EMISSIONS STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7547

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, November 1995.

Abstract: The Clean Air Act Amendments of 1990 require EPA to promulgate emission standards for railroad locomotives. It is likely that railroad locomotives are significant contributors of pollution in some areas of the country for some pollutants. This rulemaking may allow for uniform control of locomotive emissions on the national level.

Timetable:

Action	Date	FR Cite
NPRM	06/00/94	
Final Action	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2961.

FTS:8-374-8332.

Agency Contact: Tad Wysor, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4332

RIN: 2060–AD33

3737. MOTOR VEHICLE CERTIFICATION SHORT TEST AND PERFORMANCE WARRANTY PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 7525

CFR Citation: 40 CFR 85; 40 CFR 86

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: The Clean Air Act Amendments of 1990 require EPA to revise the vehicle certification program to incorporate so-called short tests. Short tests are simple screening tests required by many state and local agencies to be performed during motor vehicle inspection/maintenance (I/M) programs to identify vehicles with excessive emissions. Vehicles which cannot pass the short test will not be certified to be sold. In addition, the short test procedures for use in I/M procedures may be amended.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 2950.

FTS: 8-374-8244.

Agency Contact: Jim McCargar, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4244

RIN: 2060–AD34

3738. REVISED LIGHT-DUTY DURABILITY PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action is needed to address the provisions in the Clean Air Act Amendments 1990 which extend the useful life for passenger cars during the motor vehicle emissions certifications program from 50,000 miles to 100,000 miles. To fully effect this revision, EPA must establish additional testing procedures and allowable maintenance regulations to apply to the testing period from 50,000 to 100,000

miles on pre-production emissions certification vehicles.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2869.

FTS:8-374-8244.

Agency Contact: Jim McCargar, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4244

RIN: 2060–AD36

3739. URBAN BUS EMISSIONS REGULATIONS - TESTING PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 7554

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: The Clean Air Act Amendments of 1990 require EPA to conduct in-use testing of model year 1994 buses to determine whether these vehicles are meeting applicable emission standards in use. This rulemaking will establish testing procedures for this program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2956.

FTS: 8-260-2491.

Agency Contact: Andy Brooks, Environmental Protection Agency, Air and Radiation, (EN-340), Washington, DC 20460, 202 260-2491

RIN: 2060–AD38

3740. ACID RAIN ALLOWANCE SYSTEM REGULATION

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Title IV

CFR Citation: 40 CFR 73

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: This regulation is to develop procedures for the tracking, trading, and banking of SO2 emission allowances under the issuance, acid rain provision of the Clean Air Act Amendments of 1990. This rule will use an economic incentive approach where emission allowances are transferable, allowing market forces to govern their ultimate use.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2886.

FTS:8-260-5104.

Agency Contact: Renee Rico, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-5104

RIN: 2060–AD40

3741. ACID RAIN PHASE I RESERVE/PHASE II ALLOWANCE ALLOCATIONS SUBPART

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Title IV

CFR Citation: 40 CFR 73, Subpart B

Legal Deadline: NPRM, Statutory, December 31, 1991. Final, Statutory, December 31, 1992.

Abstract: The Clean Air Act Amendments provide for EPA to calculate and publish sulfur dioxide emission allowance allocations for Phase II affected utility units based on Sections 403, 404, 405, and 406 of the Act. The allocations are the basis for the allowance trading program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local

Additional Information: SAR No. 3031.

FTS:8-260-8190.

Agency Contact: Larry Montgomery, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-8190

RIN: 2060–AD42

3742. ACID RAIN OPT-IN REGULATION

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Title IV

CFR Citation: 40 CFR 74

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: Section 410 of the Clean Air Act Amendments allows sources not affected by Title IV to "opt-in" Title IV. The regulation will provide the necessary procedures for opting in to the acid rain program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local

Additional Information: SAR No. 3009.

FTS: 8-260-7242.

Agency Contact: Julie Rosenberg, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-7242

RIN: 2060–AD43

3743. ACID RAIN CONTINUOUS EMISSIONS MONITORING REGULATION

Significance: Regulatory Program

Legal Authority: PL 101-549, Sec 412

CFR Citation: 40 CFR 72

Legal Deadline: NPRM, Statutory, 00/00/00. Final, Statutory, May 15, 1992.

Abstract: This regulatory action would specify continuous emissions monitor (CEM) system specifications (certification tests, QA/QC and audit procedures) for SO2, NOX, opacity, and volumetric flow, CO2, and diluent gas monitoring; definition and use of alternative monitoring systems; method for calculating emissions when CEM data is not available; and requirements for recordkeeping and reporting various types of CEM data.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2887.

FTS:8-260-6783.

Agency Contact: Larry Kertcher, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, **202 260-6783**

RIN: 2060–AD44

3744. ● GASEOUS AND PARTICULATE EMISSION REGULATIONS FOR 1996 AND LATER MODEL YEAR NON-ROAD DIESEL ENGINES RATED EQUAL TO OR GREATER THAN FORTY HORSEPOWER

Legal Authority: 42 USC 7/CAA 213

CFR Citation: 40 CFR 88

Legal Deadline: Final, Statutory, November 15, 1992.

Abstract: The Clean Air Act Amendments of 1990 include provisions which mandate emission standards be established for non-road engine categories that are determined to be significant contributors to emission inventories based on an EPA non-road emission inventory study required to be completed by November 15, 1991. This action would establish emission standards for 1996 and later model year non-road diesel engines rated at or greater than 40 horsepower, if such standards are suggested by the study. These regulations must be promulgated by November, 1992.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
Final Action	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 3112.

FTS: 8-374-8316.

Agency Contact: Michael A. Sabourin, Environmental Protection Agency, Air and Radiation, Office and Air and Radiation, 2565 Plymouth Rd., Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060–AD54

3745. ● PROHIBITION OF LEADED GASOLINE FOR HIGHWAY USE

Significance: Regulatory Program

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, December 31, 1995.

Abstract: After December 31, 1995, it shall be unlawful for any person to sell, offer for sale, supply, offer for supply, dispense, transport, or introduce into commerce, for use as fuel in any motor vehicle any gasoline which contains lead or lead additives.

Timetable:

Action	Date	FR Cite
NPRM	01/00/93	
Final Action	01/00/94	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 3111.

FTS: 8-260-2635.

Agency Contact: James W. Caldwell, Environmental Protection Agency, Air and Radiation, (EN-397F), **202 260-2635**

RIN: 2060–AD55

3746. ● CLARIFICATION OF BEST AVAILABLE CONTROL TECHNOLOGY REGULATORY DEFINITION

Significance: Agency Priority

Legal Authority: Clean Air Act Amendments of 1990, Titles I and IV

CFR Citation: 40 CFR 51.166; 40 CFR 52.27

Legal Deadline: NPRM, Judicial, January 7, 1992. Final, Judicial, January 7, 1993.
Per terms of settlement agreement between the EPA and API and UARG

Abstract: To improve the effectiveness of the prevention of significant air quality deterioration program required by Title I, Part C of the Clean Air Act, the EPA plans to amend its rules to clarify the regulatory definition of best available control technology by adding language that clarifies the legal requirements for a best available control technology analysis.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	01/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3028

FTS:8-629-5375

Agency Contact: David Solomon, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, N.C. 27711, **919 541-5375**

RIN: 2060–AD61

3747. NAAQS: LEAD (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.12

Legal Deadline: Final, Statutory. Reviews due by December 31, 1980 and at 5-year intervals.

Abstract: EPA is reassessing the health and welfare information that has become available since the promulgation of the standard. The Agency has prepared a staff paper which has been reviewed and approved by the Clean Air Scientific Advisory Committee (CASAC).

Timetable:

Action	Date	FR Cite
CASAC Closure Completed	01/11/90	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1919.

Docket No. A-83-22.

FTS:8-629-5336.

Agency Contact: John Haines, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5533**

RIN: 2060–AA95

3748. NAAQS: OZONE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.9

Legal Deadline: Final, Statutory. Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing health and welfare information which has become available since the last revision of the standard. In May 1989 EPA received closure on the scientific and technical adequacy of the ozone staff paper. In order to retain a unified regulatory review package in light of the emerging data base on health and welfare effects associated with longer-term averaging times, EPA is continuing the standard review until such information is published and a decision made on the appropriate standards choice. The major issue is whether the new information will indicate that new standards with longer-term averaging times are required to protect public health and welfare or whether adequate protection is afforded by the current form and averaging time of the standard.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1920.

FTS: 8-629-5533.

Agency Contact: John Haines, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5533**

RIN: 2060–AA96

3749. CRITERIA FOR IMPOSING DISCRETIONARY SANCTIONS UNDER TITLE I

Significance: Agency Priority

Legal Authority: CAA, Section 110(m)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This rulemaking action would set forth the criteria required under Section 110(m) of the Clean Air Act (established under Title I of the Clean Air Act Amendments of 1990) for exercising the EPA Administrator's authority for discretionary application of sanctions listed in Section 179(b) of the CAA to ensure that during the 24-month period following a finding, disapproval, or determination under Section 179(a) of the CAA, such discretionary sanctions are not applied on a statewide basis where one or more political subdivisions covered by the applicable implementation plan are principally responsible for such deficiency.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2930.

FTS:8-629-5699.

Agency Contact: Ted Creekmore, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5699**

RIN: 2060–AD10

3750. MEDICAL WASTE INCINERATOR

Significance: Regulatory Program

Legal Authority: 42 USC 7411 /CAA Section 111; Clean Air Act Amendments, Section 129

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, November 1992.

Abstract: The EPA is developing new source performance standards (NSPS) and emission guidelines (EG) for existing sources under Sections 111 and 129 of the Clean Air Act. The NSPS is to reflect the maximum degree of reductions in emissions that have been demonstrated for new units, The EG may be less stringent than the standards for new units. States must submit plans for implementing and enforcing the guidelines. Section 129 requires emission limits be established for particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans.

Timetable:

Action	Date	FR Cite
NPRM	08/00/92	
Final Action	09/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2719.

FTS:8-629-5425.

Agency Contact: Ken Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5425**

RIN: 2060–AC62

3751. NSPS: MUNICIPAL WASTE COMBUSTION—PHASE II AND PHASE III

Significance: Regulatory Program

Legal Authority: 42 USC 7411/ CAA 111; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, November 1992.

Abstract: The Clean Air Act Amendments of 1990 direct EPA to set standards of performance and emission guidelines for new and existing municipal waste combustors under Sections 111 and 129; to base these standards and guidelines on maximum achievable control technology; and to include emission limits for particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, mercury, lead, cadmium, and dioxins and dibenzofurans. The standards for both large and small municipal waste combustors have been combines into one set of standards.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	11/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2916

FTS:8-629-5251

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5251**

RIN: 2060–AD00

3752. NSPS: REVIEW OF SUBPART L—SECONDARY LEAD SMELTERS

Legal Authority: 42 USC 7411 /CAA Section 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: New source performance standards (NSPS) for secondary lead smelters were promulgated under Section 111 of the Clean Air Act on July 25, 1977. Feedstocks processed by the industry consist primarily of scrap lead-acid batteries. The standards limit the emissions of particulate matter from furnaces used to melt and refine the scrap lead. Since the promulgation of the NSPS, concern over effects of lead exposure in humans has increased substantially. The EPA will review the NSPS to consider the need to address: (1) The particulate matter emission limit; (2) the NSPS coverage over process and area fugitive emissions sources not now covered; and (3) emissions limits for sulfur dioxide.

Timetable:

Action	Date	FR Cite
NPRM	03/00/93	
Final Action	03/00/94	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3015.

FTS:8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5602**

RIN: 2060–AD01

3753. NSPS: REVIEW OF SUBPART DA—ELECTRIC UTILITY STEAM GENERATING UNITS (SO2)

Significance: Regulatory Program

Legal Authority: 42 USC 7412/ CAA 111; Clean Air Act Amendments of 1990, Section 403

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, November 1993.

Abstract: Subpart Da of 40 CFR Part 60 applies to large electric utility steam generating facilities. EPA is revising this NSPS, pursuant to Section 403 of the Clean Air Act Amendments of 1990. This section requires the SO2 emission limitations be revised to reflect changes in Section 111. The revised emission limitations are to result in emissions compliance with the existing NSPS. A regulatory schedule is currently under development.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3106.

FTS:8-629-5425.

Agency Contact: Kenneth R. Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5425**

RIN: 2060–AD04

3754. NSPS: MUNICIPAL WASTE COMBUSTION—PHASE III (COMBUSTORS LESS THAN 250 TONS/DAY)

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, Section 129; 42 USC 7411 /CAA Section 111

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, November 1992.

Abstract: The Clean Air Act Amendments of 1990 direct EPA to set standards of performance and emission guidelines for new and existing municipal waste combustors with capacities less than 250 tons/ day under Sections 111 and 129; to base these standards and guidelines on maximum achievable control technology; and to include emission limits for particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, mercury, lead, cadmium, and dioxins and dibenzofurans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	11/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3108.

FTS:8-629-5251.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5251**

RIN: 2060–AD08

3755. NESHAP: COKE OVEN EMISSIONS FROM COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON COAL CHARGED BATTERIES

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1992.

Abstract: This rule would reduce coke oven emissions from all new and existing coke oven batteries in the iron and steel industry. The standard would reduce coke oven emission leaks from battery doors, lids, offtakes, and charging. The Clean Air Act Amendments of 1990 include specific minimum requirements related to these emission points.

Timetable:

Action	Date	FR Cite
NPRM	04/23/87	52 FR 13586
NPRM (Supplemental)	12/30/88	53 FR 53014
NPRM (Reproposal)	10/00/91	
Final Action	10/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1686.

FTS:8-629-5268.

Agency Contact: Amanda Agnew, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5268**

RIN: 2060–AA48

3756. NESHAP: ASBESTOS—COMPREHENSIVE REVISIONS

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Agency is considering revising the asbestos NESHAP under Section 112 of the Clean Air Act Amendments of 1990 to require

maximum achievable control technology standards. A screening study is underway to identify if other hazardous air pollutants listed under Section 112 are emitted from the same emission sources. A new schedule may be developed when this study is completed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2892.

FTS:8-629-5263.

Agency Contact: Sims Roy, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5263

RIN: 2060–AB51

3757. NESHAP: CHROMIUM—INDUSTRIAL COOLING TOWERS

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Chromium compounds are among the pollutants listed as hazardous air pollutants in Section 112 of the Clean Air Act Amendments of 1990. Industrial process cooling towers that use chromate-based water treatment programs have been identified by EPA as potentially significant sources of chromium air emissions and, as such, a source category for which national emission standards may be warranted. Emission standards would substantially reduce the amount of chromium discharged to the atmosphere from industrial process cooling towers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	11/00/93	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS:8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5602

RIN: 2060–AC12

3758. NESHAP: CHROMIUM—ELECTROPLATING

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Chromium compounds are among the pollutants listed as hazardous under Section 112 of the Clean Air Act Amendments of 1990. The EPA will propose to develop standards for chromium emissions from electroplating operations. Hard, decorative, and anodizing operations may be affected. The standards could require the use of maximum achievable control technology pursuant to the Clean Air Act Amendments of 1990.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action	02/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2841.

FTS:8-629-5420.

Agency Contact: Lalit Banker, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5420

RIN: 2060–AC14

3759. NESHAP: HAZARDOUS ORGANIC

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 1992.

Abstract: This regulation would control emissions of hazardous organic chemicals for synthetic organic chemical manufacturing plants. The regulation will propose to address emissions from storage tanks, process vents, equipment leaks, transfer operations, and wastewater treatment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2363.

FTS:8-629-5254.

Agency Contact: Jan Meyer, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5254

RIN: 2060–AC19

3760. NESHAP: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, November 15, 1991. Final, Judicial, November 15, 1992.

Abstract: Perchloroethylene is one of the pollutants listed as hazardous under Section 112 of the Clean Air Act Amendments of 1990. Standards are being developed which may apply to industrial, commercial, and coin-operated dry cleaning machines and could also address auxiliary equipment and work practices.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2360.

FTS:8-629-5608.

Agency Contact: Shirley Tabler, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5256

RIN: 2060–AC27

3761. NESHAP: ETHYLENE OXIDE FROM COMMERCIAL STERILIZATION

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This standard would control ethylene oxide emissions from sterilization chambers (other than hospital sterilizers).

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
Final Action	03/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2484.

FTS:8-629-5608.

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5608

RIN: 2060–AC28

3762. NESHAP: ORGANIC SOLVENT DEGREASING

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program, or both. The NESHAP regulations are being developed and would apply to new and existing organic solvent cleaners (degreasers) using any of the hazardous air pollutants listed in the Clean Air Act, as amended.

Timetable:

Action	Date	FR Cite
Notice (Public Participation)	08/17/87	52 FR 29548
NPRM	09/00/92	
Final Action	09/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1695.

FTS:8-629-5608.

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5608

RIN: 2060–AC31

3763. STATEMENT OF POLICY REGARDING PETITIONS UNDER SECTION 112 OF TITLE III OF THE CLEAN AIR ACT AMENDMENTS OF 1990

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Under Section 112(b) of the Clean Air Act Amendments of 1990, petitions may be submitted to EPA to add or delete hazardous air pollutants to the initial list of 190 hazardous air pollutants. This notice will describe the data set that must be provided in submitting an adequate petition.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2814.

FTS:8-629-5346.

Agency Contact: Beth Hassett-Sipple, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5346

RIN: 2060–AC91

3764. GENERAL PROVISIONS FOR MAJOR AND AREA SOURCES OF AIR TOXICS

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: General provisions are being developed for 40 CFR Part 63 which will include standards for 190 hazardous air pollutants to be regulated under Section 112 of the Clean Air Act Amendments of 1990. These revisions contain specific requirements that will apply to all sources regulated under Section 112. These provisions are effective upon promulgation of standards for a particular source category.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2918.

FTS:8-629-3803.

Agency Contact: Michele Dubow, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-3803

RIN: 2060–AC98

3765. NESHAP: PULP AND PAPER

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This standard would control the emissions of hazardous air pollutants from pulp and paper mills. The regulation could address emissions from sources such as, but not limited to, pulping units, digestors, wash stages, bleaching operations, paper coating operations, deinking operations, power boilers, recovery boilers, lime kilns, storage tanks, process vents, equipment leaks, and wastewater collection and treatment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/93	
Final Action	06/00/94	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3105.

FTS:8-629-5396.

Agency Contact: Penny Lassiter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5396

RIN: 2060–AD03

3766. GUIDANCE FOR THE IMPLEMENTATION OF SECTION 112(G) - MODIFICATIONS

Legal Authority: Clean Air Act Amendments of 1990, Section 112(g)

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, May 1992.

Abstract: Guidance is being developed in accordance with the requirements of Section 112(g) of the Clean Air Act Amendments of 1990. This guidance may set de minimis levels for the 189 listed hazardous air pollutants and establish relative toxicity ranking for determinations of offsets.

Timetable:

Action	Date	FR Cite
PROPOSED ACTION Draft Guidance	03/00/92	
Final Action Final Guidance	02/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3107.

FTS:8-629-5346.

Agency Contact: Timothy Smith, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5346

RIN: 2060–AD06

3767. IDENTIFICATION OF LESSER QUANTITY CUTOFFS FOR MAJOR SOURCES UNDER SECTION 112

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: A regulation is under consideration to address the definition of "major source" in Section 112. Major sources are defined as sources that emit 10 tons or more per year of a listed hazardous air pollutant or 25 tons per year or more of a mixture of pollutants. The Administrator also is given the discretion to establish quantities less than the 10/25 tons if a lower threshold is appropriate. This regulation would list pollutants for which a lesser quantity has been developed and the criteria for doing so.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3109.

FTS:8-629-5340.

Agency Contact: Martha H. Keating, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5340

RIN: 2060–AD09

3768. PROTECTION OF STRATOSPHERIC OZONE: SAFE ALTERNATIVES

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Section 612

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, November 15, 1992.

Abstract: This regulation will address the provisions of Section 612 of the Clean Air Act Amendments of 1990. As mandated by Section 612, this regulation will: (1) make unlawful the replacement of any Class I or Class II substance with any substitute that the Administrator determines may present adverse health or environmental effects (612(c)), (2) establish a process for publishing a list of safe and unsafe substitutes for specific uses (612(c)), (3) set-forth guidance on how a person may petition the Administrator to add a substance to the lists under subsection (c) or to remove a substance from either of such lists (612(d)), and (4) establish a program to require submission of unpublished health and safety studies on new or existing substitutes not less than 90 days before being introduced into interstate commerce for significant new uses as substitutes for a Class I substance (612(e)).

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	
Final Action	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2991.

FTS:8-260-7410.

Agency Contact: Reva Rubenstein, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-7410

RIN: 2060–AD48

3769. ● NESHAP FOR WOOD FURNITURE MANUFACTURING

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This regulation would control emissions of hazardous air pollutants from wood furniture manufacturing plants. The Agency is currently gathering background information on the industry and its emission sources. A decision on the scope of this regulation will be made when this work is completed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAR No. 2965.

FTS:8-629-5605.

Agency Contact: James C. Berry, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, N.C. 27711, 919 541-5605

RIN: 2060–AD57

3770. ● RADIONUCLIDE MAJOR SOURCE DEFINITION

Significance: Agency Priority

Legal Authority: 42 USC 7607 /CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112(a) of the CAA Amendments of 1990 defines major source as any source that emits 10 tons or more per year of any hazardous air pollutant (HAP) or 25 tons or more per year of any combination of HAP. The tone quantities are inappropriate for radionuclides as very small emissions of radiation may be extremely hazardous. The statute authorizes different criteria to be established for

radionuclides. This rulemaking will establish these criteria.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 3029

FTS:8-308-8785

Agency Contact: Jamie Burnett, Environmental Protection Agency, Air and Radiation, (ANR-460W), 703 308-8785

RIN: 2060–AD60

3771. ● ECONOMIC INCENTIVE PROGRAM RULES AUTHORIZED UNDER TITLE I OF THE CAA

Significance: Agency Priority

Legal Authority: Clean Air Act, Section 182(g)(4)

CFR Citation: 40 CFR 51, Subpart S, Section 51.350-51.449; 40 CFR 51, Appendix W

Legal Deadline: Final, Statutory, November 15, 1992.

Abstract: In serious, severe, and extreme ozone nonattainment areas and serious carbon monoxide areas, the Clean Air Act provides for the establishment by a State of an economic incentive program in where the State fails to meet a required progress milestone. Section 182(g)(4) requires the EPA to publish rules or States to follow in developing an economic incentive program for reducing ozone precursors. Affected serious and severe ozone nonattainment areas have the discretion to undertake measures other than economic incentive program rules.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action	11/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2964

FTS:8-629-5274

Agency Contact: Karen Martin, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, N.C. 27711, 919 541-5274

RIN: 2060–AD58

3772. STANDARDS FOR TANK VESSEL LOADING OPERATIONS

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, Section 183

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, November 1992.

Abstract: This regulation will control volatile organic compound (VOC) emissions from tank vessel loading operations. A regulation is required by Section 183 of the Clean Air Act Amendments of 1990. Approximately 60,000 megagrams of VOC are emitted annually from tank vessel loading operations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3104.

FTS:8-629-0837.

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-0837

RIN: 2060–AD02

3773. RACM/BACM GUIDANCE FOR FUGITIVE DUST SOURCES, PRESCRIBED BURNING, AND RESIDENTIAL WOOD COMBUSTION

Significance: Regulatory Program

Legal Authority: Clean Air Act, Section 190

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: Section 190 of the Clean Air Act Amendments of 1990 requires EPA to issue technical guidance on reasonably available control measures (RACM), including reasonably available control technology (RACT), and best available control measures (BACM), including control technology for stationary sources in serious PM-10 nonattainment areas, for silvicultural and agricultural burning by May 15, 1992. Note that EPA intends to issue the RACM (including RACT), guidance for fugitive dust emissions, residential wood combustion, and prescribed silvicultural and agricultural burning well before May 15, 1992 in order to provide timely guidance for the development and submittal of those PM-10 SIPs which must include RACM. Such SIPs are due on November 15, 1991 for those PM-10 areas designated nonattainment by operation of law upon enactment of the 1990 amendments. The BACM guidance will be made available for informal (non-APA) comment by a notice in the Federal Register.

Timetable:

Action	Date	FR Cite
BACM Guidance Made Available for Informal (non-APA) Public Review	02/00/92	
Issue Final BACM Guidance	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR Nos. 2988, 2989, 2990. FTS:8-629-5350.

Agency Contact: Dave Stonefield, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5350

RIN: 2060–AD23

3774. REVISIONS TO REGULATIONS FOR GAS GUZZLER TAX

Legal Authority: PL 94-163/89 Stat. 871; PL 95-619/92 Stat. 3206; 42 USC 7521/CAA 202

CFR Citation: 40 CFR 86; 40 CFR 600; 26 CFR 138

Legal Deadline: None

Abstract: This action would address certain deficiencies in the current regulations pertaining to how a manufacturer describes the fuel efficiency of its product line and how that relates to determination of tax liability. The original regulations have been in effect since 1980.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2766.

FTS:8-374-8310.

Agency Contact: Cliff Tyree, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4310

RIN: 2060–AC76

3775. EMISSIONS STANDARDS FOR NEW MOTOR VEHICLES AND MOTOR VEHICLE ENGINES FUELED WITH COMPRESSED NATURAL GAS OR LIQUIFIED PETROLEUM GAS

Legal Authority: 42 USC 7521/CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will implement exhaust emissions standards and test procedures for all classes of motor vehicles and motor vehicle engines fueled with compressed natural gas or liquified petroleum gas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2763.

FTS:8-374-8275.

Agency Contact: John Mueller, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4275

RIN: 2060–AC79

3776. AMENDMENTS TO MOTOR VEHICLE IMPORTS REGULATIONS PERTAINING TO CANADIAN VEHICLES

Significance: Agency Priority

Legal Authority: 42 USC 7522/CAA 203; 42 USC 7525/CAA 206; 42 USC 7541/CAA 207; 42 USC 7542/CAA 208; 42 USC 7601/CAA 301; 42 USC 7522/CAA 203; 42 USC 7550/CAA 216; 42 USC 7601/CAA 301

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider amendments to the regulations in 40 CFR Part 85, Subpart P as they pertain to importers of vehicles which are originally sold in Canada and which are identical to their U.S. certified counterparts. This action is in response to a petition for review of the imports regulations filed on November 24, 1987. A public meeting was held on this action on February 14, 1990. Based on comments received at the workshop and further analysis, EPA is developing a proposed rulemaking. EPA will also clarify and change certain other issues in Part 85, and Subpart P and Subpart R.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2665.

FTS:8-260-2542.

Agency Contact: Randall Chaffins, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, 202 260-2542

RIN: 2060–AC58

3777. REVISIONS TO THE STACK HEIGHT REGULATION

Legal Authority: 42 USC 7423/CAA 123

CFR Citation: 40 CFR 51.100

Legal Deadline: None

Abstract: Under the Clean Air Act, emission limitations for sources are generally determined on the basis of local, ground-level concentrations of pollutants. In the absence of laws and/or regulations prohibiting such action, a source could lower the local ground-level ambient pollutant concentrations not only by reducing the amount of pollutants it emits into the air, but also by raising the physical height of its stack or using other dispersion techniques. Section 123, which was added to the CAA by the 1977 Amendments, restricts the manner in which techniques for dispersion of pollutants from a source may be considered in setting emission limitations. The EPA promulgated the current stack height regulation on July 8, 1985. On January 22, 1988, the U.S. Court of Appeals for the D.C. Circuit upheld EPA's regulation except for three provisions which were remanded to the Agency for proceedings consistent with the court's opinion. The purpose of this action is to revise the stack height regulation in accordance with the January 22, 1988 court decision. (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2589.

FTS:8-541-5295.

ABSTRACT CONT: The court remanded two grandfathering provisions which allow dispersion credit, including credit for certain stack height increases. The decision also remanded the allowance of dispersion credit for sources with originally designed and constructed merged stacks. The court concluded that exclusion of these groups of sources from the regulation's restrictions was not adequately supported. The EPA is analyzing the court decision to determine whether further support should be offered for the current provisions or whether the regulations should be revised to limit or delete these exclusionary provisions.

Agency Contact: Gwen Jacobs, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5295

RIN: 2060–AC60

3778. ● EMISSION DESIGN AND DEFECT WARRANTY AND PARTS LIST

Legal Authority: 42 USC 7541/CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action may add a previously reserved Subpart U to 40 CFR 85 to set forth the definitions, warranty provisions, warranty claim procedures, warranty remedy, and interplacement requirements of automobile manufacturers for emission design and defect warranty coverage. EPA issued an interim policy statement

to domestic, foreign, and I.C.I. manufacturers and insurance companies which addressed recent revisions to the August 1989 parts list for section 207(a).

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2727.

FTS: 8-260-2640.

Agency Contact: Gwendolyn K. Feltis, Environmental Protection Agency, Air and Radiation, (EN-397F), 202 260-2640

RIN: 2060–AD56

3779. FUEL AND FUEL ADDITIVES: REGISTRATION REQUIREMENTS

Legal Authority: 42 USC 7545(e) / CAA 211(e)

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: Final, Statutory, August 7, 1978.
Final, Consent Decree, June 1, 1993

Abstract: Registration requirements for fuels and fuel additives general registration of fuels and fuel additives has been in effect since 1975. The current court-ordered regulatory action will implement the additional registration requirements contained in Section 211(b)(2) and 211(e) of the Clean Air Act. These provisions require that the manufacturers of fuels currently in use and new fuels and additives provide EPA with information regarding composition of emissions produced by these products, their effects on vehicle emissions and their effect on public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	08/07/90	55 FR 32218
NPRM	01/00/92	
Final Action	06/00/93	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2365.

FTS:8-374-8231.

Agency Contact: Judith Gray, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4231

RIN: 2060–AC10

3780. GENERAL REQUIREMENTS FOR DETERMINATION OF GASOLINE METAL CONTENT

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This action will add a new method(s) to a previously promulgated set of testing procedures for the determination of lead content in gasoline. Such action would provide flexibility to both government and private laboratories in analyzing gasoline samples. EPA published an advance notice of proposed rulemaking on December 4, 1989; the public comment period was extended to June 2, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 49999
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2629.

FTS:8-260-8841.

Agency Contact: Joe Sopata, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 260-8841

RIN: 2060–AC52

3781. REVISIONS TO REGULATIONS ON REGISTRATION OF FUEL AND FUEL ADDITIVES

Legal Authority: 42 USC 7545/CAA 211

CFR Citation: 40 CFR 79

Legal Deadline: None

Abstract: This action would revise the current program governing the registration of fuel and fuel additives. The revisions would update the regulations to cover imported fuels and additives, and certain exclusions, and include new classes of fuels, such as alternative motor fuels.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	01/00/93	
Effective		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2728.

FTS:8-260-2635.

Agency Contact: Jim Caldwell, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 260-2635

RIN: 2060–AC74

3782. CONTROL OF AIR TOXICS FROM MOTOR VEHICLES

Legal Authority: 42 USC 7545/CAA 211; 42 USC 7521/CAA 202

CFR Citation: 40 CFR 80; 40 CFR 86

Legal Deadline: Final, Statutory, May 15, 1995.

Abstract: The Clean Air Act Amendments of 1990, require EPA to study the need for and feasibility of controlling toxic air pollutants associated with motor vehicles and fuels. Based on this study, EPA must promulgate standards containing reasonable requirements to control such toxic emissions, applying at a minimum to benzene and formaldehyde.

Timetable:

Action	Date	FR Cite
NPRM	05/00/94	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2769.

FTS:8-374-8321.

Agency Contact: Joseph Somers, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4321

RIN: 2060–AC75

3783. ACID RAIN PERMITS REGULATION

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Title IV.

CFR Citation: 40 CFR 72

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: This regulatory action would specify the operating permit, and compliance planning requirements for all sources subject to the Acid Rain title of the Clean Air Act Amendments of 1990. The affected sources include utility units, as well as non-utility units electing into the program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2889.

FTS:8-260-9307.

Agency Contact: Rachel Hopp, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, **202 260-9307**

RIN: 2060–AD46

3784. ACID RAIN NITROGEN OXIDES CONTROL REGULATION

Significance: Regulatory Program

Legal Authority: PL 101-549, Sec 407

CFR Citation: 40 CFR 74; 40 CFR 71(a)

Legal Deadline: Final, Statutory, May 15, 1992. Other, Statutory. Statutory: Final, 01/01/97

Abstract: This regulatory action will establish NOx emission limitations for tangentially-fired, dry bottom wall-fired boilers (Group I - Section 407(b)(1) and cyclones, wet bottom wall-fired and spreader stoker boilers (Group II - Section 407(b)(2). In addition, the rule will determine conditions of applications for emission averaging and alternative emission limits (Section 407(d) and (e)) for both groups of boilers. The statutory deadlines are as follows: (1) Group I boilers - 5/15/92, (2) Group II boilers - 01/01/97.

Timetable:

Group I Boilers
NPRM 12/00/91
Final Action 05/00/92
Group II Boilers
NPRM 01/00/96
Final Action 01/00/97

Small Entities Affected: Undetermined

Government Levels Affected: Local

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2888.

FTS:8-260-6783.

Agency Contact: Larry Ketcher/Doris Price, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, **202 260-6783**

RIN: 2060–AD45

3785. PROTECTION OF STRATOSPHERIC OZONE: SERVICING OF MOTOR VEHICLE AIR CONDITIONERS

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Section 609

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: Section 609 requires the Administrator to promulgate regulations establishing the standards and requirements for the recapture and recycling of refrigerant during the servicing of motor vehicle air conditioners (MACs). Equipment and operators of the equipment must be certified. Small shops servicing fewer than a hundred motor vehicles have an additional year to comply with the regulations. This section restricts the sale of small containers of Class I and II substances to certified personnel, effective November 15, 1992. CFC emissions from mobile air conditioners is a major source of these chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/90	55 FR 18256
NPRM	10/00/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2901.

FTS:8-260-7411.

Agency Contact: Lena Nirk, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, **202 260-7411**

RIN: 2060–AD50

3786. PROTECTION OF STRATOSPHERIC OZONE: PRODUCT BAN

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Section 610

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: EPA is required to ban products containing Class I chemicals that are determined to be non-essential. Specific consumer products listed in the CAA include party streamers, lens cleaners, and noise horns.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2907.

FTS:8-260-8894.

Agency Contact: Dan Blank, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, **202 260-8894**

RIN: 2060–AD49

3787. PROTECTION OF STRATOSPHERIC OZONE: LABELING

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Section 611

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: Mandatory warning labels are required on all products containing ozone depleting chemicals, as defined in the Act as Class I chemicals. Labels are also required on all containers of Class I and Class II chemicals. Products manufactured with Class I chemicals are exempt if the Administrator determines that there are no safe substitutes. Products made with or containing Class II chemicals must have labels if the Administrator determines that there are safe substitutes available.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	05/00/92	

EPA—CAA

Proposed Rule Stage

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2906.

FTS:8-260-8894.

Agency Contact: Dan Blank, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-8894

RIN: 2060–AD47

3788. PROTECTION OF STRATOSPHERIC OZONE: FEDERAL PROCUREMENT

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Section 613

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: EPA is required to work with the General Services Administration and the Department of Defense to develop procurement requirements for each department, Agency and instrumentality of the U.S. to conform its procurement regulations to maximize the substitution of safe alternatives to ozone depleting substances.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2899.

FTS:8-260-7497.

Agency Contact: David Lee, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-7497

RIN: 2060–AD51

3789. ● ACID RAIN EXCESS EMISSIONS REQUIREMENTS REGULATION

Significance: Regulatory Program

Legal Authority: PL 101-549 /CAA Amendments of 1990, Title IV

CFR Citation: 40 CFR 77

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: This regulatory action will specify the excess emission penalties for SO2, NOx, and the emissions offset planning requirements for SO2, for all sources subject to the Acid Rain title of the Clean Air Act amendments of 1990.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3026

FTS:8-260-6783

Agency Contact: Rachel Hopp, Environmental Protection Agency, Air and Radiation, (ANR-445), 202 260-6783

RIN: 2060–AD53

3790. INDIVIDUAL CONSTITUENTS STANDARDS - PHASE III OF RCRA AIR EMISSION STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC/RCRA 3004 and 3007

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: Under RCRA, the Agency is required to promulgate standards for monitoring and control of air emissions from hazardous waste treatment, storage, and disposal facilities (TSDF), as necessary to protect human health and environment. Phase I and II of the TSDF project limit organic air emissions as a class at TSDF that are subject to regulation under Subtitle of RCRA. Phase I and Phase II actions are covered under a separate item in this Agenda entitled "Treatment, Storage, and Disposal Facility Area Source Air Emissions -- RCRA Standards". The residual risk values following Phases I and II are higher than the historical RCRA range. The Phase III project will use new data on TSDF to perform site-specific modeling of high risk facilities. Possible outcomes include the following (1) Additional RCRA 3004(n) standards for particular hazardous organic constituents, (2) a guidance document for RCRA permit writers, or (3) no additional action.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2857.

FTS:8-629-0884.

Agency Contact: Robert Lucas, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-0884

RIN: 2060–AC90

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Clean Air Act (CAA)

3791. DESIGNATION AND CLASSIFICATION OF NONATTAINMENT AREAS

Significance: Agency Priority

Legal Authority: Clean Air Act, Title I

CFR Citation: 40 CFR 81

Legal Deadline: Final, Statutory, July 12, 1991.

Abstract: Title I requires that areas be designated attainment/ unclassifiable or nonattainment and classify areas for ozone, carbon monoxide and PM-10. This action revises 40 CFR Part 81 by adding classifications of nonattainment areas and new nonattainment areas. It formulizes the designations, classifications and boundaries for all pollutants. With respect to those PM-10 areas designated nonattainment by operation of law upon enactment of the 1990 amendments, the Part 81 codification is only a ministerial act since EPA has announced these areas, satisfying Title I requirements before this action. This action will also cover additional nonattainment designations for lead.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2927.

FTS:8-629-5534.

Agency Contact: Hank Young, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC, 27711, **919 541-5534**

RIN: 2060–AD22

3792. ALTERNATIVE FUEL CORPORATE AVERAGE FUEL ECONOMY LABELING REQUIREMENTS

Legal Authority: PL 100-494; 15 USC 2013

CFR Citation: 40 CFR 600

Legal Deadline: None

Abstract: This action implements specific actions taken by Congress with respect to the alternative fuel vehicles in the Corporate Average Fuel Economy (CAFE) program. This includes revising the current CAFE regulations to incorporate CAFE credits and labeling requirements and establishing fuel economy test update procedures and calculations for alternative fuel vehicles.

Timetable:

Action	Date	FR Cite
NPRM	03/01/91	56 FR 8856
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2726.

FTS:8-374-4331.

Agency Contact: Kenneth Zerafa, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4331**

RIN: 2060–AC78

3793. REORGANIZATION OF 40 CFR PART 86, SUBPART A

Legal Authority: 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7601

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will reorganize Subpart A of 40 CFR Part 86 to be consistent with the other subparts of Part 86. This action will not amend Subpart A in any substantive way; the stringency of standards, test procedures, and recordkeeping burden will remain unchanged. Due to the minor nature of this action, a direct final rule is being considered.

Timetable:

Action	Date	FR Cite
Direct Final	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2849.

FTS:8-374-8244.

Agency Contact: Jim McCargar, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4244**

RIN: 2060–AC94

3794. GENERAL PREAMBLE—REQUIREMENTS FOR APPROVAL OF STATE IMPLEMENTATION PLAN SUBMITTALS UNDER CLEAN AIR ACT AMENDMENTS OF 1990

Significance: Regulatory Program

Legal Authority: Clean Air Act, Title I

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This general preamble is a compilation of requirements for State Implementation Plan (SIP) submittals under Title I of the Clean Air Act Amendments of 1990. It should be considered an interpretive rule or general statement of policy. The general preamble will form a universal discussion for all upcoming SIP approval actions under the new Clean Air Act.

Timetable:

Action	Date	FR Cite
Final Action Policy Statement Notice	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2924.

FTS:8-629-5517.

Agency Contact: Brock Nicholson, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5517**

RIN: 2060–AD12

3795. REGULATIONS FOR IMPLEMENTING THE OPERATING PERMITS REQUIREMENTS OF THE CLEAN AIR ACT

Significance: Regulatory Program

Legal Authority: Clean Air Act, Title V

CFR Citation: 40 CFR 70; 40 CFR 71

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: The Clean Air Act Amendments require promulgation of EPA regulations setting forth requirements for States to develop and implement renewable operating permits programs for major stationary sources of air pollutants regulated under the Clean Air Act. Title V of the Clean Air Act Amendments requires (1) operating permit applications from sources to contain a schedule of compliance, (2) State operating permits programs to contain provisions for monitoring and reporting, and (3) the States to have legal authority to issue and enforce permits. The EPA would have review and veto authority over all these provisions and may independently enforce permit requirements.

Timetable:

Action	Date	FR Cite
NPRM (Part 70 - Requirements for State Programs)	05/10/91	56 FR 21712
Final Action (Part 70 - Requirements for State Programs)	11/00/91	
Final Action (Part 71 - Federal Permit Rules)	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2893.

FTS:8-629-5345.

Agency Contact: Michael A. Trutna, Environmental Protection Agency, Air

and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5345**

RIN: 2060–AD16

3796. ADMINISTRATIVE PENALTY REGULATIONS—RULES OF PRACTICE

Legal Authority: 4 USC 554; 4 USC 556; PL 101-549, Secs 228, 701, 703, 205

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: The Consolidated Rules of Practice (40 CFR Part 22) will be revised to incorporate hearings on administrative penalty assessments under the Clean Air Act. This is required for implementation of the new administrative penalty hearing authority. This revision will address both stationary and mobile sources. Selected technical changes will be incorporated in the revision as well.

Timetable:

Action	Date	FR Cite
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2940

FTS:8-308-8699

Agency Contact: Scott Throwe, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, **703 308-8699**

RIN: 2060–AD20

3797. HEAVY-DUTY ENGINE STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: The Clean Air Act Amendments of 1990 require that EPA promulgate regulations setting the heavy-duty engine NOx standards for model year 1998 and beyond at 4.0 g/BHp-hr. This standard for model year 1998 must be established by the end of model year 1993 to allow four model years lead time for manufacturing, research and production as also required by the Clean Air Act. The current NOx standard of 5g/BHp-hr for heavy-duty engines expires in 1994, so this rulemaking will extend the current standard for 1994 to 1997.

Timetable:

Action	Date	FR Cite
NPRM	09/24/91	56 FR 48350
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2962.

FTS: 8-374-8496.

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060–AD26

3798. REFORMULATED GASOLINE

Significance: Regulatory Program

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: The Clean Air Act Amendments of 1990 require that gasoline sold in the nine worst ozone nonattainment areas be reformulated to be less polluting. All other ozone nonattainment areas may opt-in to this program. EPA may delay opt-in depending on sufficiency of supply and distribution capacity. The amendment also contains provisions requiring EPA to adopt anti-dumping rules for all gasoline sold outside of covered areas. Credit marketing and trading provisions will be decided in the program. The Clean Air Act Amendments contain specific formula requirements for reformulated gasoline as well as performance standards to reduce ozone-forming and toxics emissions.

Timetable:

Action	Date	FR Cite
NPRM	07/09/91	56 FR 31176
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2959.

FTS: 8-374-8339.

Agency Contact: Richard Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060–AD27

3799. WINTER OXYGENATED FUEL PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, August 15, 1991.

Abstract: The Clean Air Act Amendments of 1990 require that areas not meeting the NAAQS for CO and which have a design value of 9.5 or greater must adopt a winter oxygenated fuel program. Studies demonstrate that significant reductions in automotive CO emissions can be achieved through the use of oxygenates. EPA is required to promulgate regulations that control the labeling of oxygenated fuels and that establish guidelines for the marketing and trading of oxygenated fuels credits.

Timetable:

Action	Date	FR Cite
NPRM	07/09/91	56 FR 31148
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2960.

FTS:8-260-2460.

Agency Contact: Al Mannato, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 260-2460**

RIN: 2060–AD28

3800. PHASEOUT OF LEAD IN GASOLINE AND TEST PROCEDURE FOR LEAD SUBSTITUTES

Significance: Regulatory Program

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: Since the late seventies, EPA has had a program to phase-down lead in gasoline. This was a result of evidence that lead from automotive emissions, an air toxic, poses a serious health threat to the public. The Clean Air Act Amendments of 1990 ban the use of leaded gasoline in all motor vehicles beginning in January 1996.

Additionally, it is required that a test procedure for determining lead substitute additives' ability to reduce valve wear and to identify other effects be established along with procedures for lead substitutes additive registration. These latter provisions are intended to assure availability of non-lead additives that can be used to protect valves in older engines designed for leaded fuel.

Timetable:

Action	Date	FR Cite
NPRM	07/19/91	56 FR 33229
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2955.

FTS: 8-260-2635.

Agency Contact: James Caldwell, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 260-2635

RIN: 2060–AD29

3801. CALIFORNIA CLEAN FUELS PILOT PROGRAM—CREDITS PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 7589

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, November 1991.

Abstract: The Clean Air Act Amendments of 1990 mandate EPA to establish a pilot program in the State of California to demonstrate the effectiveness of clean-fuel vehicles in controlling air pollution in ozone attainment areas. As part of this program, EPA must promulgate a vehicle credits program which grants manufacturers credits for sale of vehicles which meet more stringent emission standards than required and for the sale of more clean-fuel vehicles than required.

Timetable:

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48614
Final Action	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 2958.

FTS: 8-374-8264.

Agency Contact: Paul Machiele, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 46105, 313 668-4264

RIN: 2060–AD30

3802. MOTOR VEHICLE AND ENGINE PROGRAM FEES

Significance: Regulatory Program

Legal Authority: 42 USC 7552;; 31 USC 9701;; PL 101-508

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This rulemaking establishes fees for the motor vehicle and and engine compliance program (including the certification program, assembly line audit program, and the recall program) and fuel economy programs. These fees will be used to partially offset the cost to the Federal government of operating these programs.

Timetable:

Action	Date	FR Cite
NPRM	07/01/91	56 FR 30230
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2902.

FTS:8-374-8281.

Agency Contact: Dan Harrison, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4281

RIN: 2060–AD35

3803. URBAN BUS EMISSIONS REGULATIONS - STANDARDS AND RETROFIT

Significance: Regulatory Program

Legal Authority: 42 USC 7554

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, January 1, 1992. Other, Statutory.

Abstract: In recognition of the contribution of diesel engines to the nation's air quality problems, EPA promulgated emission standards for all categories of on-highway diesel engines, including those for urban buses. In the Clean Air Act Amendments of 1990, Congress revised these standards and added new requirements. The amendments revised the particulate matter (PM) standards for diesel bus engines. Within twelve months of enactment, EPA must promulgate these standards as well as retrofit-rebuild requirements for urban bus engines for cities with populations greater than 750,000.

Timetable:

Action	Date	FR Cite
NPRM	05/29/91	56 FR 24242
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2953.

FTS:8-374-8332.

Agency Contact: Tad Wysor, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4332

RIN: 2060–AD37

3804. ACID RAIN AUCTIONS, DIRECT SALES, AND IPP WRITTEN GUARANTEE SUBPART

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, Title IV

CFR Citation: 40 CFR 73, Subpart E

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: Auctions and sales of allowances are intended to serve as a government assured source of allowances for new and existing units. Auctions facilitate the allowance trading market system by establishing a market price early on. Auction and sales begin in 1993 and are held each year thereafter. This rule will also include provisions for IPP guarantees.

Timetable:

Action	Date	FR Cite
NPRM	05/23/91	56 FR 23744
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2984.

FTS:8-260-7915.

Agency Contact: Linda Reidt Critchfield, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, 202 260-7915

RIN: 2060–AD41

3805. NAAQS: SULFUR OXIDES (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: Final, Statutory. Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur oxides. The Agency will revise the standards if and as appropriate to protect public health and welfare. On April 26, 1988, EPA announced its proposed decision not to revise the current standards. The notice also solicited comment on the alternative of adding a new 1-hour standard and certain other revisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	04/26/88	53 FR 14926
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1002.

Docket No. A-84-25.

FTS:8-629-5533.

Agency Contact: John Haines, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5533

RIN: 2060–AA61

3806. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The scope of the Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor processes includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI.

Timetable:

Action	Date	FR Cite
NPRM	06/29/90	55 FR 26953
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1931.

FTS:8-629-5258.

Agency Contact: Debbie Stackhouse, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5258

RIN: 2060–AB55

3807. NSPS: MUNICIPAL SOLID WASTE LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 7411 /CAA Section 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The purpose of this action is to develop standards for regulating emissions from new and modified municipal solid waste landfills under Section 111(b). Pollutants to be regulated would include one or more designated pollutants (pollutants not regulated under Sections 108 or 112 of the CAA) thus invoking Section 111(d). Section 111(d) requires States to develop emission standards for existing landfills based on EPA guidelines.

Timetable:

Action	Date	FR Cite
NPRM	05/30/91	56 FR 24468
Final Action	07/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2535.

FTS:8-629-5626.

Agency Contact: Alice Chow, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5626

RIN: 2060–AC42

3808. NSPS: CALCINERS AND DRYERS

Legal Authority: 42 USC 741/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: An NSPS was proposed in April, 1986 to regulate particulate matter emissions from calciners and dryers in mineral processing industries. This action will promulgate this regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/23/86	51 FR 15438
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2285.

Docket No. A-82-39.

FTS:8-629-5256.

Agency Contact: Shirley Tabler, Environmental Protection Agency, Air and Radiation, U.S. EPA, Research Triangle Park, NC 27711, 919 541-5256

RIN: 2060–AC67

3809. DEVELOPMENT OF A LIST OF SOURCE CATEGORIES AND SCHEDULE FOR REGULATING SOURCE CATEGORIES OF HAZARDOUS AIR POLLUTANTS SUBJECT TO SECTION 112 OF THE CAA AMENDMENTS OF 1990

Legal Authority: Clean Air Act Amendments of 1990, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: Other, Statutory. Final List, Statutory, November 1991 Final Schedule, Statutory, November 1992

Abstract: These notices are to comply with the requirements of Section 112(c) to publish a list of source categories of hazardous air pollutants and Section 112(e) to publish a schedule for regulating these source categories.

Timetable:

Action	Date	FR Cite
Final List of Source Categories	11/00/91	
Final Regulatory Schedule	11/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2839.

FTS:8-629-5608/8-629-5668.

Agency Contact: Robert Rosensteel/Timothy Lahre, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5608

RIN: 2060–AC87

3810. COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF HAZARDOUS AIR POLLUTANTS

Legal Authority: Clean Air Act Amendments, Section 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112(i)(5) allows for an extension of compliance with technology-based standards of 6 years for facilities which reduce their hazardous air pollutant emissions by 90 percent (95 percent in the case of toxics which are particulate matter). Rules are being developed which would specify the necessary components of compliance extension applications and would give guidelines for the evaluation of the applications.

Timetable:

Action	Date	FR Cite
NPRM	06/13/91	56 FR 27338
Final Action	11/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2819.

FTS:8-629-5421.

Agency Contact: David Beck, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5421

RIN: 2060–AC89

3811. ● NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS; POLONIUM-210 EMISSIONS FROM ELEMENTAL PHOSPHORUS PLANTS

Legal Authority: 42 USC 7607(d)(7)(B) /CAA 112

CFR Citation: 40 CFR 61, Subpart K

Legal Deadline: None

Abstract: In accordance with the terms of a Settlement Agreement with FMC Inc., the Agency will attempt to resolve FMC's concerns with 40 CFR Part 61, Subpart K. The Agency will propose an alternative means of demonstrating compliance with the polonium-210 emission standard in Subpart K. The Agency will also make its best effort to make the revised rule effective and applicable to FMC before December 15, 1991.

Timetable:

Action	Date	FR Cite
NOTICE Settlement Agreement	07/17/91	56 FR 32572
NPRM	09/11/91	56 FR 46252
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 3030

FTS:8-308-8755

Agency Contact: Craig Conklin, Environmental Protection Agency, Air and Radiation, (ANR-460W), 703 308-8755

RIN: 2060–AD59

3812. ● APPLICABILITY OF TITLE I NEW SOURCE REQUIREMENTS TO ELECTRIC UTILITIES (WEPCO)

Legal Authority: Clean Air Act Amendments, Titles I and IV

CFR Citation: 40 CFR 51; 40 CFR 52; 40 CFR 60

Legal Deadline: None

Abstract: This rule clarifies the applicability of the new source review and new source performance standards requirements (Section 111) under the Clean Air Act as they apply to electric utility steam generating units. This rule is being undertaken to implement several provisions in Title IV (acid rain) of the Clean Air Act Amendments of 1990; to provide assurances that utilities can undertake Title IV pollution control projects without uncertainty as to the applicability of Title I new source requirements; and to implement the decision in a recent court case, Wisconsin Electric Power Co.(WEPCO) vs. Reilly, regarding applicability of new source requirements to certain types of electric utility projects.

Timetable:

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27630
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3027

FTS:629-2343

Agency Contact: Chebryll Edwards, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, N.C. 27711, 919 541-2343

RIN: 2060–AD62

3813. GUIDELINE ON AIR QUALITY MODELS (REVISION)

Legal Authority: 42 USC 2475(e)/CAA 165(e); 42 USC 7601(a)/CAA 301(a); 42 USC 7620/CAA 320

CFR Citation: 40 CFR 51.166(e); 40 CFR 52.21(m)

Legal Deadline: None

Abstract: EPA issued a Notice of Proposed Rulemaking (NPRM) that: (1) proposes to amend 40 CFR 51.166 and 52.21 to incorporate Supplement B to the "Guideline on Air Quality Models (Revised)"; (2) identifies new or updated pages, denoted as Supplement B to the revised guideline, that show additions and changes being made; and (3) proposes to amend 40 CFR 51.46, 51.63, 51.112, 51.117, 51.150 and 51.160 to codify the Guideline as the basis by which air quality models are to be used in all air impact analyses for criteria air pollutants. A public hearing on this NPRM was held on March 19-20, 1991 as part of the Fifth Conference on Air Quality Modeling. The public comment period closed on May 6, 1991.

Timetable:

Action	Date	FR Cite
NPRM	02/13/91	56 FR 5900
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2557.

FTS:8-629-5561.

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, (MD-14), Research Triangle Park, NC 27711, 919 541-5561

RIN: 2060–AC43

EPA—CAA

Final Rule Stage

3814. CONTROL TECHNIQUES GUIDELINES

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, Section 183(a)

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, November 1993.

Abstract: The Clean Air Act Amendments of 1990 require EPA to issue control techniques guidelines (CTG) for 11 source categories within three years of enactment. Currently, CTGs are being developed for chemical manufacturing distillation operations, chemical plant reactor processes, wood furniture manufacturing, coating of plastic parts, offset lithography, industrial wastewater treatment, automobile refinishing, volatile organic liquid storage tanks, use of clean-up solvents at industrial plants, and chemical manufacturing batch processes.

Timetable:

Action	Date	FR Cite
Final Notice and Document	11/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3029.

FTS:8-629-5605.

Agency Contact: Susan Wyatt, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5605

RIN: 2060–AD05

3815. MOTOR VEHICLE TEST PROCEDURES FOR EVAPORATIVE HYDROCARBONS (REVISION)

Significance: Agency Priority

Legal Authority: 42 USC 7521 /CAA 201; 42 USC 7525 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, May 15, 1991.

Abstract: In conjunction with testing in support of EPA's regulatory effort to control motor vehicle vapor emissions, EPA determined that significant evaporative hydrocarbon emissions can occur when a motor vehicle is running. Such emissions are defined by EPA as "running losses." Testing has shown that running losses can be particularly high on hot summer days which are also conducive to ozone formation. Through this action, EPA will evaluate revisions to the motor vehicle test procedures for evaporative hydrocarbons in order to reduce running losses. EPA published a notice of proposed rulemaking on January 19, 1990; the public comment period was extended to June 5, 1990. A public workshop was held on December 19, 1990. The Clean Air Act Amendments of 1990 mandate a deadline for a final action on these revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/19/90	55 FR 1914
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2384.

FTS:8-374-8332.

Agency Contact: Tad Wysor, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4332

RIN: 2060–AC64

3816. ON-BOARD VEHICLE BASED DIAGNOSTIC SYSTEM REQUIREMENT

Legal Authority: 42 USC 7521 /CAA 201; 42 USC 7525 /CAA 206; 42 USC 7526 /CAA 207

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: EPA must develop requirements for passenger cars and light trucks for on-board vehicle diagnostic systems capable of detecting operational malfunctions within the emissions control system. Emission system failures often go undetected or are misdiagnosed resulting in excess emissions of carbon monoxide, hydrocarbons, and oxides of nitrogen. On-board diagnostic systems, which are required in the California vehicle emissions program beginning with the 1988 model year, have the potential for improving air quality through the early detection and proper repair of emission system failures. This regulatory action will be structured to complement existing and future State and local inspection and maintenance programs and has been mandated by the Clean Air Act Amendments of 1990.

Timetable:

Action	Date	FR Cite
NPRM	09/24/91	56 FR 48272
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2704

FTS:8-374-8277

Agency Contact: Robert Larson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4277

RIN: 2060–AC65

3817. CONTROL OF GASOLINE MOTOR VEHICLE REFUELING EMISSIONS

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202; 42 USC 7525 / CAA 206; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: Evaporative hydrocarbons emitted during vehicle refueling contribute to the failure of many urban areas to attain the National Ambient Air Quality Standard for ozone. This action will promulgate regulations controlling refueling emissions on individual vehicles ("onboard" controls) as mandated by the Clean Air Act Amendments of 1990. In addition, many state and local agencies must implement Stage II vapor recovery.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31162
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2384.

FTS:8-374-8229.

Agency Contact: Don Kopinski, Environmental Protection Agency, Air

and Radiation, 2565 Plymouth Rd., Ann Arbor, MI 48105, **313 668-4229**

RIN: 2060–AC04

3818. COLD AMBIENT AIR TEMPERATURE CARBON MONOXIDE EMISSION STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7521 /CAA 202; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: EPA's current carbon monoxide (CO) emission standards are applicable to the 68 degree to 86 degree Fahrenheit temperature range of the current Federal Test Procedure. Since CO emissions are higher at colder ambient temperatures, and since CO ambient air quality problems occur primarily under ambient temperature conditions less than 68 degrees Fahrenheit, EPA has been mandated under the Clean Air Act Amendments of 1990 to adopt CO emission standards applicable to 20 degrees Fahrenheit.

Timetable:

Action	Date	FR Cite
NPRM	09/17/90	55 FR 38250
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2660

FTS:8-374-8403

Agency Contact: Christine MiKolajczyk, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4403**

RIN: 2060–AC59

3819. ALTERNATIVE TEST PROCEDURE FOR THE VOLUNTARY AFTERMARKET PART CERTIFICATION PROGRAM

Legal Authority: 42 USC 7541(b)/CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action would consider an alternative testing procedure to be used in the voluntary aftermarket part certification program for certifying aftermarket parts. Currently only the full Federal Test Procedure and Emission Critical Parameters for Specified Parts are acceptable test procedures for this program. A proposed rulemaking was published on August 8, 1989. Based on the public comments received and further analysis, EPA developed a supplemental notice of proposed rulemaking which was published on January 30, 1991. Analysis of all public comments are complete and work on the final rulemaking is underway.

Timetable:

Action	Date	FR Cite
NPRM	08/08/89	54 FR 32598
NPRM (Supplemental)	01/30/91	56 FR 3746
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2637.

FTS:8-374-4316.

Agency Contact: Michael Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060–AC50

3820. MOTOR VEHICLE EMISSIONS PERFORMANCE WARRANTY SHORT TESTS

Legal Authority: 42 USC 7541 /CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider allowing alternative dynamometer specifications for an existing loaded-mode short test approved for use in State and local inspection/maintenance programs in conjunction with the federal emissions performance warranty regulations. The alternative specifications the Agency is considering would allow lower loading, perhaps varying by engine size. Such a change could improve overall test effectiveness for identifying excess in-use emissions and correlation with the Federal Test Procedure. A Federal Register notice was published on December 11, 1989 (54 FR 0776) to announce that the comment period was extended to January 10, 1990.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51956
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2638.

FTS:8-374-8471.

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8471**

RIN: 2060–AC51

3821. RADON USER FEES

Legal Authority: 15 USC 2665 /Section 305 Indoor Radon Abatement Act

CFR Citation: None

Legal Deadline: None

Abstract: Section 305 of the Indoor Radon Abatement Act authorizes the imposition of fees for certain voluntary proficiency and training programs. The fees will be deposited into a special account with amounts in the account to be appropriated for administering and establishing these programs. Fees will be charged for the National Radon Measurement Proficiency (RMP) Program, field and classroom training, and the National Radon Contractor Proficiency Program (RCPP) exam.

Timetable:

Action	Date	FR Cite
NPRM	12/06/90	55 FR 50492
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: SAR No. 2690.

FTS:8-260-9617.

Agency Contact: Jed Harrison, Environmental Protection Agency, Air and Radiation, (ANR-464), Washington, DC 20560, **202 260-9617**

RIN: 2060–AC66

3822. TREATMENT, STORAGE, AND DISPOSAL FACILITY - RCRA AIR EMISSION STANDARDS

Significance: Regulatory Program

EPA—CAA

Final Rule Stage

Legal Authority: 42 USC 6924 /RCRA 3004, 3007

CFR Citation: 40 CFR 264 Subpart X; 40 CFR 264 Subpart AA; 40 CFR 264 Subpart BB; 40 CFR 264 Subpart CC; 40 CFR 265 Subpart I; 40 CFR 265 Subpart J; 40 CFR 265 Subpart AA; 40 CFR 265 Subpart BB; 40 CFR 265 Subpart CC

Legal Deadline: Final, Statutory, May 1987.

Abstract: The purpose of this action is to investigate the health impact of non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Sources include surface impoundments, landfills, waste piles, land treatment operations and wastewater treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment. The Agency has adopted a three-phase approach, with Phase I concerning organic emission leaks and vents, Phase II concerns hazardous waste storage tanks and impoundments, and Phase III deals with residual risks from particular hazardous organic constituents. Phase I and II actions are covered in this item; for Phase III actions, see separate item entitled "Individual Constituent Standards: Phase III of RCRA Air Emission Standards".

Timetable:

Phase I Leaks and Vents
NPRM 02/05/87 (52 FR 3748)
Final Action 06/21/90 (55 FR 25454)
Phase II Tanks and Impoundments
NPRM 07/22/91 (56 FR 33490)
Final Action 07/00/92

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2240. FTS:8-629-5625.

Agency Contact: W. Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Clean Air Act (CAA)

Completed Actions

3823. REVISION OF 40 CFR PART 80 TO DELETE OUTDATED SECTIONS

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Final Action	04/04/91	56 FR 13767

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn McCall, 202 260-2660

RIN: 2060–AC95

3824. TIER 1 LIGHT-DUTY TAILPIPE STANDARDS AND USEFUL LIFE REQUIREMENTS

Significance: Regulatory Program

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	06/05/91	56 FR 25724

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jim McCargar, 313 668-4244

RIN: 2060–AD25

3825. VOLATILITY REGULATIONS FOR GASOLINE AND ALCOHOL BLENDS SOLD IN TEXAS IN CALENDAR YEAR 1991

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Final Action	05/06/91	56 FR 20546

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Al Mannato, 202 260-2667

RIN: 2060–AC93

3826. APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS: REVISION OF THE VISIBILITY FIP FOR ARIZONA

Significance: Regulatory Program

CFR Citation: 40 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	10/03/91	56 FR 50172

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Stonefield, 919 541-5350

RIN: 2060–AC82

3827. DEVELOPMENT OF SIP COMPLETENESS CRITERIA

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
Final Action	08/26/91	56 FR 42216

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Denise Gerth, 919 541-5550

RIN: 2060–AD24

3828. MUNICIPAL WASTE COMBUSTION—PHASE II (COMBUSTORS GREATER THAN 250 TONS/DAY)

Significance: Regulatory Program

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Combined with RIN 2060-AD00	09/30/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

EPA—CAA

Completed Actions

Agency Contact: Fred Porter, 919 541-5251

RIN: 2060–AC99

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Superfund (CERCLA)

3829. LIST OF SUBSTANCES AND THRESHOLD QUANTITY

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1992.

Abstract: EPA must promulgate an initial list of 100 substances that, in the event of accidental release, are known to cause or may reasonably be anticipated to cause death, injury or serious adverse human health or environmental effects. EPA must establish by rule, a threshold quantity for each substance listed and considering toxicity, reactivity, volatility, dispersibility, combustibility or flammability and the amount known to cause death, injury, or serious adverse human health effects.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2972.

FTS: 8-260-7913.

Agency Contact: Vanessa Rodriquez, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, **202 260-7913**

RIN: 2050–AD25

3830. ACCIDENT PREVENTION REGULATIONS AND RISK MANAGEMENT PLAN

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1993.

Abstract: EPA must promulgate reasonable regulations and appropriate guidance to provide for the prevention and detection of accidental releases from stationary sources. The regulations must require stationary sources where a regulated substance is present in quantities greater than a threshold amount to implement a risk management plan for detection and prevention of accidental releases.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	11/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2979

FTS: 8-260-6128

Agency Contact: Lyse Helsing, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, **202 260-6128**

RIN: 2050–AD26

3831. REPORTABLE QUANTITY ADJUSTMENTS OF LEAD, LEAD COMPOUNDS, LEAD-CONTAINING HAZARDOUS WASTE STREAMS, AND METHYL ISOCYANATE

Legal Authority: 42 USC 9602/CERCLA Section 102

CFR Citation: 40 CFR 302; 40 CFR 355; 40 CFR 117

Legal Deadline: Final, Statutory, April 30, 1988.

Abstract: EPA is considering proposing a rule to adjust the reportable quantities of lead metal, lead compounds, and lead-containing hazardous waste streams, and methyl isocyanate.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	01/00/93	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No.

FTS: 8-260-2190

Agency Contact: John Riley, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, **202 260-2190**

RIN: 2050–AD16

3832. ● DESIGNATION UNDER CERCLA AND REPORTABLE QUANTITY ADJUSTMENTS OF NEW CLEAN AIR ACT HAZARDOUS AIR POLLUTANTS

Legal Authority: 42 USC 9602 /CERCLA 102(a)

CFR Citation: 40 CFR 302.4

Legal Deadline: None

Abstract: This rule will designate as CERCLA Hazardous Substances non-CERCLA Hazardous Air Pollutants recently added to Section 112 of the Clean Air Act (CAA) by the CAA Amendments of 1990. This rule will also adjust the Reportable Quantities of these hazardous air pollutants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	10/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 3000.

FTS:8-260-2190.

Agency Contact: John Riley, Environmental Protection Agency, Solid

Waste and Emergency Response, (OS-210), 202 260-2190

RIN: 2050–AD33

3833. COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA) COST RECOVERY

Significance: Agency Priority

Legal Authority: 42 USC 9615/CERCLA 115

CFR Citation: 40 CFR 2; 40 CFR 300; 40 CFR 308

Legal Deadline: None

Abstract: Under CERCLA, potentially responsible parties defined under Section 107(a) are liable for the cost of cleanup of Superfund sites. It is Agency policy to pursue potentially responsible parties in court for costs expended if a cleanup settlement is not reached. This rulemaking will define the specific recoverable costs and describe the documentation sufficient to support EPA's cost recovery efforts. This proposed regulation will also address other related aspects, including release of confidential business information in the cost recovery process and the Agency interpretation of certain statute of limitations provisions. The proposed regulation is designed to make the cost recovery process more efficient and less burdensome from a litigation standpoint.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2702.

FTS:8-398-8635.

Agency Contact: Frank Biros, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-510), Washington, DC 20460, 202 308-8635

RIN: 2050–AC98

3834. NATIONAL CONTINGENCY PLAN-SUBPART K: A ROADMAP TO THE NCP FOR FEDERAL FACILITIES

Legal Authority: 42 USC 9605/CERCLA 105; 42 USC 9620/CERCLA 120

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: Subpart K of the NCP, entitled "Federal Facilities," is a roadmap to the entire NCP for Federal facilities, and it consolidates in one subpart of the NCP references to the requirements in the other subparts that Federal agencies must follow when conducting CERCLA response actions where the release is on, or where the sole source of the release is from, their facility. It also codifies certain other provisions of Section 120 of CERCLA relating to Federal facilities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2650.

FTS:8-260-4015.

Agency Contact: Rick Colbert, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-510), Washington, DC 20460, 202 260-4015

RIN: 2050–AC76

3835. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTE SITES—PROPOSED UPDATE XI

Legal Authority: 42 USC 9605(a)(8)(B) /CERCLA 105(a)(8)(B)

CFR Citation: 40 CFR 300.425

Legal Deadline: Other, Statutory. Statutory: Annual Update

Abstract: This action proposes to revise the National Priorities List (NPL) for uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances released and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3102.

FTS: 8-260-3412.

Agency Contact: Robert Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 260-3412

RIN: 2050–AD22

3836. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES —PROPOSED UPDATE XII

Legal Authority: 42 USC 9605(a)(8)(B) /CERCLA 105(a)(8)(B)

CFR Citation: 40 CFR 300.425

Legal Deadline: Other, Statutory. Annual Update

Abstract: This action proposes to revise the National Priorities List (NPL) for uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 3103.

FTS: 8-260-3412.

Agency Contact: Robert Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 260-3412

RIN: 2050–AD23

3837. ● AMENDMENT TO THE NCP APPENDIX: PROCEDURES FOR CONTRACT LABORATORY PROGRAM INVESTIGATION

Legal Authority: 42 USC 9605 /CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: This proposed rule describes procedures for OSWER to deal consistently with Contract Laboratory Program (CLP) labs under investigation for alleged fraud. It is designed to protect the authenticity and reliability of CLP data and the validity of EPA decisions made using CLP data.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2976.

FTS:8-260-8722.

Agency Contact: Hans Crump-Wiesner, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), 202 260-8722

RIN: 2050–AD34

3838. PROCEDURES FOR REIMBURSEMENT PETITIONS UNDER SECTION 106(B) OF CERCLA

Legal Authority: 42 USC 9606(b)/CERCLA 106(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: EPA is considering proposing a rule to set out a uniform process of review of petitions for reimbursement of the costs filed by parties who have been ordered to clean up Superfund sites. A uniform process would expedite EPA consideration of these petitions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2855.

FTS:8-260-2034.

Agency Contact: Fred Zimmerman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-510), Washington, DC 20460, 202 260-2034

RIN: 2050–AD11

3839. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Significance: Regulatory Program

Legal Authority: 33 USC 1321 /CWA 311(d)(1), as amended by the Oil Pollution Act

CFR Citation: 40 CFR 300

Legal Deadline: NPRM, Statutory, August 18, 1991.

Abstract: The Oil Pollution Act of 1990 requires that EPA prepare and publish revisions to the National Oil and Hazardous Substances Contingency Plan for the removal of oil and hazardous substances. EPA has initiated an inter-agency review process to make changes needed to implement the requirements of the Oil Pollution Act of 1990. The revised NCP will address a number of new elements including, but not limited, response to worst case discharges and discharges that may pose a substantial threat to public health and welfare, a Fish and Wildlife Plan, and Contingency Plans.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action Effective	10/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2882.

FTS:8-260-2190.

Agency Contact: John Riley, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 260-2190

RIN: 2050–AD24

3840. OIL POLLUTION PREVENTION REGULATION - PHASE II

Significance: Regulatory Program

Legal Authority: 33 USC 1321 /CWA 311(j)(5), as amended by the Oil Pollution Act

CFR Citation: 40 CFR 112

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: Following a major inland oil spill with substantial environmental impacts (i.e., Ashland Oil in Floreffe, PA in January 1988) an interagency task force reviewed the adequacy of regulations concerning the prevention and control of oil spills. The task force recommended a number of steps, including an upgrade to the Oil Pollution Prevention regulation. A two-phase approach was initiated; this is Phase II. In addition to implementing the recommendations of the task force, this rule will implement the Oil Pollution Act's provisions regarding facility response plans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	08/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2923

FTS:8-260-2190

Agency Contact: John Riley, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 260-2190

RIN: 2050–AD30

3841. ADDITION OF CHEMICALS TO THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES BASED ON THEIR PHYSICAL PROPERTIES

Legal Authority: 42 USC 11002 to 11004

CFR Citation: 40 CFR 355, Appendix A and B

Legal Deadline: None

Abstract: EPA published an Advance Notice of Proposed Rulemaking which is intended to alert the public to the Agency's thinking on the addition of new chemicals to the List of Extremely Hazardous Substances based on their physical properties. The Agency has been evaluating criteria for physical properties such as explosivity and flammability.

Timetable:

Action	Date	FR Cite
ANPRM	08/27/90	55 FR 35012
NPRM	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2758.

EPA—CERCLA **Proposed Rule Stage**

FTS:8-245-4043.

Agency Contact: John Ferris, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, 202 245-4043

RIN: 2050–AD02

3842. MANDATORY POLLUTION PREVENTION REPORTING FOR TOXIC RELEASE INVENTORY (TRI)

Legal Authority: 42 USC 11013 /Pollution Prevention Act of 1990

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This proposed regulation would implement the "Source Reduction and Recycling Report" provision of the Pollution Prevention Act of 1990. Under this requirement, facilities that file EPA Form R must include information on the amount of the chemical entering wastestreams prior to treatment, recycling or disposal, amounts that are treated or recycled both on-site and off-site and projections for the following two years of expected amounts treated and recycled. Additional information will identify types of pollution prevention activities employed by the facility and other information that will allow the data user to identify progress toward toxic chemical use reduction.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2847.

FTS:8-260-3667.

Agency Contact: Mary Ellen Weber, Environmental Protection Agency, Pesticides and Toxic Substances, Washington, DC 20460, (TS-779), 202 260-3667

RIN: 2070–AC24

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Superfund (CERCLA) **Final Rule Stage**

3843. DESIGNATION OF EXTREMELY HAZARDOUS SUBSTANCES AS CERCLA HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This rule will designate 226 non-CERCLA extremely hazardous substances (EHS), as defined in Section 302 of SARA Title III, as hazardous substances pursuant to Section 102 of CERCLA. Currently, only releases of those EHSs that are also CERCLA hazardous substances are required to be reported to the National Response Center under CERCLA Section 103. Upon designation, potential confusion concerning the different SARA Title III and CERCLA requirements will be reduced by ensuring consistent procedures for reporting releases of all EHSs.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3368
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2336.

For Further Information Contact: RCRA/Superfund Hotline (800-424-9346); in Washington, DC area (703-920-9810). The Telecommunications Device for the Deaf (TDD) Hotline number is (800) 553-7672; in the Washington, DC area it is (703) 486-3323.

Agency Contact: John Riley, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 260-2190

RIN: 2050–AB62

3844. REPORTABLE QUANTITY ADJUSTMENTS OF EXTREMELY HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 11002 / SARA 302; 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302; 40 CFR 355; 40 CFR 117

Legal Deadline: None

Abstract: This action will adjust the reportable quantities (RQs) for 225 substances on the Extremely Hazardous Substances (EHS) List, which EPA has proposed for designation as CERCLA hazardous substances and 19 substances that are already CERCLA hazardous substances. In addition, this action will incorporate the Threshold Planning Quantity Methodology for EHS's as part of the RQ Adjustment Methodology. These RQ adjustments will reduce unnecessary reporting of releases to local, State, and Federal officials.

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	54 FR 35988
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2429.

For Further Information Contact: RCRA/Superfund Hotline 800-424-9346; in the Washington, DC area 703-920-9810. The Telecommunications Device for the Deaf (TDD) Hotline number is 800-553-7672; in the Washington, DC area it is 703-486-3323.

Agency Contact: John Riley, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 260-2190

RIN: 2050–AC14

3845. REPORTING EXEMPTIONS FOR FEDERALLY PERMITTED RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 117; 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: This regulation will clarify the definition of "federally permitted release" in Section 101(10) of CERCLA.

Federally permitted releases of hazardous substances are exempt from reporting under Section 103 of CERCLA and for CERCLA liability.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27268
Supplemental Notice	07/11/89	54 FR 29306
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2394.

For Further Information Contact: RCRA/Superfund 800-424-9346; in Washington, DC area dial 703-920-9810. The Telecommunications Device for the Deaf (TDD) Hotline number is 800-553-7672; in the Washington, DC area it is 703-486-3323.

Agency Contact: John Riley, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 260-2190

RIN: 2050–AB82

3846. REPORTABLE QUANTITY ADJUSTMENTS FOR PETROLEUM REFINERY PRIMARY TREATMENT SLUDGES

Legal Authority: 42 USC 9602; 42 USC 9603; 42 USC 9604; 33 USC 1321; 33 USC 1361

CFR Citation: 40 CFR 302; 40 CFR 302.4; 40 CFR 261.31

Legal Deadline: None

Abstract: This action will adjust the reportable quantities (RQs) for waste streams FO37 and FO38 (sludges from petroleum refinery separation processes) under CERCLA, as amended.

Timetable:

Action	Date	FR Cite
NPRM	03/27/91	56 FR 12826
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2868.

For further information contact the RCRA/Superfund Hotline at 800-424-9346; in the Washington, DC area call 703-920-9810. The Telecommunications Device for the Deaf (TDD) Hotline number is 800-553-7672; in the Washington, DC area it is 703-486-3323.

Agency Contact: John Riley, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 260-2190

RIN: 2050–AD15

3847. RESPONSE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCES SUPERFUND

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Legal Deadline: None

Abstract: This rule will prescribe the forms and procedures for persons other than governments to recover response costs incurred in carrying out the National Contingency Plan from the Hazardous Substance Superfund.

Timetable:

Action	Date	FR Cite
NPRM	09/13/89	54 FR 37892
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2564.

FTS:8-398-8335.

Agency Contact: William O. Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220W), Washington, DC 20460, 703 308-8335

RIN: 2050–AA90

3848. ADMINISTRATIVE HEARING PROCEDURE FOR SUPERFUND CLAIMS

Legal Authority: 42 USC 9612(b) /CERCLA 112(b)

CFR Citation: 40 CFR 305

Legal Deadline: None

Abstract: Section 112(b)(2) of CERCLA as amended, provides that a person who has made a claim against the Superfund and is dissatisfied with the award by EPA may request an administrative hearing. Such hearings shall be before an administrative law judge. The purpose of this rule would be to establish procedures for conducting administrative hearings. The procedures of this rule would replace the Arbitration procedures, formerly codified at 40 CFR Part 305, revoked as a result of the amendments to section 112.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2493.

FTS:8-398-8336.

Agency Contact: Hugo Paul Fleischman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220W), Washington, DC 20460, 703 308-8336

RIN: 2050–AC26

3849. TECHNICAL ASSISTANCE GRANTS TO GROUPS OF INDIVIDUALS AT SUPERFUND SITES

Legal Authority: 42 USC 9617 /SARA 117

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: Superfund Amendments and Reauthorization Act 1986 requires that EPA develop grant regulations for technical assistance for citizen groups. Under Section 117(e) groups of individuals may apply for the technical assistance grants at NPL sites. The grants are limited to $50,000 per site and require matching funds. These limits may be waived.

Timetable:

Action	Date	FR Cite
ANPRM	06/10/87	52 FR 22244
Interim Final Rule	03/24/88	53 FR 9736
Revised Interim Final Rule	12/01/89	54 FR 49948
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2401.

FTS:8-398-8380.

Agency Contact: Melissa Shapiro, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220W), Washington, DC 20460, 703 308-8340

RIN: 2050–AC10

EPA—CERCLA — Final Rule Stage

3850. REIMBURSEMENT OF LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES

Legal Authority: 42 USC 9623 / SARA 123; 42 USC 9611(c)(11)

CFR Citation: 40 CFR 310

Legal Deadline: Final, Statutory, October 17, 1987.

Abstract: This provision authorizes reimbursement of local governments for costs incurred in providing temporary emergency measures in response to releases of hazardous substances. Reimbursement is limited to $25,000 per incident and is not intended to supplant local funds normally provided for response.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/87	52 FR 39386
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: SAR No. 2409.

FTS:8-260-3382.

Agency Contact: Local Gov't Reimbursement Coordinator, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 260-3382

RIN: 2050–AC11

3851. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS II PENALTIES UNDER CERCLA AND EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: 42 USC 9609/11045

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: This rule will govern the conduct of administrative hearings for all penalties to be assessed under CERCLA Section 109 and SARA Section 325. The rule provides the procedures for these penalty assessments. The action is expected to have a negligible economic impact on consumers, industries, or governmental agencies, but will provide the benefit of uniform procedures for assessing penalties.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/89	54 FR 21174
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2512.

FTS:8-260-3110.

Agency Contact: Sandra Connors, Environmental Protection Agency, Office of Enforcement, (LE-134S), Washington, DC 20460, 202 260-3110

RIN: 2050–AC39

3852. PRIOR NOTICE OF CITIZEN SUITS UNDER CERCLA

Legal Authority: 42 USC 9659/ CERCLA 310

CFR Citation: 40 CFR 373

Legal Deadline: None

Abstract: These regulations are promulgated under Section 310 of CERCLA. They govern the notice required to be given 60 days prior to the filing of a citizen suit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3918
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2615.

FTS:8-260-2860.

Agency Contact: Patricia Sims, Environmental Protection Agency, Office of Enforcement, (LE-134S), Washington, DC 20460, 202 260-2860

RIN: 2050–AC70

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Completed Actions

Superfund (CERCLA)

3853. PROCEDURES FOR PLANNING AND IMPLEMENTING OFF-SITE RESPONSE ACTIONS

Significance: Regulatory Program

CFR Citation: 40 CFR 300.440

Completed:

Reason	Date	FR Cite
Withdrawn - EPA not pursuing rulemaking at this time.	09/30/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Betsy Smidinger, 202 260-9868

RIN: 2050–AC35

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Proposed Rule Stage

General

3854. EVALUATION PROCEDURE FOR AWARD OF FIXED PRICE CONTRACTS FOR COMMERCIAL SUPPLIES AND SERVICES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: The rule will result in the addition of an evaluation procedure to EPA Aquisition Regulation for making award of certain fixed price contracts for commercial supplies or services the procedure will provide for award to the lowest price offeror whose technical proposal meets the minimum needs of the government.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAR No. 0952.

FTS:8-245-3940.

Agency Contact: Louise Senzel, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 260-7204

RIN: 2030–AA09

3855. PROCUREMENT INTEGRITY

Legal Authority: 41 USC 423

CFR Citation: 48 CFR 1503

Legal Deadline: None

Abstract: The proposed rule will implement Federal Acquisition Regulation (FAR) guidance concerning procurement integrity.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAR No. 3098.

FTS:8-260-6651.

Agency Contact: Nancy Parry, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 260-6651

RIN: 2030–AA25

3856. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 33 USC 1251 et seq; 42 USC 7401 et seq; 42 USC 300(f) et seq; 7 USC 136 et seq; 15 USC 2601 et seq; 42 USC 9601 et seq; 20 USC 4011 et seq; 33 USC 1401 et seq

CFR Citation: 40 CFR 31

Legal Deadline: None

Abstract: This is a revision to a common rule designed to establish uniform administrative rules for Federal grants and cooperative agreements and subawards to State, Local, and Indian tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAR No. 3100.

FTS: 8-260-5268.

Agency Contact: Richard Mitchell or Ellen Haffa, Environmental Protection Agency, Administration and Resource Management, (PM-216F), Washington, DC 20460, 202 260-5268

RIN: 2030–AA27

3857. GENERAL REGULATION FOR ASSISTANCE PROGRAMS FOR OTHER THAN STATE AND LOCAL GOVERNMENTS

Legal Authority: Budget and Accounting Procedures Act of 1950, as Amended; Reorganization Plan No. 202 of 1970, EO 11541

CFR Citation: 40 CFR 30

Legal Deadline: None

Abstract: This is a revision to implement OMB Circular A-133, "Audits of Institutions of Higher Education and Other Non-Profit Institutions", and OMB circular A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations."

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAR No. 3101.

FTS:8-260-5294.

Agency Contact: Vince Martin, or Linda Ross, Environmental Protection Agency, Administration and Resource Management, (PM-216F), Washington, DC 20460, 202 260-5268

RIN: 2030–AA28

3858. AMENDMENTS TO PART 22 CONSOLIDATED PROCEDURAL RULES

Legal Authority: 7 USC 1361(a); 15 USC 2615(a); 33 USC 1415(a); 42 USC 7545; 42 USC 7601; 42 USC 6928

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: The Agency is proposing amendments to the Consolidated Rules of Practice under 40 CFR Part 22. These amendments will include technical amendments correcting the address to which penalty payments are sent, lengthening the period to file an appeal, and modifying the specified procedures for service of process. The Agency will also propose more substantive amendments regarding handling Confidential Business Information, default judgments, and burden of proof on penalty assessments. In addition, Part 22 will be amended to implement the 1990 CAA amendments, which will permit civil penalties to be assessed in administrative enforcement hearings.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2662.

FTS:8-260-8651.

Agency Contact: Larry Blackwood, Environmental Protection Agency, Office of Enforcement, (LE-133), Washington, DC 20460, 202 260-8651

RIN: 2020–AA13

EPA—GENERAL

Proposed Rule Stage

3859. EPCRA INSPECTION AUTHORITY AND PROCEDURES

Legal Authority: 42 USC 11048

CFR Citation: 40 CFR 375

Legal Deadline: None

Abstract: This regulation sets out EPA's authority to inspect under the Emergency Planning and Community Right-to-Know Act (EPCRA). It will also set out EPA's guidelines for conducting these inspections.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2652.

FTS:8-260-8693.

Agency Contact: Vincent Giordano, Environmental Protection Agency, Office of Enforcement, (LE-134P), Washington, DC 20460, **202 260-8693**

RIN: 2020–AA15

3860. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552/Freedom of Information Act ; 7 USC 136h/FIFRA 10

CFR Citation: 40 CFR 2.307

Legal Deadline: None

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2195.

FTS:8-260-4550.

Agency Contact: Rafael Deleon, Environmental Protection Agency, Office of Enforcement, (LE-132G), Washington, DC 20460, **202 260-4550**

RIN: 2020–AA06

3861. DUPLICATION OF WORK

Legal Authority: PL 98-377/Section 302

CFR Citation: 48 CFR 1512; 48 CFR 1516; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will require contractors to certify that work ordered by the Agency does not duplicate or is not similar to work previously performed or currently being performed for the Agency.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Additional Information: SAR No. 2789.

FTS:8-260-5028.

Agency Contact: Ed Chambers, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 260-5028**

RIN: 2030–AA23

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

General

3862. LENDER LIABILITY UNDER CERCLA

Legal Authority: 42 USC 9605; 42 USC 9615

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: To clarify the range of permissible activities that may be undertaken by institutions that hold indicia of ownership in contaminated facilities without being considered to be participating in the management of the facility within the meaning of the CERCLA security interest exemption; and to clarify the circumstances in which a government entity has "involuntarily acquired" contaminated property, for purposes of the innocent landowner defense.

Timetable:

Action	Date	FR Cite
NPRM	06/24/91	56 FR 28798
Final Action	11/30/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2884.

FTS:8-260-8865.

Agency Contact: John Fogarty, Environmental Protection Agency, Office of Enforcement, (LE-134S), Washington, DC 20460, **202 260-8865**

RIN: 2020–AA17

3863. CONTRACTOR COMPLIANCE WITH INFORMATION RESOURCES MANAGEMENT DIRECTIVES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1510; 48 CFR 1552

Legal Deadline: None

Abstract: This rule will require contractor compliance with Agency directives for contracts involving information resources management. Examples of such contracts include the acquisition or modification of a computer program, data communications, and ADP or word processor equipment or services.

Timetable:

Action	Date	FR Cite
NPRM	04/26/90	55 FR 17732
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAR No. 0951.

FTS:8-260-5028.

P.L. 98-577, Sec. 302

Agency Contact: Edward Chambers, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 260-5028**

RIN: 2030–AA10

3864. PAYMENT OF FEE ON TERM FORM CONTRACTS

Legal Authority: 40 USC 486(a)

CFR Citation: 48 CFR 1516; 48 CFR 1552

Legal Deadline: None

Abstract: The final rule will address the payment of fees on cost-reimbursable term form contracts. The rule will recommend a change to the current procedure of making provisional payments of fee as a percentage of cost incurred to a method based on the number of direct hours performed in relation to the total level of effort in the contract.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	54 FR 53659
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAR No. 2683.

FTS:8-260-5019.

PL 98-577 Section 302

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 260-5019**

RIN: 2030–AA15

3865. ORAL ORDERS

Legal Authority: PL 98-377, Section 302

CFR Citation: 48 CFR 1513

Legal Deadline: None

Abstract: This rule will permit Contracting Officers to place oral purchase orders up to the small purchase limitation for certain competitive procurements. Oral orders for sole source procurements would be limited to $10,000.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAR No. 3099.

FTS:8-260-5031.

Agency Contact: Marilyn Torpey, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 260-5031**

RIN: 2030–AA26

3866. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANCE FROM THE EPA (REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Legal Deadline: None

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/09/81	46 FR 2306
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2218.

FTS:8-260-4567.

Agency Contact: Nereid Maxey, Environmental Protection Agency, Office of the Administrator, Office of Civil Rights, (A-105), Washington, DC 20460, **202 260-4567**

RIN: 2090–AA09

3867. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121; 33 USC 1251 et seq; 42 USC 7401 et seq; 42 USC 6901 et seq; 42 USC 300f et seq; 7 USC 136 et seq; 15 USC 2601 et seq; 42 USC 9601 et seq; 20 USC 4011 et seq; 33 USC 1401 et seq

CFR Citation: 40 CFR 34

Legal Deadline: None

Abstract: This is a common rule designed to implement the Anti-Lobbying Act passed October 23, 1989. The common rule prohibits the use of Federal funds for lobbying by grantees and applicants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FTS:8-245-4078.

Agency Contact: Richard Mitchell, Environmental Protection Agency, Administration and Resource Management, (PM-216F), Washington, DC 20460, **202 245-4078**

RIN: 2030–AA24

3868. INSTRUCTIONS FOR PREPARATION OF COST OR PRICING PROPOSALS

Legal Authority: PL 98-377/Section 302

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: This proposed rule will request additional information from offerors to allow EPA to more quickly and accurately evaluate cost or pricing proposals submitted in response to solicitations and will require that cost

or pricing information be submitted on computer disks as well as hard copy.

Timetable:

Action	Date	FR Cite
NPRM	02/20/90	55 FR 5948
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Additional Information: SAR No. 2791.

FTS:8-260-5019.

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 260-5019

RIN: 2030–AA20

ENVIRONMENTAL PROTECTION AGENCY (EPA) Completed Actions

General

3869. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

CFR Citation: 40 CFR 26

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28003
Final Action Effective	08/19/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Ken Sexton, 202 260-5900

RIN: 2080–AA04

3870. PROCEDURES AND REQUIREMENTS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT FOR THE EPA'S RESEARCH AND DEVELOPMENT PROGRAM AND FOR PUBLIC AND OTHER FEDERAL AGENCY INVOLVEMENT

CFR Citation: 40 CFR 6.700

Completed:

Reason	Date	FR Cite
Final Action	05/06/91	56 FR 20541

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith Troast, 202 260-5905

RIN: 2020–AA16

[FR Doc. 91-22439 Filed 10-18-91; 8:45 am]

BILLING CODE 6560-50-F

Federal Register

Monday
October 21, 1991

Part XXIII

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda pursuant to Executive Order No. 12291, 3 CFR part 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. chapter 6. The agenda contains all regulations which are scheduled for review or development during the next 12 months.

FOR FURTHER INFORMATION CONTACT: Irene L. Hill, Assistant Legal Counsel for Coordination, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-4689.

SUPPLEMENTARY INFORMATION: The Commission identified 12 current and projected rulemakings for inclusion in the agenda. Two have been published as ANPRMs. Two have been published as NPRMs. Six are currently under development or review by Commission staff, and two have been published as final regulations.

Signed in Washington, DC, this 26th day of August 1991.
For the Commission.

Evan J. Kemp, Jr.

Chairman.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3871	Uniform Guidelines on Employee Selection Procedures	3046-AA00
3872	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
3873	Early Retirement Plans	3046-AA36
3874	Possible Revisions to Interpretations Relating to Benefits Under Employee Benefit Plans	3046-AA37

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3875	Equal Employment Opportunity in the Federal Government; Individual and Class EEO Complaints Processing	3046-AA11
3876	Uniform Guidelines on Employee Selection Procedures	3046-AA24
3877	Procedures for Handling Complaints of Employment Discrimination on the Basis of Disability Filed Under the Americans with Disabilities Act and the Rehabilitation Act of 1973	3046-AA41
3878	Procedures for Handling Complaints of Employment Discrimination on the Basis of Disability Filed Under the Americans with Disabilities Act and the Rehabilitation Act of 1973	3046-AA42

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3879	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
3880	Pension Accruals and Contributions Under ADEA	3046-AA31

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3881	Regulation To Implement Title I of the Americans with Disabilities Act	3046-AA40
3882	Americans with Disabilities Act; Recordkeeping Regulations	3046-AA44

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Prerule Stage

3871. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is considering further action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Inzeo, Associate Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4640

RIN: 3046–AA00

3872. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Legal Deadline: None

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	03/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4690

RIN: 3046–AA22

3873. EARLY RETIREMENT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 628

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The ADEA prohibits discrimination on the basis of age with respect to an employee's compensation, terms, conditions, or privileges of employment. In light of recent amendments to the ADEA and several cases dealing with early retirement, questions have arisen regarding the legality of early retirement plans in general and of specific plans. Since the use of early retirement has expanded greatly in recent years, the Commission deems it appropriate to consider the issuance of regulatory guidance in the area. The ANPRM seeks comment on issues such as voluntariness, plan structuring and eligibility to participate. The Commission is reassessing this project in light of the Supreme Court's decision in Public Employees Retirement System of Ohio v. Betts, 109 S. Ct. 2854 (1989), and the enactment of the Older Workers Benefit Protection Act, Pub. L. 101-433 (Oct. 16, 1990).

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26789
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4690

RIN: 3046–AA36

3874. POSSIBLE REVISIONS TO INTERPRETATIONS RELATING TO BENEFITS UNDER EMPLOYEE BENEFIT PLANS

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1625.10

Legal Deadline: None

Abstract: The current interpretive regulations at 29 CFR 1625.10 were framed in 1979. Since that time the ADEA has been amended in a manner that necessitates considering revisions to the regulations, for example, the lifting of the age 70 cap. Accordingly, the Commission requested public comment to determine whether revisions are necessary and, if so, the nature and scope of any such revision. The continuing viability of this project is being assessed in light of the Supreme Court's decision in Public Employees Retirement System of Ohio v. Betts, 109 S. Ct. 2854 (1989), and the enactment of the Older Workers Benefit Protection Act, Pub. L. 101-433 (Oct. 16, 1990).

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26788
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4690

RIN: 3046–AA37

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Proposed Rule Stage

3875. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; INDIVIDUAL AND CLASS EEO COMPLAINTS PROCESSING

Significance: Agency Priority

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 791 Rehabilitation Act; 29 USC 633 Age Discrimination in Employment Act; 29 USC 206(d) Equal Pay Act

CFR Citation: 29 CFR 1614, (Proposed)

Legal Deadline: None

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Public comments have been evaluated and a proposed final rule was adopted. The draft final rule was circulated for interagency coordination during October-November 1990. A final rule is being prepared.

Timetable:

Action	Date	FR Cite
Commission Vote to Approve NPRM for Circulation to OMB	05/22/89	
Issuance Sent to OMB for Review	05/24/89	
NPRM	10/31/89	54 FR 45747
NPRM Comment Period End	01/01/90	
Interagency Coordination of Draft NPRM	10/12/90	
Evaluation of Interagency Comments	00/00/00	
Evaluation of Public Comments Ongoing	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Inzeo, Associate Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, Washington, DC 20507, 202 663-4640

RIN: 3046–AA11

3876. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00, Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA00.

Agency Contact: Philip Lyons, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4001

RIN: 3046–AA24

3877. PROCEDURES FOR HANDLING COMPLAINTS OF EMPLOYMENT DISCRIMINATION ON THE BASIS OF DISABILITY FILED UNDER THE AMERICANS WITH DISABILITIES ACT AND THE REHABILITATION ACT OF 1973

Legal Authority: 42 USC 12101 et seq; PL 101-336 The American with Disabilities Act (ADA)

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, January 26, 1992.

Abstract: Section 107(b) of the ADA requires that agencies with enforcement authority for actions which allege employment discrimination under the ADA and section 503 of the Rehabilitation Act of 1973 must develop procedures that ensure that administrative complaints filed under the ADA or the Rehabilitation Act are processed in a manner which avoids duplication of effort and prevents the imposition of inconsistent or conflicting standard by the EEOC and the Department of Labor.

These regulations will contain procedures and standards to ensure that complaints are processed in an effective manner, and that consistent standards are applied to the same requirements imposed by both statutes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Deputy Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4689

RIN: 3046–AA41

3878. PROCEDURES FOR HANDLING COMPLAINTS OF EMPLOYMENT DISCRIMINATION ON THE BASIS OF DISABILITY FILED UNDER THE AMERICANS WITH DISABILITIES ACT AND THE REHABILITATION ACT OF 1973

Legal Authority: 42 USC 12101 et seq; PL 101-336 The Americans with Disabilities Act (ADA)

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, January 26, 1992.

Abstract: Section 107(b) of the ADA requires that agencies with enforcement authority for actions which allege employment discrimination under the ADA and section 504 of the Rehabilitation Act of 1973 must develop procedures that ensure that administrative complaints filed under the ADA or the Rehabilitation Act are

processed in a manner which avoids duplication of effort and prevents the imposition of inconsistent or conflicting standards by EEOC and the Department of Justice.

These regulations will contain procedures and standards to ensure that complaints are processed in an effective manner, and that consistent standards are applied to the same requirements imposed by both statutes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Deputy Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4689

RIN: 3046–AA42

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Final Rule Stage

3879. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under EO 12067, DOJ under EO 12250, and from OMB under EO 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under EO 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under EO 12250.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Deputy Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4690

RIN: 3046–AA10

3880. PENSION ACCRUALS AND CONTRIBUTIONS UNDER ADEA

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967; PL 99-509, Sec 9204

CFR Citation: 29 CFR 1625.10

Legal Deadline: Final, Statutory, February 1, 1988.
Rule will be completed when the Department of the Treasury completes its regulatory review.

Abstract: Regulations, as may be necessary, to carry out congressional enactments regarding pension accruals and contributions under ADEA.

Timetable:

Action	Date	FR Cite
NPRM	11/27/87	52 FR 45360
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4690

RIN: 3046–AA31

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Completed Actions

3881. REGULATION TO IMPLEMENT TITLE I OF THE AMERICANS WITH DISABILITIES ACT

Significance: Regulatory Program

CFR Citation: 29 CFR 1630

Completed:

Reason	Date	FR Cite
Final Action	07/26/91	56 FR 35726
Final Action Effective	07/26/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Christopher G. Bell, 202 663-4679

RIN: 3046–AA40

3882. AMERICANS WITH DISABILITIES ACT; RECORDKEEPING REGULATIONS

CFR Citation: 29 CFR 1602

Completed:

Reason	Date	FR Cite
Final Action	07/26/91	56 FR 35753
Final Action Effective	08/26/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas J. Schlageter, 202 663-4670

RIN: 3046–AA44

[FR Doc. 91-21605 Filed 10-18-91; 8:45 am]

BILLING CODE 6570-06-F

Federal Register

Monday
October 21 1991

Part XXIV

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 "Federal Regulation," the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period October 1, 1991, to September 30, 1992.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: For general information, contact Michael B. Hirsch, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3543. For additional information about a specific regulation, contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" directs each executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also, publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 *et seq.*

In fulfillment of requirements imposed by the Executive order and 5 U.S.C. 601 *et seq.*, this agenda describes current and projected regulations and regulations which will be under review during the period April 1, 1992, to March 31, 1993. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda, published April 22, 1991, at 56 FR 18076.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations, and organizational and management matters.

Dated: September 5, 1991.

Patricia M. Gormley,

General Counsel.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3883	Radiological Emergency Planning and Preparedness	3067-AA77
3884	National Flood Insurance Program Changes for Structures on Land Subject to Imminent Collapse or Subsidence	3067-AB42
3885	Individual Assistance Regulations	3067-AB73
3886	Release of Materials From the National Defense Stockpile	3067-AB75
3887	Administrative Remedies for False Claims and Statements	3067-AB80

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3888	Nondiscrimination in Federally Assisted Programs	3067-AA00
3889	Review and Approval of State and Local Emergency Response Plans	3067-AA76
3890	Comprehensive Cooperative Agreement (CCA) Policies, Procedures, and Associated Programs	3067-AB18
3891	Use of Civil Defense Personnel, Materials, and Facilities for Natural Disaster Purposes	3067-AB48
3892	National Security Emergency Exercise Program	3067-AB57
3893	Machine Tool Trigger Order Program Guidance	3067-AB63
3894	National Flood Insurance Program Changes	3067-AB66
3895	Federal Crime Insurance Program Rate Increase	3067-AB67
3896	National Flood Insurance Program Agents' Commissions	3067-AB70
3897	National Flood Insurance Program Policy Forms; Condominium and Other Changes	3067-AB71
3898	Guidance for Sector Studies and Production Base Analyses (Civilian Agencies)	3067-AB72
3899	Disaster Assistance—Coastal Barrier Resources Act	3067-AB78
3900	Use of Gifts, Bequests, and Donations for the National Earthquake Hazard Reduction Program	3067-AB84
3901	Disaster Assistance—Public Assistance Eligibility	3067-AB85
3902	Disaster Assistance—Public Assistance Eligibility	3067-AB86
3903	Federal Crime Insurance Program Jurisdiction Reduction	3067-AB87
3904	Federal Crime Insurance Program Jurisdiction Reduction	3067-AB88
3905	Federal Crime Insurance Rate Increase	3067-AB89
3906	Revocation of Letters of Map Revision	3067-AB90

FEMA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3907	Eligibility of Private Nonprofit Facilities	3067-AB91
3908	Eligibility of Regular Time; Minimum Damage Survey Report Amount	3067-AB92
3909	Federal Disaster Assistance - The Declaration Process	3067-AB93

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3910	Federal Emergency Management Agency Acquisition Regulations	3067-AB40
3911	Protection of Essential Resources and Facilities	3067-AB46
3912	National Defense Executive Reserve Guidance	3067-AB51
3913	New Restrictions on Lobbying	3067-AB64
3914	National Flood Insurance Program; Assistance to Private Sector Property Insurers	3067-AB68
3915	National Earthquake Hazards Reduction Assistance to State and Local Governments	3067-AB74
3916	Individual Assistance Regulations	3067-AB76
3917	Disaster Assistance—Public Assistance Insurance Requirements	3067-AB77
3918	Coastal Barrier Resources System Amendments Related to the National Flood Insurance Program	3067-AB83

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3919	Civil Defense: State and Local Emergency Management Assistance (EMA) Program	3067-AB14
3920	Temporary Housing Assistance	3067-AB43
3921	Radiological Emergency Program: User Fees	3067-AB49
3922	Individual Assistance Programs Other Than the Individual and Family Grant Program	3067-AB52
3923	Conduct in Buildings and on Grounds at the National Emergency Training Center	3067-AB65

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Prerule Stage

3883. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None

Abstract: Updates regulations which set out Federal agency roles and assigns tasks regarding Federal assistance to States and local governments in their radiological emergency planning and preparedness activities connected with radiological accidents at commercial nuclear power plants.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Vern Wingert, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2872

RIN: 3067–AA77

3884. NATIONAL FLOOD INSURANCE PROGRAM CHANGES FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 62

Legal Deadline: None

Abstract: Section 544 of the Housing and Community Development Act of 1987 provided a new benefit to National Flood Insurance Program policyholders: Payment for demolition or relocation of an insured structure if it is located "along the shore of a lake or other body of water and is certified by appropriate

FEMA

Prerule Stage

State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels." FEMA published interim regulations on this subject on September 23 and November 2, 1988, and commissioned an investigation through the National Academy of Sciences to provide a basis for further regulations.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3419

RIN: 3067–AB42

3885. INDIVIDUAL ASSISTANCE REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 93-288, as amended

CFR Citation: 44 CFR 206 subparts D, E, and F

Legal Deadline: None

Abstract: FEMA is undertaking a comprehensive review of its policies and procedures for assistance to individual disaster victims. FEMA's intent is to simplify program requirements, standardize program definitions where possible, revise procedures for compliance with floodplain management regulations, simplify procedures to prevent duplication of benefits, provide easier access to programs, and streamline State involvement in the disaster assistance programs. This action would also address issues raised in a June 27, 1991, joint OMB/FEMA Task Force report.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/92	
ANPRM Comment Period End	07/00/92	
NPRM	09/00/92	
NPRM Comment Period End	10/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: RINs 3067-AB43 and 3067-AB52 have been incorporated into this action.

Agency Contact: Agnes C. Mravcak, Chief, Individual Assistance Programs Branch, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3660

RIN: 3067–AB73

3886. RELEASE OF MATERIALS FROM THE NATIONAL DEFENSE STOCKPILE

Legal Authority: 50 USC 98f; 50 USC 404; EO 12148; EO 12656

CFR Citation: 44 CFR 328

Legal Deadline: None

Abstract: Procedures for releasing strategic and critical materials from the stockpile. The release authority has been retained by the President.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard F. Marilley, Planning Specialist (Policy), Office of Mobilization Preparedness/NP, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3003

RIN: 3067–AB75

3887. ● ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS

Legal Authority: 31 USC 3801-12

CFR Citation: 44 CFR 19 (New)

Legal Deadline: Other, Statutory, April 16, 1989.
Regulations were not submitted by the specified deadline of 04/16/89 because the Inspector General's Office did not have statutory authority until after that date (31 USC 3801).

Abstract: The Program Fraud and Civil Remedies Act (the Act) enacted on October 21, 1986, and codified at 31 USC 3801 through 3812, establishes an administrative remedy against any person who makes a false claim or written statement to any of certain Federal agencies, including the Federal Emergency Management Agency. In brief, any person who makes a claim or written statement to an affected agency knowing, or with reason to know, that it is false, fictitious, or fraudulent may be held liable for a penalty up to $5,000 per claim or statement and, in addition, with respect to claims, for an assessment up to double the amount falsely claimed. The Act requires affected Federal agencies to promulgate regulations implementing its provisions.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul J. Lillis, Assistant Inspector General for Investigations, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2885

RIN: 3067–AB80

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Proposed Rule Stage

3888. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of

the Education Amendments of 1972, and Section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	
Final Action	11/00/93	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Katherine H. Shannon, Director, Office of Personnel & Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3962

RIN: 3067–AA00

3889. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC app 225g; EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None

Abstract: Updates existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Vern Wingert, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2872

RIN: 3067–AA76

3890. COMPREHENSIVE COOPERATIVE AGREEMENT (CCA) POLICIES, PROCEDURES, AND ASSOCIATED PROGRAMS

Legal Authority: 50 USC 2286; 50 USC 2251; 42 USC 5121; 42 USC 5151; 42 USC 7701; 42 USC 4001; PL 95-224; PL 96-295; PL 99-499; PL 93-288; PL 95-124; PL 90-488; PL 93-234; PL 90-577; EO 12148

CFR Citation: 44 CFR 305; 44 CFR 302; 44 CFR 360; 44 CFR 301; 5 CFR 900

Legal Deadline: None

Abstract: The comprehensive aspect of the CCA process itself was not created by legislation or even by regulation; Presidential emphasis on grants consolidation and FEMA policy on integrating programs created the CCA. The cooperative agreement aspect of the CCA process is based on PL 95-224, the Federal Grant and Cooperative Agreement Act of 1977. Cooperative agreements are used when stimulating a public purpose (the multiple programs delivered in each CCA are aimed at stimulating public purposes, primarily civil defense). The Federal Civil Defense Act of 1950, as amended, authorizes the major portion of CCA programs and assistance dollars, and is therefore the major legislative authority underpinning the CCA process. Various Civil Preparedness Guides, primarily CPG 1-36 and CPG 1-3 address the CCA process and associated programs. However, a regulation would provide complete notice to States and interested parties and complete the policy and procedural requirements identified by the Office of General Counsel. Specific quantitative estimates cannot be cited.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sylvia A. Carroll, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3503

RIN: 3067–AB18

3891. USE OF CIVIL DEFENSE PERSONNEL, MATERIALS, AND FACILITIES FOR NATURAL DISASTER PURPOSES

Legal Authority: 50 USC app 2253

CFR Citation: 44 CFR 312.5

Legal Deadline: None

Abstract: This rule is issued to clarify the use of civil defense personnel in times of natural disasters. The rule will permit consistently for all programs regardless of matching contributions, 30 days' use of civil defense personnel on disaster operations, at the discretion of State officials, with the possibility of extension of that period upon request to the Regional Director or Associate Director for State and Local Programs and Support.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: C. Dwight Poe, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3492

RIN: 3067–AB48

3892. NATIONAL SECURITY EMERGENCY EXERCISE PROGRAM

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; 50 USC app 2251 et seq; EO 12656; EO 12148; EO 10480

CFR Citation: 44 CFR 339

Legal Deadline: None

Abstract: Provides policy and procedural guidance for the National Security Emergency Exercise Program that is to be supported by the heads of all appropriate Federal departments and agencies in accordance with section 104(e) of EO 12656.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard F. Marilley, Senior Policy Officer, Mobilization

Policy & Plans Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3003

RIN: 3067–AB57

3893. MACHINE TOOL TRIGGER ORDER PROGRAM GUIDANCE

Legal Authority: 50 USC app 2061 et seq; EO 10480; EO 12656

CFR Citation: 44 CFR 340

Legal Deadline: None

Abstract: Provides guidance on use of DPA authorities to reduce lead time for acquiring machine tools by defense contractors and therefore reduce production for needed military items.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Richard Marilley, Senior Policy Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3003

RIN: 3067–AB63

3894. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 72

Legal Deadline: None

Abstract: Possible changes in the National Flood Insurance Program regulations include provisions requiring a fee for certain map revisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Matticks, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2766

RIN: 3067–AB66

3895. FEDERAL CRIME INSURANCE PROGRAM RATE INCREASE

Legal Authority: 12 USC 1749bbb et seq; EO 12127

CFR Citation: 44 CFR 83

Legal Deadline: None

Abstract: Increases the Federal Crime Insurance Program premium rates for commercial risks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kimber A. Wald, Chief, Urban Property Operations, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3440

RIN: 3067–AB67

3896. NATIONAL FLOOD INSURANCE PROGRAM AGENTS' COMMISSIONS

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 62

Legal Deadline: None

Abstract: Changes the commission paid to insurance agents for National Flood Insurance Program Policies issued directly by the Federal Government, provides for a larger minimum deductible for subsidized policies and increases the probation surcharge of policies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3419

RIN: 3067–AB70

3897. NATIONAL FLOOD INSURANCE PROGRAM POLICY FORMS; CONDOMINIUM AND OTHER CHANGES

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 61

Legal Deadline: None

Abstract: Changes the National Flood Insurance Program Policy Forms, including adding new policy forms for condominiums; adds a definition of elevated building to the policy forms; and makes other changes in the policy forms.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	
Final Action	07/00/92	
Final Action Effective	10/01/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3419

RIN: 3067–AB71

3898. GUIDANCE FOR SECTOR STUDIES AND PRODUCTION BASE ANALYSES (CIVILIAN AGENCIES)

Legal Authority: 50 USC 404; EO 12148; EO 12656

CFR Citation: 44 CFR 339

Legal Deadline: None

Abstract: The production base analyses rule is designed to give guidance and set minimum standards for civilian agencies in collecting data and conducting the analyses.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael Austin, Chief, Mobilization Resources Requirements, Office of Mobilization Preparedness/NP, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3873

RIN: 3067–AB72

3899. DISASTER ASSISTANCE—COASTAL BARRIER RESOURCES ACT

Significance: Agency Priority

Legal Authority: 16 USC 3501; 42 USC 5121

CFR Citation: 44 CFR 206.340

Legal Deadline: None

Abstract: This proposed rule incorporates into the existing regulation for disaster assistance within the Coastal Barrier Resources System changes made by the Coastal Barrier Improvement Act of 1990 (PL 101-591).

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Charles B. Stuart, Program Officer, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3691

RIN: 3067–AB78

3900. ● USE OF GIFTS, BEQUESTS, AND DONATIONS FOR THE NATIONAL EARTHQUAKE HAZARD REDUCTION PROGRAM

Legal Authority: PL 101-614

CFR Citation: 42 CFR 7701

Legal Deadline: None

Abstract: This regulation will establish policy and provide criteria for the acceptance of gifts, bequests, and donations by the Director of FEMA or his designee, for the National Earthquake Hazard Reduction Program (NEHRP) under the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701, et seq., Section 9, Acceptance of Gifts).

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary S. Taylor, Emergency Management Specialist, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3067

RIN: 3067–AB84

3901. ● DISASTER ASSISTANCE—PUBLIC ASSISTANCE ELIGIBILITY

Significance: Agency Priority

Legal Authority: 42 USC 5121

CFR Citation: 44 CFR 206.228

Legal Deadline: None

Abstract: This proposed rule will change the eligibility of costs which may be claimed for disaster assistance under the Stafford Act, Public Law 93-288, as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Charles B. Stuart, Program Officer, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3691

RIN: 3067–AB85

3902. ● DISASTER ASSISTANCE—PUBLIC ASSISTANCE ELIGIBILITY

Legal Authority: 42 USC 5121

CFR Citation: 44 CFR 206.221

Legal Deadline: None

Abstract: This proposed rule will change the definition of private nonprofit facilities eligible for disaster assistance under the Stafford Act, Public Law 93-288, as amended.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Charles B. Stuart, Program Officer, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3691

RIN: 3067–AB86

3903. ● FEDERAL CRIME INSURANCE PROGRAM JURISDICTION REDUCTION

Legal Authority: 12 USC 1749bbb, et seq; EO 12127

CFR Citation: 44 CFR 83

Legal Deadline: None

Abstract: Removes additional unknown number of States from participation in the Federal Crime Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	
Final Action	03/00/93	
Final Action Effective	04/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kimber A. Wald, Chief, Urban Property Operations, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3440

RIN: 3067–AB87

3904. ● FEDERAL CRIME INSURANCE PROGRAM JURISDICTION REDUCTION

Legal Authority: 12 USC 1749bbb et seq; EO 12127

CFR Citation: 44 CFR 83

Legal Deadline: None

Abstract: Removes three States and the Virgin Islands from participation in the Federal Crime Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
NPRM Comment Period End	01/00/92	
Final Action	04/00/92	
Final Action Effective	05/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Kimber A. Wald, Chief, Urban Property Operations, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3440

RIN: 3067–AB88

3905. ● FEDERAL CRIME INSURANCE RATE INCREASE

Legal Authority: 12 USC 1749bbb et seq; EO 12127

CFR Citation: 44 CFR 83

Legal Deadline: None

Abstract: Increases the Federal Crime Insurance Program premium rates.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	
Final Action	03/00/93	
Final Action Effective	04/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kimber A. Wald, Chief, Urban Property Operations, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3440

RIN: 3067–AB89

3906. ● REVOCATION OF LETTERS OF MAP REVISION

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 65

Legal Deadline: None

Abstract: Provides conditions under which letters of map revision based on fill may be revoked.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	
Final Action	08/00/92	
Final Action Effective	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Matticks, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2766

RIN: 3067–AB90

3907. ● ELIGIBILITY OF PRIVATE NONPROFIT FACILITIES

Legal Authority: PL 93-288, as amended

CFR Citation: 44 CFR 206.221(e)(6)

Legal Deadline: None

Abstract: This regulation would clarify the types of private nonprofit and other entities eligible for public assistance.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Organizations

Government Levels Affected: Local

Agency Contact: Charles Stuart, General Engineer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3691

RIN: 3067–AB91

3908. ● ELIGIBILITY OF REGULAR TIME; MINIMUM DAMAGE SURVEY REPORT AMOUNT

Legal Authority: PL 93-288, as amended

CFR Citation: 44 CFR 206.228

Legal Deadline: None

Abstract: This regulation would make straighttime wages of regular employees performing debris clearance and emergency protective measures ineligible for FEMA assistance and would increase the minimum damage survey report to $1,000.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	
Final Action	07/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Charles Stuart, General Engineer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3691

RIN: 3067–AB92

3909. ● FEDERAL DISASTER ASSISTANCE - THE DECLARATION PROCESS

Legal Authority: PL 93-288, as amended; Robert T. Stafford Disaster Relief & Emergency Assistance Act

CFR Citation: 44 CFR 206 Subpart B

Legal Deadline: None

Abstract: This regulation will provide more explicit, measurable criteria for recommending a Presidential disaster declaration, ensuring that disasters are declared only where State and local resources are clearly inadequate. It will also include specific criteria which clarify the procedures for adjustments in cost-sharing of assistance provided under the Stafford Act and criteria for providing loans of the nonfederal share of assistance, to ensure consistency in decisionmaking.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
NPRM Comment Period End	05/00/92	
Final Action	06/00/92	
Final Action Effective	07/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert G. Chappell, Assistant Associate Director, Disaster

FEMA — Proposed Rule Stage

Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3615**

RIN: 3067–AB93

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Final Rule Stage

3910. FEDERAL EMERGENCY MANAGEMENT AGENCY ACQUISITION REGULATIONS

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 44

Legal Deadline: None

Abstract: The parts of the FEMAAR affected by this revision relate to unsolicited proposals, formal source selection, handicapped discrimination, protests to the agency, and rights to technical data and computer software. These sections have been revised to set forth internal procedures or to conform to revisions to the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
Begin Review	03/01/89	
Interim Final Rule	07/10/90	55 FR 28206
Final Action	12/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Christine A. Makris, Chief, Policy and Evaluation Division, Office of Acquisition Management, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3743**

RIN: 3067–AB40

3911. PROTECTION OF ESSENTIAL RESOURCES AND FACILITIES

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; EO 12656

CFR Citation: 44 CFR 335

Legal Deadline: None

Abstract: Provides policy and guidance for Federal departments and agencies on how to carry out their responsibilities for national assets protection under section 204 of Executive Order 12656.

Timetable:

Action	Date	FR Cite
NPRM	08/07/89	54 FR 32350
NPRM Comment Period End	10/06/89	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Martin Garshak, Industrial Specialist, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3547**

RIN: 3067–AB46

3912. NATIONAL DEFENSE EXECUTIVE RESERVE GUIDANCE

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; EO 12656

CFR Citation: 44 CFR 337

Legal Deadline: None

Abstract: Provides guidance and procedures for those Federal departments and agencies delegated authority under Executive Order 11179 to sponsor reserve units under National Defense Executive Reserve Program.

Timetable:

Action	Date	FR Cite
NPRM	02/15/90	55 FR 5476
NPRM Comment Period End	04/16/90	
Final Action	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Richard F. Marilley, Planning Specialist (Policy), Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3003**

RIN: 3067–AB51

3913. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352

CFR Citation: 44 CFR 18

Legal Deadline: None

Abstract: FEMA, along with other Government agencies, is issuing this common rule which, generally, prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying in connection with a specific contract, grant, or loan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Arthur E. Curry, Chief, Policy Division, Office of the Comptroller, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3718**

RIN: 3067–AB64

3914. NATIONAL FLOOD INSURANCE PROGRAM; ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 42 CFR 62

Legal Deadline: None

Abstract: Changes various provisions of the write-your-own program of the National Flood Insurance Program including changes in the expense allowance for agents' commissions, the loss of adjustment fee schedule, and other changes.

Timetable:

Action	Date	FR Cite
NPRM	05/16/91	56 FR 22670
NPRM Comment Period End	06/17/91	
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3419

RIN: 3067–AB68

3915. NATIONAL EARTHQUAKE HAZARDS REDUCTION ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Legal Authority: PL 95-124, as amended by PL 96-472 and PL 101-614

CFR Citation: 44 CFR 361

Legal Deadline: None

Abstract: This section accommodates passages of the National Earthquake Hazards Reduction Program Reauthorization Act, PL 101-614, which mandate revisions to the State and Local Governments Earthquake Assistance Program. Primarily the interim rule implements revised cost-sharing procedures and requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/16/91	56 FR 16868
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Donna M. Dannels, Emergency Management Specialist, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3662

RIN: 3067–AB74

3916. INDIVIDUAL ASSISTANCE REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 5155

CFR Citation: 44 CFR 206.191

Legal Deadline: None

Abstract: Federal agencies are prohibited from duplicating assistance by section 312 (42 USC 5155) of the Stafford Act. This action deletes subparagraph (d)(2)(i) of 44 CFR 206.191, and thus excludes emergency assistance from the American Red Cross (ARC) from being considered duplicative of assistance from any other disaster assistance program. The cited paragraph is being removed because it has been determined that the information sharing process is inequitable, staff-intensive for no real benefit to the Federal Government (since ARC emergency aid is minimal and given for expendable items), and unable to be implemented on a nationwide basis for all voluntary agencies' emergency assistance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/92	
Final Action	08/00/92	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Sharon A. Hordesky, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2778

RIN: 3067–AB76

3917. DISASTER ASSISTANCE—PUBLIC ASSISTANCE INSURANCE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 5121

CFR Citation: 44 CFR 206.250

Legal Deadline: None

Abstract: This interim rule addresses requirements for purchase of flood and other hazard insurance for receipt of disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended). A previous interim rule with request for comments was published March 26, 1989, at 54 FR 11639. In response to comments, a second interim rule is being published with a request for comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/91	
Final Action	03/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Karen Forbes, Program Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3807

RIN: 3067–AB77

3918. ● COASTAL BARRIER RESOURCES SYSTEM AMENDMENTS RELATED TO THE NATIONAL FLOOD INSURANCE PROGRAM

Legal Authority: 42 USC 4002 et seq; EO 12127; PL 101-591

CFR Citation: 44 CFR 71

Legal Deadline: Final, Statutory, November 16, 1991.
PL 101-591, Section 14, calls for enactment not more than 12 months after 12/16/90.

Abstract: Updates National Flood Insurance Program Regulations on the Coastal Barrier Resources System to assure compliance with the Coastal Barrier Improvement Act of 1990 (PL 101-591).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3419

RIN: 3067–AB83

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Completed Actions

3919. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE (EMA) PROGRAM

CFR Citation: 44 CFR 302, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	07/01/91	56 FR 29903
Final Action Effective	07/31/91	56 FR 29903

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: C. Dwight Poe, 202 646-3492

RIN: 3067–AB14

3920. TEMPORARY HOUSING ASSISTANCE

CFR Citation: 44 CFR 206.101

Completed:

Reason	Date	FR Cite
Merged with RIN 3067-AB73	06/21/91	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: F. Scott Martin, 202 646-3650

RIN: 3067–AB43

3921. RADIOLOGICAL EMERGENCY PROGRAM: USER FEES

CFR Citation: 44 CFR 353

Completed:

Reason	Date	FR Cite
Final Action	03/15/91	56 FR 9452

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vern Wingert, 202 646-2872

RIN: 3067–AB49

3922. INDIVIDUAL ASSISTANCE PROGRAMS OTHER THAN THE INDIVIDUAL AND FAMILY GRANT PROGRAM

Significance: Agency Priority

CFR Citation: 44 CFR 206.141; 44 CFR 206.151; 44 CFR 206.161; 44 CFR 206.164; 44 CFR 206.171; 44 CFR 206.181; 44 CFR 206.191

Completed:

Reason	Date	FR Cite
Merged with RIN 3067-AB73	06/21/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Agnes C. Mravcak, 202 646-3660

RIN: 3067–AB52

3923. CONDUCT IN BUILDINGS AND ON GROUNDS AT THE NATIONAL EMERGENCY TRAINING CENTER

CFR Citation: 44 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	06/01/91	56 FR 19596

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Ronald P. Face, Jr., 301 447-1223

RIN: 3067–AB65

[FR Doc. 91-22440 Filed 10-18-91; 8:45 am]

BILLING CODE 6718-01-F

Federal Register

Monday
October 21, 1991

Part XXV

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1, 101, 105, 201, 301, 302, 303, and 304

48 CFR Ch. 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since April 1991. This agenda was developed under the guidelines in an OMB memorandum dated June 11, 1991. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier, Chief, Directives and Correspondence Management Branch, (202) 501-0666.

SUPPLEMENTARY INFORMATION: None of the regulations listed is considered major under Executive Order 12291 "Federal Regulation."

Dated: August 28, 1991.

Richard G. Austin,

Administrator of General Services.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3924	Subcontracting Plans (5-321)	3090-AE51
3925	Ethical Standards for Contractor Employees (5-317)	3090-AE52
3926	Miscellaneous Changes (5-315)	3090-AE53
3927	Multiyear Contracting Under Federal Supply Service (FSS) and Multiple Award Schedule Program (5-288)	3090-AE54
3928	Nondiscrimination on the Basis of Race, Color, National Origin, and, Where Applicable, Sex	3090-AC49
3929	Governmentwide Real Property Asset Management	3090-AD43
3930	Federal Property Management Regulations Part 101-21, Federal Buildings Fund	3090-AE28
3931	Federal Property Management Regulation Part 101-18, Acquisition of Real Property	3090-AE43

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3932	Multiple Award Schedule Program (GSAR 5-38A)	3090-AC61
3933	General Services Administration Acquisition Regulation (GSAR), NIB/NISH Purchasing Procedures (GSAR Case No. 5-64/190)	3090-AD92
3934	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	3090-AE32

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3935	General Services Administration Acquisition Regulation, Price Adjustment Clause (GSAR Notice No. 5-129A)	3090-AD91
3936	Provisions and Clauses (Design-Build Service Contracts) (GSAR 5-303)	3090-AE02
3937	Equitable Adjustments Clause (GSAR 5-255)	3090-AE05
3938	Acquisition Circular AC-91-1-Revision of Prescriptions for Use of Certain Clauses in Acquisition of Leasehold Interests in Real Property (5-314)	3090-AE06
3939	New Restrictions on Lobbying	3090-AE25
3940	Deviation to FAR Buy American Act - Trade Agreements Act—Balance of Payment Program, Acquisition Circular(AC 90-2) (GSAR 5-308)	3090-AE26
3941	Real Property Leasing Clauses (GSAR 5-313)	3090-AE31
3942	Late Offers Provision (Leases of Real Property), (GSAR 5-292)	3090-AE33
3943	Implement Federal Acquisition Circular (FAC) 90-3 (GSAR 5-312)	3090-AE39
3944	Revision of Marking Clause (GSAR 5-316)	3090-AE50
3945	Acquisition Circular AC-91-2, Revision to GSAR Eligible Products from Nondesignated Countries-Waiver (5-308A)	3090-AE56
3946	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	3090-AC48
3947	Property for Homeless Assistance Purposes	3090-AE30
3948	Publicity and Credit Sales Policies Concerning the Disposal of Certain Surplus Government-Owned Real Property	3090-AE40
3949	Non-Federal Interim Use of Certain Government-Owned Real Property	3090-AE41

GSA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3950	Delegations of Authority to the Heads of Certain Federal Agencies Concerning the Disposition of Low Value Excess Real and Related Personal Property	3090-AE42
3951	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
3952	Submission of Rated On-Board Bills of Lading for Ocean Shipments	3090-AD89
3953	Federal Travel Regulation (FTR) Amendment (Unassigned), Acceptance of Payment from a non-Federal Source for Travel Expenses	3090-AE19
3954	Federal Travel Regulation (FTR) Amendment (Unassigned), Separate Relocation Benefits for Employee Members of the Same Immediate Family; Expansion of the Mobile Home Allowance	3090-AE20
3955	Federal Travel Regulation (FTR) Amendment (Unassigned), Increase in Maximum Reimbursement Limitations for Real Estate Sale and Purchase Expenses	3090-AE34
3956	Federal Travel Regulation (FTR) Amendment (Unassigned), Maximum Per Diem Rates	3090-AE44
3957	Federal Travel Regulation (FTR) Amendment (Unassigned), Relocation Income Tax Allowance (RITA) Tax Tables	3090-AE45
3958	Federal Travel Regulation (FTR) Amendment (Unassigned), Relocation Income Tax Allowance (RITA) Payments for Transfers to and From Puerto Rico and the U.S. Possessions	3090-AE46
3959	Federal Travel Regulation (FTR) Amendment (Unassigned), Travel Expenses of Federal Employees with Disabilities	3090-AE47
3960	Federal Travel Regulation (FTR) Amendment (Unassigned), Title Requirements for Reimbursement of Real Estate Transaction Expenses	3090-AE48
3961	Federal Property Management Regulation Part 101-17, Assignment and Utilization of Space	3090-AD42

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3962	Contracting Officer Warrant Program, CHGE 22 (5-297)	3090-AE01
3963	SBA 8(a) Program, CHGE 23 (GSAR 5-277)	3090-AE04
3964	Contracting Officer Warrant Program, CHGE 22 (5-297)	3090-AE08
3965	Implementation of Public Law 99-506, CHGE 25 (GSAR 5-269)	3090-AE09
3966	Use of the Metric System in GSA Procurements, CHGE 20 (GSAR 5-309)	3090-AE35
3967	Subcontracting Program, CHGE 24 (5-306)	3090-AE49
3968	Implement FAC 90-4, CHANGE 26 (5-318)	3090-AE55
3969	Hazardous Substances Activity on Federal Excess and Surplus Real Property	3090-AE27
3970	Donation of Abandoned and Forfeited Personal Property	3090-AA24
3971	Federal Travel Regulation (FTR) Amendment 16, "Last Move Home" Benefits for Senior Executive Service Career Appointees Upon Retirement	3090-AD76
3972	Federal Travel Regulation (FTR) Amendment 18, Automobile Mileage Reimbursement	3090-AD87
3973	Federal Travel Regulation (FTR) Amendment 14, Relocation Income Tax Allowance	3090-AD88
3974	Federal Property Management Regulation (FPMR) Temporary Regulation - G-54, Use of Contractor for Express Small Package Transportation	3090-AE23
3975	Federal Travel Regulation (FTR) Amendment 15, Relocation Income Tax Allowance Tax Tables	3090-AE24
3976	Federal Travel Regulation (FTR) Amendment 17, Pre-employment Interview Travel Expenses and Relocation Expenses of New Appointees	3090-AE36
3977	Federal Travel Regulation (FTR) Amendment (Unassigned), Reimbursement of Higher Actual Subsistence Expenses in Special or Unusual Circumstances	3090-AE57

GENERAL SERVICES ADMINISTRATION (GSA) — Prerule Stage

OFFICE OF ACQUISITION POLICY

3924. ● SUBCONTRACTING PLANS (5-321)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 519; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would prescribe a provision for use in negotiated solicitations over the prospectus level ($1,500,000) or construction, repair and alteration or leases requiring all offerors, other than small business concerns, to submit subcontracting plans that would be negotiated concurrently with other parts of the offeror's proposal.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE51

3925. ● ETHICAL STANDARDS FOR CONTRACTOR EMPLOYEES (5-317)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 503; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would provide a clause to cover the activities of contractors that provide services in support of Government personnel in inspecting, evaluating, and monitoring the performance of other contractors.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE52

3926. ● MISCELLANEOUS CHANGES (5-315)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 502; 48 CFR 504; 48 CFR 509; 48 CFR 513; 48 CFR 514; 48 CFR 515; 48 CFR 524

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would provide guidance to contracting activities concerning the need for preaward notices under small business - small purchase set-asides and clarifies the requirement to solicit incumbent contractors in parts 514 and 515. Miscellaneous changes would be made in parts 501, 504, 509, 513, and 524 to clarify when legal review of contract modifications is not required, reflect the changes in agency competition advocates' titles and the name and correspondence symbol of the office responsible for controlling contractors' access to classified information, and clarify the date to be time-stamped on invoices.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE53

3927. ● MULTIYEAR CONTRACTING UNDER FEDERAL SUPPLY SERVICE (FSS) AND MULTIPLE AWARD SCHEDULE PROGRAM (5-288)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 505; 48 CFR 516; 48 CFR 538; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would provide policy and procedures concerning the use of multiyear contracting in the Federal Supply Services's (FSS) Multiple Award Schedule (MAS) Program. Additionally, the change prescribes a clause and alternates, which permit new offerors to submit proposals and current contractors to add new items during specific 30-day periods ("open seasons") of the particular multiyear schedule solicitation. A second clause is prescribed for the limited circumstance when the multiyear solicitation will not provide for at least one open season.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Sectors Affected: Multiple

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE54

OFFICE OF ADMINISTRATION

3928. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND, WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-8.2

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of

discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, EEO Specialist (AKC), General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202 501-1368

RIN: 3090–AC49

PUBLIC BUILDINGS SERVICE

3929. GOVERNMENTWIDE REAL PROPERTY ASSET MANAGEMENT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 16; 41 CFR 17; 41 CFR 47

Legal Deadline: None

Abstract: This regulation is being issued for the purpose of requiring Executive agencies to institute policies and procedures to preserve and protect Federal real property assets. This regulation will not produce a major impact on the economy, and its potential benefits outweigh potential costs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: James M. Cayce, Director, Governmentwide Policy Division, Public Buildings Service, General Services Administration, 18th & F Streets, Washington, DC 20405, 202 501-0507

RIN: 3090–AD43

3930. FEDERAL PROPERTY MANAGEMENT REGULATIONS PART 101-21, FEDERAL BUILDINGS FUND

Significance: Regulatory Program

Legal Authority: 40 USC 490

CFR Citation: 41 CFR 101-21

Legal Deadline: None

Abstract: This regulation is being revised to reflect the change in terminology from "Standard Level User Charge" to "Rent," to change the guidelines for determining when an appeal to the rent rate is appropriate, to include procedures for requesting adjustments in the event of a billing error, to introduce the change in terminology from SIBAC to OPAC, to replace references to "non-SIBAC" agencies with "BOAC" agencies, to provide clarification of agencies' financial responsibilities in forced moves, to define the maximum timeframe for notification of increased rent changes, and to expand the section on determination of rent to more thoroughly describe that process.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Manfred van der Walde, Director, Financial Management Division, Public Buildings Service, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-1954

RIN: 3090–AE28

3931. ● FEDERAL PROPERTY MANAGEMENT REGULATION PART 101-18, ACQUISITION OF REAL PROPERTY

Significance: Agency Priority

Legal Authority: 40 USC 481; 40 USC 601; 7 USC 1924; 40 USC 490; 40 USC 531; 42 USC 3601; 42 USC 4321; 42 USC 4201; EO 12411; EO 12512; PL 100-678

CFR Citation: 41 CFR 101-18

Legal Deadline: None

Abstract: This proposed rule sets forth the basic policy under which the General Services Administration (GSA) leases or delegates to other agencies the authority to lease space in privately-owned buildings. It proposes certain categories of special purpose space which could be leased for a period of up to 5 years by any agency without specific authorization from the Administrator of GSA. It designates certain types of space which may be acquired for lease terms of up to 5 years by certain agencies without further specific authorization from the Administrator of GSA. This proposed rule also defines the limitations on agency use of delegated leasing authority, and the socioeconomic considerations which must be applied by both GSA and delegated agencies when acquiring space by lease.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/91	
ANPRM Comment Period End	11/30/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kathleen K. Geisler, Chief, Surveys and Training Branch (PQRU), Public Buildings Service, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-4084

RIN: 3090–AE43

GENERAL SERVICES ADMINISTRATION (GSA)

Proposed Rule Stage

OFFICE OF ACQUISITION POLICY

3932. MULTIPLE AWARD SCHEDULE PROGRAM (GSAR 5-38A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 538; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation will be amended to revise Section 515.804-3 to add instructions on claiming and granting exemptions to the requirement for submission on cost or pricing data in the multiple award schedule (MAS) contracting process; to add Section 515.804-70 to provide the format of the discount schedule and marketing data sheets to be used in MAS solicitations; to add Part 538 to provide procedures on the GSA schedule contracting process; and to add Section 552.238-70 to provide text of the price reductions clause to be used in certain MAS solicitations and contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 31344

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AC61

3933. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR), NIB/NISH PURCHASING PROCEDURES (GSAR CASE NO. 5-64/190)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 508

Legal Deadline: None

Abstract: This proposed change to the GSAR will establish uniform procedures within GSA for purchasing from the National Industries for the Blind (NIB) or the National Industries for the Severely Handicapped (NISH) workshops. The proposed change also will establish a pricing for commodities and services which have an annual value of less than $50,000.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AD92

OFFICE OF ADMINISTRATION

3934. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 29 USC 794 Section 504 of the Rehabilitation Act of 1973

CFR Citation: 41 CFR 101-8

Legal Deadline: None

Abstract: The General Services Administration (GSA) proposes this regulation to implement the above cited law. This regulation would amend GSA's regulation for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs of activities to include a cross-reference to the Uniform Federal Accessibility Standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Myrtle K. Cook, EEO Specialist, Office of Ethics and Civil Rights, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-1368

RIN: 3090–AE32

GENERAL SERVICES ADMINISTRATION (GSA)

Final Rule Stage

OFFICE OF ACQUISITION POLICY

3935. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, PRICE ADJUSTMENT CLAUSE (GSAR NOTICE NO. 5-129A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 522; 48 CFR 552

Legal Deadline: None

Abstract: This notice invites comments on a proposed change to the GSAR that would revise section 522.1006 to prescribe a Fair Labor Standards Act and Service Contract-Price Adjustment Act Clause for use in fixed price service contracts which contain the FAR clause at 52.222-41, Service Control Act; and to revise the text of the Fair Labor Standards Act and Service Contract Act-Price Adjustment Clause in section 552.222-43 to eliminate the ceiling on recoverable cost increases during out years of multiyear contracts or option years and substitute a requirement.

Timetable:

Action	Date	FR Cite
NPRM	02/19/91	56 FR 6600
NPRM Comment Period End	03/21/91	56 FR 6600

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, **202 501-3822**

RIN: 3090–AD91

3936. PROVISIONS AND CLAUSES (DESIGN-BUILD SERVICE CONTRACTS) (GSAR 5-303)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 510; 48 CFR 516; 48 CFR 528; 48 CFR 536; 48 CFR 543; 48 CFR 548; 48 CFR 549; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would revise the prescription for use of several provisions and clauses, revise the text of other provisions and clauses, and new clauses as well as a matrix in order to provide for the use of design-build service contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/26/91	56 FR 29207
NPRM Comment Period End	07/26/91	56 FR 29207
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: All

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: The underlying information collection is imposed by the Federal Acquisition Regulation.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, **202 501-3822**

RIN: 3090–AE02

3937. EQUITABLE ADJUSTMENTS CLAUSE (GSAR 5-255)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 543; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would amend the title and text of the Equitable Adjustments clause at 552.243-71 prescribed for use in construction contracts. Additionally, the proposed change would provide instructions to contractors for completing the SF-1411 for submission in connection with construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/01/91	56 FR 13301
NPRM Comment Period End	05/01/91	56 FR 13301
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: All

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: The underlying information collection is imposed by the Federal Acquisition Regulation.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, **202 501-3822**

RIN: 3090–AE05

3938. ACQUISITION CIRCULAR AC-91-1-REVISION OF PRESCRIPTIONS FOR USE OF CERTAIN CLAUSES IN ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY (5-314)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 570

Legal Deadline: None

Abstract: This temporary change to the General Services Administration Acquisition Regulation revises the prescription for use of certain clauses in leases of blocks of 10,000 square feet or less. Additionally, changes are made in the prescription for use of the Tax Adjustments clause.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/91	56 FR 4734
NPRM	06/26/91	56 FR 29201
NPRM Comment Period End	07/26/91	56 FR 29201
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, **202 501-3822**

RIN: 3090–AE06

3939. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, Sec 319; 40 USC 486(c)

CFR Citation: 41 CFR 105-69

Legal Deadline: None

Abstract: This interim final rule is in response to section 319 of P.L. 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6753
Interim Final Rule Effective	02/26/90	55 FR 6753

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: All

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE25

3940. DEVIATION TO FAR BUY AMERICAN ACT - TRADE AGREEMENTS ACT—BALANCE OF PAYMENT PROGRAM, ACQUISITION CIRCULAR(AC 90-2) (GSAR 5-308)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 525; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) is temporarily amended to authorize GSA contracting activities to deviate from the FAR 52.225-8, Buy American Act-Trade Act-Trade Agreements Act-Balance of Payments Program Certificate and FAR 52.225-9, Buy American Act-Trade Agreements Act-Balance of Payment Program. The deviation authorizes contracting officers to insert the provision at 552.225-8 and the clause at 552.225-9 in lieu of the FAR provision and clause in procurements subject to the Trade Agreement Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/01/90	55 FR 46068

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE26

3941. REAL PROPERTY LEASING CLAUSES (GSAR 5-313)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552; 48 CFR 570

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would make revisions to the clauses prescribed for use in contracts for the acquisition of leasehold interests in real property to improve the leasing program.

Timetable:

Action	Date	FR Cite
NPRM	06/26/91	56 FR 29201
NPRM Comment Period End	07/26/91	56 FR 29201
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE31

3942. LATE OFFERS PROVISION (LEASES OF REAL PROPERTY), (GSAR 5-292)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552; 48 CFR 570

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would revise the Late Submissions, Modifications, and Withdrawals of Offers provision at 552.270 to add material to recognize the contracting officer's ability to authorize the submission of offers and modifications or withdrawals via facsimile and to revise section 570.207 to provide procedures for contracting officers' consideration of late offers received before a request for "best and final" is issued.

Timetable:

Action	Date	FR Cite
NPRM	04/11/91	56 FR 14676
NPRM Comment Period End	05/13/91	56 FR 14676
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE33

3943. IMPLEMENT FEDERAL ACQUISITION CIRCULAR (FAC) 90-3 (GSAR 5-312)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 519; 48 CFR 533; 48 CFR 547; 48 CFR 552; 48 CFR 553

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation (GSAR) amends the regulation as necessary to conform with the FAR as amended by FAC 90-3 on a number of issues including, but not limited to, taxpayer identification numbers, publicizing procurement actions, negotiation after sealed bidding, solicitation provisions for negotiated construction contracts, the Small Business Competitiveness Demonstration Program, tailgate delivery, and computer generation of forms by the public.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE39

3944. ● REVISION OF MARKING CLAUSE (GSAR 5-316)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation (GSAR) would revise the clause at 552.210-75, Marking to extend the right of the Government to perform required marking to any shipment of improperly marked supplies received from a contractor without prior notice to the contractor.

Timetable:

Action	Date	FR Cite
NPRM	04/11/91	56 FR 14675
NPRM Comment Period End	05/13/91	56 FR 14675
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE50

3945. ● ACQUISITION CIRCULAR AC-91-2, REVISION TO GSAR ELIGIBLE PRODUCTS FROM NONDESIGNATED COUNTRIES-WAIVER (5-308A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) is temporarily amended to revise GSAR 552.225-72. The amendment provides a clause for use in procurements subject to the Trade Agreements Act (TAA), 19 USC 2501-2582, that permits offerors to offer end products from nondesignated countries where specific circumstances exist and GSA decides to exercise the authority delegated by the U.S. Trade Representative to waive the purchasing prohibition on such end products set forth in the TAA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/91	56 FR 11692
Final Action	03/24/92	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE56

OFFICE OF ADMINISTRATION

3946. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: PL 95-602, Sec 119

CFR Citation: 41 CFR 105-8

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement the above cited law. This statute prohibits discrimination on the basis of handicap as it applies to any programs or activities conducted by GSA.

Timetable:

Action	Date	FR Cite
NPRM	03/22/89	34 FR 11750
NPRM Comment Period End	07/20/89	

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: All comments to the regulation (proposed rule) have been reconciled. This regulation was forwarded to the Department of Justice (DOJ) for approval as final rule on May 9, 1990.

Agency Contact: Thomas E. Henderson, Equal Employment Specialist (AKC), General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202 501-1368

RIN: 3090–AC48

FEDERAL PROPERTY RESOURCES SERVICE

3947. PROPERTY FOR HOMELESS ASSISTANCE PURPOSES

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47

Legal Deadline: Other, Statutory, February 27, 1991.

Abstract: The General Services Administration is amending its regulations to implement requirements in P.L. 101-645 concerning the use of certain federally owned real property to serve the homeless.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/91	56 FR 23789
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division (DRP), Federal Property Resources Service, General Services Administration, 18th F Streets, NW., Washington, DC 20405, 202 501-0052

RIN: 3090–AE30

3948. ● PUBLICITY AND CREDIT SALES POLICIES CONCERNING THE DISPOSAL OF CERTAIN SURPLUS GOVERNMENT-OWNED REAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.304

Legal Deadline: None

Abstract: The General Services Administration is amending its regulations to provide improved publicity and credit sales policies concerning the disposal of certain Government-owned surplus real property.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marjorie L. Lomax, Director, Policy Analysis and Planning Division (DRP), General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-0052

RIN: 3090–AE40

3949. ● NON-FEDERAL INTERIM USE OF CERTAIN GOVERNMENT-OWNED REAL PROPERTY

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.203-9; 41 CFR 101-47.312

Legal Deadline: None

Abstract: The General Services Administration is amending its regulations concerning the non-Federal interim use of Government-owned excess and surplus real property.

Timetable:

Action	Date	FR Cite
Final Action	03/00/92	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Marjorie L. Lomax, Director, Policy Analysis and Planning Division (DRP), General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-0052

RIN: 3090–AE41

3950. ● DELEGATIONS OF AUTHORITY TO THE HEADS OF CERTAIN FEDERAL AGENCIES CONCERNING THE DISPOSITION OF LOW VALUE EXCESS REAL AND RELATED PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.601(a); 41 CFR 101-47.602(a); 41 CFR 101-47.603(b); 41 CFR 101-47.604

Legal Deadline: None

Abstract: The General Services Administration is amending its regulations to increase from $1,000 to $15,000 the estimated fair market value threshold beneath which authority is delegated to the Secretary of Defense, the Secretary of Agriculture, and the Secretary of the Interior to dispose of excess Government-owned real and related personal property.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax, Director, Policy Analysis and Planning Division (DRP), General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-0052

RIN: 3090–AE42

FEDERAL SUPPLY SERVICE

3951. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-42 to 101-46; 41 CFR 101-48; 41 CFR 101-49

Legal Deadline: None

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Stanley M. Duda, Director, Property Management Division (FBP), General Services Administration, Federal Supply Service, Washington, DC 20406, 703 557-1240

RIN: 3090–AA42

3952. SUBMISSION OF RATED ON-BOARD BILLS OF LADING FOR OCEAN SHIPMENTS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This rule proposes to amend the Federal Property Management Regulations by requiring carriers/forwarders to submit a copy of the rated on-board vessel ocean bill of lading when billing for an ocean shipment to be paid by the U.S. Government.

Timetable:

Action	Date	FR Cite
NPRM	04/24/91	56 FR 18797

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sandfort, Chief, Regulations, Procedures, and Policy Branch (FWPR), Office of the Controller, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-4563

RIN: 3090–AD89

3953. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), ACCEPTANCE OF PAYMENT FROM A NON-FEDERAL SOURCE FOR TRAVEL EXPENSES

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747); 31 USC 1353; 5 USC 4111(b)

CFR Citation: 41 CFR 301-1; 41 CFR 304

Legal Deadline: None

Abstract: This final rule implements legislation governing the acceptance of travel, subsistence, and related expenses from a non-Federal source. It provides central policy direction on the

subject and supersedes all previous interim rules which provided policy direction pending development of this rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/08/91	56 FR 9878
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch (FBTR), Travel Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090–AE19

3954. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), SEPARATE RELOCATION BENEFITS FOR EMPLOYEE MEMBERS OF THE SAME IMMEDIATE FAMILY; EXPANSION OF THE MOBILE HOME ALLOWANCE

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 302-1; 41 CFR 302-3; 41 CFR 302-7

Legal Deadline: None

Abstract: This amendment allows transferred employees who are members of the same immediate family to receive separate relocation allowances. It also revises the definition of a mobile dwelling to include a boat used as the employee's primary residence and to include as a reimbursable transportation expense the necessary costs of preparing a mobile home for movement and resettling it at the new destination. The estimated economic impact of this amendment for all Federal agencies is $3.7 million.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert A. Clauson, Staff Accountant, Regulations Branch (FBTR), Travel Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 577-1253

RIN: 3090–AE20

3955. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), INCREASE IN MAXIMUM REIMBURSEMENT LIMITATIONS FOR REAL ESTATE SALE AND PURCHASE EXPENSES

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 23, 1971 (36 FR 13747)

CFR Citation: 41 CFR 302-6

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This amendment increases the minimum dollar limitations on reimbursement for allowable real estate sale and purchase incident to a change of official station. The economic impact of this amendment has not been determined to date.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch (FBTR), Travel Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090–AE34

3956. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), MAXIMUM PER DIEM RATES

Significance: Agency Priority

Legal Authority: 5 USC 5702; 5 USC 5707; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301

Legal Deadline: None

Abstract: Pursuant to the 1991 meal and lodging cost survey, Appendix A at the end of 41 CFR Chapter 301 is revised to reflect changes in the listing formerly published in 55 FR 51713 et seq., December 17, 1990. The economic impact of this amendment has not been determined to date.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	
Final Action Effective	01/01/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch (FBTR), Travel Management Division, Federal Supply Service, General Services Administration, Washington, DC 20406, 703 557-1253

RIN: 3090–AE44

3957. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), RELOCATION INCOME TAX ALLOWANCE (RITA) TAX TABLES

Significance: Agency Priority

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (36 FR 13747); EO 12466, February 27, 1984 (49 FR 7349)

CFR Citation: 41 CFR 302-11

Legal Deadline: None

Abstract: This amendment provides the annual update to the State and Federal tax tables used in computing relocation income tax allowance (RITA) payments for Federal employees.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	
Final Action Effective	01/01/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch (FBTR), Travel Management Division, Federal Supply Service, General Services Administration, Washington, DC 20406, 703 557-1253

RIN: 3090–AE45

3958. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), RELOCATION INCOME TAX ALLOWANCE (RITA) PAYMENTS FOR TRANSFERS TO AND FROM PUERTO RICO AND THE U.S. POSSESSIONS

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971

(36 FR 13747); EO 12466, February 27, 1984 (49 FR 7349)

CFR Citation: 41 CFR 302-11

Legal Deadline: None

Abstract: This amendment authorizes payment of the relocation income tax allowance (RITA) for transfers to and from Puerto Rico and the U.S. possessions. The economic impact of this amendment has not been determined to date.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/87	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch (FBTR), Travel Management Division, Federal Supply Service, General Services Administration, Washington, DC 20406, 703 557-1253

RIN: 3090–AE46

3959. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), TRAVEL EXPENSES OF FEDERAL EMPLOYEES WITH DISABILITIES

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301

Legal Deadline: None

Abstract: This amendment provides for reimbursement of certain additional travel expenses incurred by a Federal employee with a disability traveling on official business. The economic impact of this amendment has not been determined to date.

Timetable:

Action	Date	FR Cite
Final Action	04/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch (FBTR), Travel Management Division, Federal Supply Service, General Services Administration, Washington, DC 20406, 703 557-1253

RIN: 3090–AE47

3960. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), TITLE REQUIREMENTS FOR REIMBURSEMENT OF REAL ESTATE TRANSACTION EXPENSES

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 302-1; 41 CFR 302-6

Legal Deadline: None

Abstract: This amendment broadens the scope of employees who meet the FTR title requirements to qualify for real estate sale/purchase expense reimbursement. The economic impact of this amendment has not been determined to date.

Timetable:

Action	Date	FR Cite
Final Action	04/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch (FBTR), Travel Management Division, Federal Supply Service, General Services Administration, Washington, DC 20406, 703 557-1253

RIN: 3090–AE48

PUBLIC BUILDINGS SERVICE

3961. FEDERAL PROPERTY MANAGEMENT REGULATION PART 101-17, ASSIGNMENT AND UTILIZATION OF SPACE

Significance: Agency Priority

Legal Authority: 40 USC 481; 40 USC 601; 7 USC 1924; 40 USC 490; 40 USC 531; 42 USC 3601; 42 USC 4321; 42 USC 4201; EO 12072; EO 12411; EO 12512; PL 100-678

CFR Citation: 41 CFR 101-17

Legal Deadline: None

Abstract: A new temporary amendment to FPMR 101-17, Assignment and Utilization of Space, will improve the space delivery process for Federal agencies by making it more efficient, more timely, and better able to deliver quality space that supports agency mission needs. The new temporary FPMR will: implement a new space assignment process that emphasizes client service; establish a new, comprehensive move policy that clarifies roles and responsibilities; revise the GSA location policy to be more responsive to agency mission needs; revise the standard alterations, which agencies receive upon an initial move, to recognize modern office needs; and revise the space classification definitions to eliminate ambiguity. These changes will result in a more efficient space delivery process and improve the overall efficiency of Government operations. The current FPMR Temporary Regulation D-73 is outdated and is not comprehensive in its coverage of the process for acquisition and assignment of Federal space. The new temporary FPMR will correct these problems.

Timetable:

Action	Date	FR Cite
NPRM	12/05/89	54 FR 50251
NPRM Comment Period End	01/04/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 651 Real Estate Operators (except Developers) and Lessors; 871 Engineering, Architectural, and Surveying Services

Agency Contact: Patrick Mountain, Chief, Assignment and Utilization Policy Branch (PQPR), General Services Administration, Public Buildings Service, Washington, DC 20405, 202 501-3592

RIN: 3090–AD42

3962. CONTRACTING OFFICER WARRANT PROGRAM, CHGE 22 (5-297)

CFR Citation: 48 CFR 501

Completed:

Reason	Date	FR Cite
Final Action	04/16/91	56 FR 15287
Final Action Effective	04/01/91	56 FR 15287

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, 202 501-3822

RIN: 3090–AE01

3963. SBA 8(A) PROGRAM, CHGE 23 (GSAR 5-277)

CFR Citation: 48 CFR 519

Completed:

Reason	Date	FR Cite
Final Action	06/11/91	56 FR 26769
Final Action Effective	06/13/91	56 FR 26769

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, 202 501-3822

RIN: 3090–AE04

3964. CONTRACTING OFFICER WARRANT PROGRAM, CHGE 22 (5-297)

CFR Citation: 48 CFR 501

Completed:

Reason	Date	FR Cite
Final Action	04/16/91	56 FR 15287
Final Action Effective	04/01/91	56 FR 15287

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, 202 501-3822

RIN: 3090–AE08

3965. IMPLEMENTATION OF PUBLIC LAW 99-506, CHGE 25 (GSAR 5-269)

CFR Citation: 48 CFR 538; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	06/27/91	56 FR 29442
Final Action Effective	07/08/91	56 FR 29442

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, 202 501-3822

RIN: 3090–AE09

3966. USE OF THE METRIC SYSTEM IN GSA PROCUREMENTS, CHGE 20 (GSAR 5-309)

CFR Citation: 48 CFR 507; 48 CFR 510

Completed:

Reason	Date	FR Cite
Final Action	01/25/91	56 FR 2864
Final Action Effective	01/31/91	56 FR 2864

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, 202 504-3822

RIN: 3090–AE35

3967. ● SUBCONTRACTING PROGRAM, CHGE 24 (5-306)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 519; 48 CFR 553

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation was amended to revise Section 519. 705-4(d) to require that the contracting office explain on GSA Form 3584, Checklist for Review of Subcontracting Plan, or attachment, his/her determination that an option covered by the subcontracting plan offers no subcontracting opportunities, and to delete material in part 519 that duplicates FAR policies and procedures.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/14/91	56 FR 26921
Final Action	06/12/91	56 FR 26921

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE49

3968. ● IMPLEMENT FAC 90-4, CHANGE 26 (5-318)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 508; 48 CFR 510; 48 CFR 549

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) was amended to provide appropriate agency coverage to implement Federal Acquisition Regulation (FAC) 90-4 with respect to several procurement areas, including procurement priority of Federal Prison Industries, metric system of measurement, bankruptcy, and termination for default.

Timetable:

Action	Date	FR Cite
Final Action	07/23/91	56 FR 33721
Final Action Effective	07/29/91	56 FR 33721

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 501-3822

RIN: 3090–AE55

3969. HAZARDOUS SUBSTANCES ACTIVITY ON FEDERAL EXCESS AND SURPLUS REAL PROPERTY

Significance: Agency Priority

CFR Citation: 41 CFR 101-47.202-2; 41 CFR 101-47.203-7; 41 CFR 101-47.304-14; 41 CFR 101-47.307-2

Completed:

Reason	Date	FR Cite
Final Action	04/15/91	56 FR 15048
Final Action Effective	04/15/91	56 FR 15048

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax, 202 501-0052

RIN: 3090–AE27

3970. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

CFR Citation: 41 CFR 101-48.2

Completed:

Reason	Date	FR Cite
Withdrawn	07/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley M. Duda, 703 557-1240

RIN: 3090–AA24

3971. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 16, "LAST MOVE HOME" BENEFITS FOR SENIOR EXECUTIVE SERVICE CAREER APPOINTEES UPON RETIREMENT

Significance: Agency Priority

CFR Citation: 41 CFR 302-1

Completed:

Reason	Date	FR Cite
Final Action	04/15/91	56 FR 15049
Final Action Effective	09/22/88	56 FR 15049

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert A. Clauson, 703 557-1253

RIN: 3090–AD76

3972. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 18, AUTOMOBILE MILEAGE REIMBURSEMENT

CFR Citation: 41 CFR 301-4

Completed:

Reason	Date	FR Cite
Final Action	06/25/91	56 FR 28824
Final Action Effective	06/30/91	56 FR 28824

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul Thompson, 703 557-1253

RIN: 3090–AD87

3973. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 14, RELOCATION INCOME TAX ALLOWANCE

CFR Citation: 41 CFR 302-11

Completed:

Reason	Date	FR Cite
Final Action	03/06/91	56 FR 9289
Final Action Effective	01/01/87	56 FR 9289

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert A. Clauson, 703 557-1253

RIN: 3090–AD88

3974. FEDERAL PROPERTY MANAGEMENT REGULATION (FPMR) TEMPORARY REGULATION - G-54, USE OF CONTRACTOR FOR EXPRESS SMALL PACKAGE TRANSPORTATION

CFR Citation: 41 CFR 101-40

Completed:

Reason	Date	FR Cite
Final Action - Expiration Date - 01/14/92	07/24/91	56 FR 33876
Final Action Effective	01/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Boyce Steiner, 703 557-7978

RIN: 3090–AE23

3975. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 15, RELOCATION INCOME TAX ALLOWANCE TAX TABLES

CFR Citation: 41 CFR 301-10; 41 CFR 302-11

Completed:

Reason	Date	FR Cite
Final Action	03/12/91	56 FR 10378
Final Action Effective	01/01/91	56 FR 10378

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert A. Clauson, 703 557-1253

RIN: 3090–AE24

3976. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 17, PRE-EMPLOYMENT INTERVIEW TRAVEL EXPENSES AND RELOCATION EXPENSES OF NEW APPOINTEES

CFR Citation: 41 CFR 301-1; 41 CFR 301-3; 41 CFR 301-7; 41 CFR 301-10; 41 CFR 301-11; 41 CFR 301-12; 41 CFR 301-14; 41 CFR 302-1; 41 CFR 302-2; 41 CFR 302-3; 41 CFR 302-4; 41 CFR 302-5; 41 CFR 302-6; 41 CFR 302-11; 41 CFR 302-12

Completed:

Reason	Date	FR Cite
Final Action	05/23/91	56 FR 23653
Final Action Effective	02/14/91	56 FR 23653

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert A. Clauson, 703 557-1253

RIN: 3090–AE36

3977. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), REIMBURSEMENT OF HIGHER ACTUAL SUBSISTENCE EXPENSES IN SPECIAL OR UNUSUAL CIRCUMSTANCES

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-8

Legal Deadline: None

Abstract: This amendment provides for the establishment of a higher maximum daily rate for the reimbursement of actual subsistence expenses of Federal employees on official travel to an area within the continental United States where special or unusual circumstances result in an extreme increase in subsistence costs for a temporary period.

Timetable:

Action	Date	FR Cite
Final Action	08/07/91	56 FR 37478
Final Action Effective	08/07/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Susan May, Chief, Systems Branch (FBTS), Travel Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090–AE57

[FR Doc. 91-21606 Filed 10-18-91; 8:45 am]

BILLING CODE 6820-34-F

Federal Register

Monday
October 21 1991

Part XXVI

Merit Systems Protection Board

Semiannual Regulatory Agenda

MERIT SYSTEMS PROTECTION BOARD (MSPB)

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board (MSPB) regulations have been amended. They are submitted herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291. No other regulatory action is scheduled for review or development from October 1991 through September 1992.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Director, Office of Management Analysis, (202) 653-8892.

Dated: August 16, 1991.

Merit Systems Protection Board.

Daniel R. Levinson,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Completed Actions

3978. ● PART 1200—BOARD ORGANIZATION

Significance: Agency Priority

Legal Authority: 5 USC 1204 (h); 5 USC 1204 (j)

CFR Citation: 5 CFR 1200.10

Legal Deadline: None

Abstract: This revision reflects organizational changes made since the Board last updated and published its organization and function statements on May 23, 1990. Those organizational changes are: (1) the offices of Equal Employment Opportunity, Inspector General, and General Counsel now report directly to the Chairman; (2) public affairs functions are now centralized in the Office of Management Analysis; and (3) the title of the Personnel Division has been changed to Human Resources Management Division.

Timetable:

Action	Date	FR Cite
Final Action	08/23/91	56 FR 41747
Final Action Effective	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Bentley Roberts, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, **202 653-8892**

RIN: 3124–AA21

3979. ● PART 1201—PRACTICES AND PROCEDURES

Significance: Agency Priority

Legal Authority: PL 101-194 Ethics Reform Act of 1989; 5 USC 1204; 5 USC 1221; 5 USC 2302(b)(8); 5 USC 7701

CFR Citation: 5 CFR 1201.3; 5 CFR 1201, App I; 5 CFR 1201, App II

Legal Deadline: None

Abstract: The Board is amending its regulations to: (1) add a new appealable action, "removal of a career member from the Senior Executive Service for failure to be recertified," and specifies that the standard of proof in such cases shall be "substantial evidence," in accordance with the Ethics Reform Act of 1989 (Pub. L. 101-194); (2) amend Appendix I to Part 1201, the MSPB Appeal Form, to add two new sections for use in processing appeals filed by whistleblowers under the provisions of 5 USC 1209. Revisions also include some word changes in the general instructions and the renumbering of Sections II, III, and IV; and (3) amend Appendix II to Part 1201 to transfer the southern part of the state of Illinois from the geographic jurisdiction of the Chicago Regional Office to that of the St. Louis Regional Office and to reflect the current facsimile number of the Denver Regional Office.

Timetable:

Action	Date	FR Cite
Final Action	08/23/91	56 FR 41748
Final Action Effective	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Duward Sumner, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, **202 653-8892**

RIN: 3124–AA22

3980. ● PART 1203—PROCEDURES FOR REVIEW OF RULES AND REGULATIONS OF THE OFFICE OF PERSONNEL MANAGEMENT

Significance: Agency Priority

Legal Authority: 5 USC 1204(a); 5 USC 1204(f); 5 USC 1204(h)

CFR Citation: 5 CFR 1203.12(c)

Legal Deadline: None

Abstract: The Board is amending its regulation to remove the requirement that all Board orders granting or denying a request for regulation review be published in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	08/23/91	56 FR 41748
Final Action Effective	08/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Duward Sumner, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, **202 653-8892**

RIN: 3124–AA23

[FR Doc. 91–20874 Filed 10–18–91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XXVII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda of regulations.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESSES: Director, Management Operations Office (Code NA), Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, (202) 453-2922.

SUPPLEMENTARY INFORMATION: OMB guidelines dated June 11, 1991, "October 1991 Unified Agenda of Federal Regulations," Executive Order 12291 "Federal Regulation," and NASA Management Instruction 1410.10 "**Federal Register:** Delegation of Authority and Requirements for Publication of NASA Documents" require a regulatory agenda of those regulations under development and a review be published in the **Federal Register** each April and October.

Dated: August 19, 1991.

John W. Gaff,

Director, Management Operations Office.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3981	Uniform Administrative Requirements for Grants and Cooperative Agreements	2700-AA95

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3982	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3983	Space Transportation System; Mementos Aboard Space Shuttle Flights	2700-AA18
3984	Delegation of Authority for Certain Civil Rights Compliance Responsibilities for Elementary and Secondary Schools and Institutions of Higher Education to the Department of Education	2700-AA47
3985	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Assistance by NASA	2700-AA69
3986	Limited Arrest Authority and Use of Force by NASA Security Force Personnel	2700-AA80
3987	NASA Grant and Cooperative Agreement Handbook Instruction 84-6	2700-AA98

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3988	Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3989	Nondiscrimination in Federally-Assisted Programs of NASA	2700-AA50
3990	Duty-Free Entry of Space Articles	2700-AA62
3991	Cross-Waiver of Liability	2700-AB00
3992	Streamlined Source Selection	2700-AB03
3993	Space Transportation System; Astronaut Candidate Recruitment and Selection Program	2700-AB05
3994	New Restrictions on Lobbying	2700-AB06
3995	NASA FAR Supplement Directive 89-9	2700-AB10
3996	Indemnification	2700-AB12
3997	NASA FAR Supplement Directive (NFSD) 89-11	2700-AB15
3998	NASA FAR Supplement Directive (NFSD) 89-10	2700-AB16
3999	PRIVACY ACT - NASA REGULATIONS	2700-AB20
4000	Environmental Quality	2700-AB21
4001	Administrative Authority and Policy; Actions in Real Estate	2700-AB22
4002	Administrative Authority and Policy; to Grant Easements	2700-AB23
4003	Administrative Authority and Policy; to Grant Leaseholds, Permits and Licenses	2700-AB24
4004	NASA Far Supplement Directive (NFSD) 89-12	2700-AB25
4005	NASA FAR Supplement Directive (NFSD) 89-13	2700-AB26

NASA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4006	NASA Grant and Cooperative Agreement Handbook Instruction 84-7	2700-AB27

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4007	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
4008	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users	2700-AA45
4009	Policy Concerning Data Obtained from Space Science Flight Investigations	2700-AA54
4010	Policy on the Protection of Human Subjects	2700-AA76
4011	NASA FAR Supplement Directive (NFSD) 89-7	2700-AB08
4012	NASA FAR Supplement Directive (NFSD) 89-8	2700-AB09
4013	Patents and Other Intellectual Property Rights	2700-AB17
4014	Tracking and Data Relay Satellite System (TDRSS)	2700-AB18
4015	Space Shuttle; Authority of Space Shuttle Commander	2700-AB19

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Prerule Stage

3981. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1270

Legal Deadline: None

Abstract: Common rule for grants administration replacing NASA implementation of OMB Circular A-110.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 214
Begin Review	04/01/91	
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David K. Beck, Chief, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8250

RIN: 2700–AA95

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Proposed Rule Stage

3982. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473; PL 85-588 Sec 203; PL 87-624 Sec 201(b); 47 USC 721(b)

CFR Citation: 14 CFR 1214.1; 14 CFR 1214.2; 14 CFR 1214.8

Legal Deadline: None

Abstract: NASA proposes to amend 14 CFR 1214 by consolidating Subparts 1214.1, 'Reimbursement for Shuttle Services Provided to Non-U.S. Government Users", 1214.2, "Reimbursements for Shuttle Services Provided to Civil U.S. Government Users and and Foreign Users Who have made Substantial Investments in the STS Program", and 1214.8, "Reimbursement for Spacelab Services". In an effort to avoid duplication and integrate related material into a single subpart, this consolidation combines these three subparts into one to become Subpart 1214.1,"General provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle".

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 2700-AA13 merged with RIN 2700-AA14.

Agency Contact: Robert L. Tucker, Office of Space Flight, Code MC, National Aeronautics and Space

Administration, NASA Headquarters, Washington, DC 20546, 202 453-2347

RIN: 2700–AA14

3983. SPACE TRANSPORTATION SYSTEM; MEMENTOS ABOARD SPACE SHUTTLE FLIGHTS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214.6

Legal Deadline: None

Abstract: Clarifies policy on carrying mementos aboard Space Shuttle flights and use of both official flight kits and personal preference kits.

Timetable:

Action	Date	FR Cite
NPRM	10/01/91	56 FR 31073

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert L. Tucker, Jr., Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2347

RIN: 2700–AA18

3984. DELEGATION OF AUTHORITY FOR CERTAIN CIVIL RIGHTS COMPLIANCE RESPONSIBILITIES FOR ELEMENTARY AND SECONDARY SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION TO THE DEPARTMENT OF EDUCATION

Legal Authority: 42 USC 2000d to 2000d-4; 20 USC 1681 to 1686; 29 USC 794

CFR Citation: 14 CFR 1204.508; 14 CFR 42.401 to 42.415

Legal Deadline: None

Abstract: This agreement will promote consistent and coordinated enforcement of covered non-discrimination provisions, will increase the efficiency of compliance activity, and will reduce burdens on recipients, beneficiaries, and federal agencies by consolidating compliance responsibilities, by eliminating duplication in civil rights reviews and data requirements, and by promoting consistent application of enforcement standards.

Timetable:

Action	Date	FR Cite
NPRM	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Deputy Assistant Administrator for Equal Opportunity Programs, National Aeronautics and Space Administration, Code E, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA47

3985. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM ASSISTANCE BY NASA

Legal Authority: 20 USC 1681 et seq

CFR Citation: 14 CFR 1253

Legal Deadline: None

Abstract: This regulation proposes to establish for NASA a set of rules prohibiting sex discrimination in educational programs or activities receiving financial assistance from NASA. Under authority provided by the Education Amendments of 1974, this regulation seeks to ensure that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or otherwise be subject to discrimination under any program or activity receiving Federal financial assistance from NASA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code E, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA69

3986. LIMITED ARREST AUTHORITY AND USE OF FORCE BY NASA SECURITY FORCE PERSONNEL

Legal Authority: 42 USC 2456(e); 42 USC 2456(f); EO 12356

CFR Citation: 14 CFR 1203.b

Legal Deadline: None

Abstract: NASA proposes to implement 42 USC 2456(e), (f), and EO 12356 by establishing centralized control over the exercise of arrest authority at NASA Headquarters and ensuring that NASA Security Force personnel at NASA Installations exercise such arrest authority, including the use of force to effect such an arrest in a manner consistent with both NASA's security objectives and recognized legal standards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2953

RIN: 2700–AA80

3987. NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK INSTRUCTION 84-6

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1260

Legal Deadline: None

Abstract: Miscellaneous changes to Grant and Cooperative Agreement Handbook.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David K. Beck, Chief, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8250

RIN: 2700–AA98

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Final Rule Stage

3988. TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568 Sec 203; 42 USC 2473

CFR Citation: 14 CFR 1215

Legal Deadline: None

Abstract: Annual revision of Appendix A to reflect each Calendar Year rate change for TDRSS services.

Timetable:

Action	Date	FR Cite
Final Action for CY 1992 Rate Change	06/19/91	56 FR 28048
Final Action for CY 1993 Rate Change	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene Ferrick, Office of Space Operations, Code O, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2030**

RIN: 2700–AA29

3989. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA

Legal Authority: 42 USC 2000e et seq; 29 USC 701 et seq; 42 USC 6101 et seq; EO 12250

CFR Citation: 14 CFR 1250

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1250, "Nondiscrimination in Federally-Assisted Programs of NASA," to reflect changes in the NASA organization and processes through which this regulation is implemented. The purpose of this Part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended.

Timetable:

Action	Date	FR Cite
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code E, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2163**

RIN: 2700–AA50

3990. DUTY-FREE ENTRY OF SPACE ARTICLES

Legal Authority: PL 98-573 Sec 124; PL 97-446 Sec 116 and Sec 156; 19 USC 1202 note

CFR Citation: 14 CFR 1214.15

Legal Deadline: None

Abstract: Amending 14 CFR Subpart 1214.15 to reflect the changes on the duty-free entry of communication satellites imposed by PL 98-573.

Timetable:

Action	Date	FR Cite
Final Action	03/31/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pierre M. Hartman, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2434**

RIN: 2700–AA62

3991. CROSS-WAIVER OF LIABILITY

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1266

Legal Deadline: None

Abstract: This rule proposes to implement regulatory cross-waivers of liability for NASA Space Transportation System (STS) agreements, NASA Shuttle Launch services agreements, and NASA Expendable Launch Vehicle (ELV) agreements entered into in the future.

Timetable:

Action	Date	FR Cite
NPRM	04/13/90	55 FR 13912
Final Action	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June W. Edwards, Assistant General Counsel, National Aeronautics and Space Administration, NASA Headquarters, Code G, Washington, DC 20546, **202 453-2456**

RIN: 2700–AB00

3992. STREAMLINED SOURCE SELECTION

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1870

Legal Deadline: None

Abstract: Techniques for improving the timeliness for evaluating proposals by the Source Evaluation Board Method.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8250**

RIN: 2700–AB03

3993. SPACE TRANSPORTATION SYSTEM; ASTRONAUT CANDIDATE RECRUITMENT AND SELECTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 2473; 47 USC 721(b)

CFR Citation: 14 CFR 1214 Subpart 1214.11

Legal Deadline: None

Abstract: NASA is currently revising this regulation concerning the Astronaut Candidate Recruitment and Selection Program to include selection requirements for Space Station Freedom Station Operator and Station Scientist Astronaut candidates.

Timetable:

Action	Date	FR Cite
Final Action	10/31/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Robert Parker, Director, Policy and Plans, Code MB, National Aeronautics and Space Administration, NASA Headquarters,

600 Independence Avenue, SW., Washington, DC 20546, 202 453-2582

RIN: 2700–AB05

3994. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, Sec 319; 31 USC 9301; PL 97-258

CFR Citation: 12 CFR 1271

Legal Deadline: None

Abstract: This interim rule is in response to section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive and legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6748
Interim Final Rule Effective	02/26/90	55 FR 6748

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8250

RIN: 2700–AB06

3995. NASA FAR SUPPLEMENT DIRECTIVE 89-9

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	10/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Regulations Development Branch, National Aeronautics and Space Administration, NASA Headquarters, 4th & Maryland Ave., SW., Washington, DC 20546, 202 453-8250

RIN: 2700–AB10

3996. INDEMNIFICATION

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: This regulation will bring procurement matters into line with Agency regulations proposed as 14 CFR 1266--Cross Waiver of Liability--55 FR No. 72, page 13912 (April 13, 1990) and improve the process flow of contractor requests.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Regulations Development Branch, National Aeronautics and Space Administration, NASA Headquarters, 4th & Maryland Ave., SW., Washington, DC 20546, 202 453-8250

RIN: 2700–AB12

3997. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-11

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register

Timetable:

Action	Date	FR Cite
Final Action	03/31/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Regulations Development Branch, National Aeronautics and Space Administration, Office of Procurement, NASA Headquarters, Washington, DC, 202 453-8250

RIN: 2700–AB15

3998. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-10

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement Directive (NFSD) 89-10 exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	12/31/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Regulations Development Branch, Code HP, National Aeronautics and Space Administration, Office of Procurement, NASA Headquarters, Washington, DC 20546, 202 453-8250

RIN: 2700–AB16

3999. ● PRIVACY ACT - NASA REGULATIONS

Legal Authority: 5 USC 552(a); 42 USC 2473

CFR Citation: 14 CFR 1212.(Revision)

Legal Deadline: None

Abstract: NASA proposes to amend 14 CFR 1212, Privacy Act - NASA Regulations, to reflect internal agency responsibilities with regard to the handling of appeals and to simplify the regulation to eliminate unnecessary duplication of the statutory language for ease of use by the public. In addition, this regulation provides for appeals and other remedies, and establishes procedures for individuals to access their Privacy Act records and to request amendment or correction of information in records concerning them.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Adria A. Lipka, NASA Records Officer, National Aeronautics and Space Administration, NASA Headquarters, IRM Policy Division, Code NTD-1, Washington, DC 20546, 703 271-5541

RIN: 2700–AB20

4000. ● ENVIRONMENTAL QUALITY

Legal Authority: 42 USC 2451 et seq; 42 USC 4321 et seq; 42 USC 4371 et seq; 42 USC 7609; EO 11514; EO 12114; EO 11988; EO 11990

CFR Citation: 14 CFR 1216

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1216, "Environmental Quality," to reflect changes in NASA organizational titles and the official designations of certain Federal agencies and State bodies with which NASA interacts. The NASA title changes do not indicate any change in organizational structure. The modification of State Agency designation reflects the cancellation of the A-95 process and promulgation of Executive Order 12372, "Intergovernmental Review of Federal Programs." None of the changes involve modifications of existing NASA procedure.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Kenneth Kumor, National Aeronautics and Space Administration, NASA Headquarters, Code NXG, Washington, DC 20546, 202 453-1956

RIN: 2700–AB21

4001. ● ADMINISTRATIVE AUTHORITY AND POLICY; ACTIONS IN REAL ESTATE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1204

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1204, "Delegation of Authority - To Take Actions in Real Estate and Related Matters." The text in 1204.501 is revised to reflect NASA's current organizational setting.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony J. Cuticchia, Realty Specialist, National Aeronautics and Space Administration, NASA Headquarters Code NXG, Washington, DC 20546, 202 453-1964

RIN: 2700–AB22

4002. ● ADMINISTRATIVE AUTHORITY AND POLICY; TO GRANT EASEMENTS

Legal Authority: 14 USC 2473

CFR Citation: 14 CFR 1204

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1204, "Delegation of Authority to Grant Easements." The text in 1204.503 is revised to reflect NASA's current organizational setting.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Anthony J. Cuticchia, Realty Specialist, National Aeronautics and Space Administration, NASA Headquarters Code NXG, Washington, DC 20546, 202 453-1964

RIN: 2700–AB23

4003. ● ADMINISTRATIVE AUTHORITY AND POLICY; TO GRANT LEASEHOLDS, PERMITS AND LICENSES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1204

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1204, "Delegation of Authority To Grant Leaseholds, Permits, and Licenses in Real Property." The text in 1204.504 is revised to reflect NASA's current organizational setting.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Anthony J. Cuticchia, Realty Specialist, National Aeronautics and Space Administration, NASA Headquarters Code NXG, Washington, DC 20546, 202 453-1964

RIN: 2700–AB24

4004. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-12

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR

NASA **Final Rule Stage**

Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	06/30/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Regulations Development Branch, National Aeronautics and Space Administration, NASA Headquarters Code HP, Washington, DC 20546, 202 453-8250

RIN: 2700–AB25

4005. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-13

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	09/30/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Regulations Development Branch, National Aeronautics and Space Administration, NASA Headquarters Code HP, Washington, DC 20546, 202 453-8250

RIN: 2700–AB26

4006. ● NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK INSTRUCTION 84-7

Legal Authority: 31 USC 6301 et seq

CFR Citation: 14 CFR 1260

Legal Deadline: None

Abstract: Miscellaneous changes to Grant and Cooperative Agreement Handbook

Timetable:

Action	Date	FR Cite
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David K. Beck, Chief, Regulations Development Branch, National Aeronautics and Space Administration, NASA Headquarters Code HP, Washington, DC 20546, 202 453-8250

RIN: 2700–AB27

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Completed Actions

4007. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

CFR Citation: 14 CFR 1214.8

Completed:

Reason	Date	FR Cite
Interim Final Rule Deemed Final	08/12/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert L. Tucker, 202 453-2347

RIN: 2700–AA01

4008. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS

CFR Citation: 14 CFR 1214.1; 14 CFR 1214.2

Completed:

Reason	Date	FR Cite
Final Action	10/01/91	42 FR 3829
Final Action Effective	08/12/91	42 FR 3829

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert L. Tucker, 202 453-2347

RIN: 2700–AA45

4009. POLICY CONCERNING DATA OBTAINED FROM SPACE SCIENCE FLIGHT INVESTIGATIONS

CFR Citation: 14 CFR 1205.1

Completed:

Reason	Date	FR Cite
Final Action - policy has been canceled	10/10/90	
Final Action Effective	08/09/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joe Bredekamp, 202 453-1505

RIN: 2700–AA54

4010. POLICY ON THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

CFR Citation: 14 CFR 1230

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28003
Final Action Effective	08/19/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Dr. Arnauld E. Nicogossian, 202 453-1530

RIN: 2700–AA76

4011. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-7

CFR Citation: 48 CFR 18

Completed:

Reason	Date	FR Cite
Final Action - no further action anticipated	03/26/91	56 FR 12457
Final Action Effective	03/31/91	56 FR 12457

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, 202 453-8250

RIN: 2700–AB08

4012. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-8

CFR Citation: 48 CFR 18

Completed:

Reason	Date	FR Cite
Final Action - no further action anticipated	06/30/91	56 FR 32115
Final Action Effective	06/30/91	56 FR 32115

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, 202 453-8250

RIN: 2700–AB09

4013. ● PATENTS AND OTHER INTELLECTUAL PROPERTY RIGHTS

Legal Authority: 42 USC 2473; 42 USC 2457

CFR Citation: 14 CFR 1245

Legal Deadline: None

Abstract: NASA is amending 14 CFR part 1245 by amending Subpart 5, "Authority and Delegation to Take Certain Actions Relating to Patents and Other Intellectual Property Rights." This Subpart 5 sets forth the authority and delegations relating to intellectual property rights, and the administration of the NASA patent program. This amendment makes a nomenclature change to accurately reflect the current position title of the Associate General Counsel for Intellectual Property.

Timetable:

Action	Date	FR Cite
Final Action	04/30/91	56 FR 19796
Final Action Effective	08/19/91	56 FR 19796

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold W. Adams, Office of the General Counsel, Code GP, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2418

RIN: 2700–AB17

4014. ● TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS)

Legal Authority: PL 85-568; 42 USC 2473

CFR Citation: 14 CFR 1215

Legal Deadline: None

Abstract: NASA is amending 14 CFR part 1215, subpart 1215.1, "Use and Reimbursement Policy for Non-U.S. Government Users." This subpart updates the policy governing the Tracking and Data Relay Satellite System (TDRSS) services provided to non-U.S. Government users and the reimbursement for rendering such services. This rule establishes an equitable basis for use of and reimbursement for TDRSS and service by non-U.S. Government users. The tracking, telemetry, and command services provided by the TDRSS represent a significant growth in the capability of presently available services provided via the ground tracking station network.

Timetable:

Action	Date	FR Cite
Final Action	06/19/91	56 FR 28048
Final Action Effective	08/19/91	56 FR 28048

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene Ferrick, Office of Space Operations, Code OX, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2030

RIN: 2700–AB18

4015. ● SPACE SHUTTLE; AUTHORITY OF SPACE SHUTTLE COMMANDER

Legal Authority: PL 85-588; 42 USC 2473; 42 USC 2455; 18 USC 799; 18 USC 2410

CFR Citation: 14 CFR 1214.7

Legal Deadline: None

Abstract: NASA is amending 14 CFR part 1214 by revising the part title and subpart 1214.7, "The Authority of the Space Shuttle Commander." This revision changes all references to "Space Transportation System (STS)" to read "Space Shuttle" and it also includes a minor word change in paragraph 1214.702(c). This rule sets forth the authority of the Space Shuttle Commander.

Timetable:

Action	Date	FR Cite
Final Action	06/18/91	56 FR 27899
Final Action Effective	08/19/91	56 FR 27899

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph M. Boze, Jr., Office of Space Flight, Code M, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2582

RIN: 2700–AB19

[FR Doc. 91-20875 Filed 10-18-91; 8:45 am]

BILLING CODE 7510-01-F

federal register

Monday
October 21, 1991

Part XXVIII

National Archives and Records Administration

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since April 1991. This agenda was developed under the guidelines in OMB's Memorandum for Regulatory Contacts at Executive Departments and Establishments, dated June 11, 1991. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291 "Federal Regulation."

FOR FURTHER INFORMATION CONTACT: John A. Constance, Director, Policy and Program Analysis Division, (202) 501-5110.

Dated: August 23, 1991.

Don W. Wilson,

Archivist of the United States.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4016	Disposition of Federal Records	3095-AA46

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4017	Restrictions on Access to Archival Records	3095-AA21
4018	Uniform Administrative Requirements for Grants and Cooperative Agreements	3095-AA23
4019	NARA Exhibition Loan Standards	3095-AA37
4020	Agency Program Evaluations	3095-AA48
4021	Vital Records During an Emergency	3095-AA51

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4022	Use of Motion Picture Research Room	3095-AA19
4023	Demonstrations at the National Archives Building	3095-AA[illegible]

NARA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4024	Transfer of Records to Federal Records Centers	3095-AA04
4025	Suspension of Private Microfilming of Archival Records in the Washington, DC, Area	3095-AA28
4026	Creation and Maintenance of Records; Removal of Nonrecord Material	3095-AA45

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Prerule Stage

4016. DISPOSITION OF FEDERAL RECORDS

Legal Authority: 44 USC 3101; 44 USC 3303; 44 USC 3303a

CFR Citation: 36 CFR 1228

Legal Deadline: None

Abstract: This regulation requires agencies to document the justification for the proposed destruction of records in terms of possible uses of the records to protect the legal rights of the Government and those directly affected by the Government's activities. This requirement also involves submission of the written justification to the National Archives along with Standard Forms 115, Request for Records Disposition Authority.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	
NPRM	02/00/92	
NPRM Comment Period End	03/00/92	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James Hastings, Director, Records Appraisal and Disposition Division, National Archives and Records Administration, Washington, DC 20408, 202 501-6040

RIN: 3095–AA46

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Proposed Rule Stage

4017. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2108(a); 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Legal Deadline: None

Abstract: This rule will amend specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 501-5300

RIN: 3095–AA21

4018. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1207

Legal Deadline: None

Abstract: This action proposes a common rule updating and replacing agencies' implementation of OMB Circular A-110 with a single, government-wide common rule establishing consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to institutions of higher education, hospitals, other nonprofit organizations, and commercial or for-profit entities. This result is achieved by amending the common rule issued by the agencies on March 11, 1988, to similarly update and replace implementation of OMB Circular A-102. The provisions of the common rule are largely drawn from the existing departmental rules issued by the several agencies which in the past developed a single, comprehensive rule implementing the circulars. This proposed common rule contains fiscal and administrative requirements applicable to grantees.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	53 FR 44716

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and

NARA — Proposed Rule Stage

Records Administration, Washington, DC 20408, 202 501-5110

RIN: 3095–AA23

4019. NARA EXHIBITION LOAN STANDARDS

Legal Authority: 44 USC 2104a; 44 USC 2109

CFR Citation: 36 CFR 1284

Legal Deadline: None

Abstract: To make the permanently valuable records of the U.S. Government more widely available, NARA may lend for exhibition purposes original records (in sufficiently good condition to withstand the rigors of travel and exhibition) to qualified institutions that will provide care for the borrowed items in accordance with NARA's minimum loan requirements and any additional requirements that are deemed appropriate for particular records. This regulation notifies interested institutions of this program and provides some basic information including where to obtain the necessary technical criteria.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	02/00/92	
Final Action	04/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Linda N. Brown, Assistant Archivist, Office of Public Programs, National Archives and Records Administration, Washington, DC 20408, 202 501-5200

RIN: 3095–AA37

4020. AGENCY PROGRAM EVALUATIONS

Legal Authority: 44 USC 2906

CFR Citation: 36 CFR 1220.50; 36 CFR 1220.52; 36 CFR 1220.54; 36 CFR 1220.56

Legal Deadline: None

Abstract: This change is intended to update the regulations regarding NARA's inspections of agency records management programs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
NPRM Comment Period End	03/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marilyn McLennan, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington, DC 20408, 202 501-6000

RIN: 3095–AA48

4021. VITAL RECORDS DURING AN EMERGENCY

Legal Authority: 44 USC 2104a

CFR Citation: 36 CFR 1236

Legal Deadline: None

Abstract: This change updates NARA's regulations regarding agency vital records programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	01/00/92	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marilyn McLennan, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington, DC 20408, 202 501-6000

RIN: 3095–AA51

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Final Rule Stage

4022. ● USE OF MOTION PICTURE RESEARCH ROOM

Legal Authority: 44 USC 2101 to 2118

CFR Citation: 36 CFR 1254.26

Legal Deadline: None

Abstract: The National Archives and Records Administration (NARA) is revising its research room regulations to require researchers using the Motion Pictures Research Room in the National Archives Building to follow the same "clean research room" procedures that are in force in other research rooms in the National Archives Building. Under this regulation, researchers will no longer be allowed to bring personal audio or video copying equipment into the Motion Pictures Research Room. The regulation is being promulgated to ensure that legal limitations on copying materials, including agency restrictions on Federal records and copyrights on donated historical materials, are not violated.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of the National Archives, National Archives and Records Administration, Washington DC 20408, 202 501-5300

RIN: 3095–AA19

4023. DEMONSTRATIONS AT THE NATIONAL ARCHIVES BUILDING

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1280.30

Legal Deadline: None

Abstract: This regulation sets forth the conditions under which individuals and groups may use property around the National Archives Building for demonstrations or similar activity. The rule is being promulgated to enhance the safety of persons who use the National Archives Building, including researchers, exhibit visitors, and Government employees; and to prevent disruption both to the conduct of official business and to the timely provision of NARA services to the general public.

NARA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/05/91	56 FR 14048
NPRM Comment Period End	05/06/91	56 FR 14048

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 501-5110

RIN: 3095–AA50

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

4024. TRANSFER OF RECORDS TO FEDERAL RECORDS CENTERS

CFR Citation: 36 CFR 1228.152

Completed:

Reason	Date	FR Cite
Final Action Substantive correction 05/23/91 (56 FR 23648).	04/05/91	56 FR 14025
Final Action Effective	04/05/91	56 FR 14025

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Alan J. Kramer, 202 653-8388

RIN: 3095–AA04

4025. SUSPENSION OF PRIVATE MICROFILMING OF ARCHIVAL RECORDS IN THE WASHINGTON, DC, AREA

CFR Citation: 36 CFR 1254.92

Completed:

Reason	Date	FR Cite
Withdrawn	08/09/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Trudy H. Peterson, 202 501-5300

RIN: 3095–AA28

4026. CREATION AND MAINTENANCE OF RECORDS; REMOVAL OF NONRECORD MATERIAL

CFR Citation: 36 CFR 1222.42

Completed:

Reason	Date	FR Cite
Final Action	06/07/91	56 FR 26336
Final Action Effective	07/01/91	56 FR 26336

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John A. Constance, 202 501-5110

RIN: 3095–AA45

[FR Doc. 91-20876 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XXIX

National Endowment for the Arts

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Sabrin, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, or call (202) 682-5418.

Anne-Imelda Radice,

Senior Deputy Chairman,

National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Proposed Rule Stage

4027. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a; 31 USC 3701

CFR Citation: 45 CFR 1150

Legal Deadline: None

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the Government. The amendments also implement governmentwide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: RIN 3135-AA04 was merged with RIN 3135-AA01 on 01/29/91.

Agency Contact: Amy Sabrin, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 682-5418

RIN: 3135–AA01

4028. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Legal Deadline: None

Abstract: This rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are proposed pursuant to the requirements of the Age Discrimination Act and consistent with the general governmentwide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	
Second NPRM	10/00/91	
Second NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Amy Sabrin, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 682-5418

RIN: 3135–AA03

4029. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Significance: Agency Priority

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; 31 USC 6301 to 6308; Pres. Memo. for Heads of Exec. Depts & Agencies (Mar. 12, 1987)

CFR Citation: 45 CFR 1157

Legal Deadline: None

Abstract: This action proposes a common rule to be published by various agencies establishing consistency and uniformity in the administration of grants and cooperative agreements to State, local, and federally recognized Indian tribal governments, as well as institutions of higher education, hospitals, and other nonprofit organizations, and commercial or for-profit entities.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44718
NPRM Comment Period End	01/03/89	
Second NPRM	10/00/91	
Second NPRM Comment Period End	10/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Amy Sabrin, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 682-5418

RIN: 3135–AA06

4030. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT

Significance: Agency Priority

Legal Authority: 42 USC 4371 et seq; 42 USC 7609; 40 CFR 1500 to 1508; EO 11514; EO 11991

NEA — Proposed Rule Stage

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The proposed rule provides Endowment procedures to supplement and comply with 42 USC 4371 et seq. and 40 CFR Parts 1500-1508. The proposed rule sets out the types of projects funded by the Endowment which may require environmental assessments and the agency procedures for reviewing such assessments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Amy Sabrin, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 682-5418

RIN: 3135–AA08

4031. ● INDEMNITIES UNDER THE ARTS AND ARTIFACTS INDEMNITY ACT

Significance: Agency Priority

Legal Authority: 20 USC 971 to 977

CFR Citation: 45 CFR 1160

Legal Deadline: None

Abstract: The proposed rules govern the Arts and Indemnity Act as amended (20 USC 971-977). The proposed rules reflect revisions in the statute and program guidelines over the last 15 years.

Timetable:

Action	Date	FR Cite
NPRM	07/00/91	
NPRM Comment Period End	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Alice Whelihan, Indemnity Administrator, National Endowment for the Arts, Museum Program, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 682-5442

RIN: 3135–AA09

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Final Rule Stage

4032. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, Sec 319; 20 USC 959

CFR Citation: 45 CFR 1158

Legal Deadline: None

Abstract: This rule is for the purpose of implementing section 319 of the Interior and Related Agencies Appropriation Act for Fiscal Year 1990, which establishes certain prohibitions and disclosure requirements with respect to lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Amy Sabrin, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 682-5418

RIN: 3135–AA07

[FR Doc. 91-20877 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XXX

National Endowment for the Humanities

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Unified Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the unified agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291 "Federal Regulation," dated February 17, 1981, the National Endowment for the Humanities is required to publish, in April and October of each year, an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Anne D. Neal, General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506, (202) 786-0322.

Lynne V. Cheney,

Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Prerule Stage

4033. ● STANDARDS OF CONDUCT OF EMPLOYEES

Legal Authority: 5 CFR 735; 5 CFR 2635 (Proposed Revision); EO 12674; 18 USC 207 to 209; Ethics Reform Act of 1989

CFR Citation: 45 CFR 1105

Legal Deadline: None

Abstract: To repeal affected portions of agency regulation superseded by governmentwide OGE standards of ethical conduct and to supplement, as necessary.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne D. Neal, General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 786-0322

RIN: 3136–AA16

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Proposed Rule Stage

4034. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 42 USC 2000(d) to 2000(d)(4)

CFR Citation: 45 CFR 1110; 45 CFR 1173

Legal Deadline: None

Abstract: This proposed regulation implements Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs and activities, with respect to programs and activities receiving Federal financial assistance from the National Endowment for the Humanities.

Programs and activities receiving Federal financial assistance from the National Endowment for the Humanities are currently covered by a regulation implementing Title VI that was issued by the National Foundation on the Arts and the Humanities in 1973 (45 CFR 1110). The proposed rule will remove NEH programs from the coverage of the earlier rule and replace it with a new part applicable only to NEH-assisted programs and activities. Programs and activities assisted by the National Endowment for the Arts remain covered under the existing regulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret Horne, EEO Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 817, Washington, DC 20506, 202 786-0399

RIN: 3136–AA11

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Final Rule Stage

4035. IMPLEMENTATION OF TITLE IX OF THE EDUCATION ACT AMENDMENTS OF 1972

Legal Authority: 20 USC 1681

CFR Citation: 41 CFR 1171

Legal Deadline: None

Abstract: The proposed regulation implements Title IX of the Education Act Amendments of 1972, which prohibit discrimination or denial of benefits on the basis of sex under any educational program or activity receiving Federal financial assistance.

NEH

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Horne, EEO Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 817, Washington, DC 20506, 202 786-0322

RIN: 3136–AA14

4036. GOVERNMENT GUIDANCE FOR RESTRICTIONS ON INFLUENCING ACTIVITIES

Significance: Regulatory Program

Legal Authority: PL 101-121, Sec 319

CFR Citation: 45 CFR 1158

Legal Deadline: None

Abstract: Section 319 generally prohibits recipients of Federal contracts, grants and loans from using appropriation funds for influencing the Executive or Legislative Branches.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: David Fisher, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 786-0322

RIN: 3136–AA15

[FR Doc. 91-20878 Filed 10-18-91; 8:45 am]

BILLING CODE 7536-01-F

Federal Register

Monday
October 21, 1991

Part XXXI

National Science Foundation

Semiannual Regulatory Agenda

NATIONAL SCIENCE FOUNDATION (NSF)

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Regulatory Agenda

AGENCY: National Science Foundation.

ACTION: Regulatory agenda.

SUMMARY: The National Science Foundation is publishing its October 1991 regulatory agenda pursuant to Executive Order 12291 "Federal Regulation," 3 CFR part 127 (1981 Compilation); the Regulatory Flexibility Act, 5 U.S.C. 601-612; and the Office of Management and Budget Memorandum for Regulatory Contacts at Executive Departments and Establishments (June 11, 1991).

FOR FURTHER INFORMATION CONTACT: For additional information on a particular item, call or write the individual identified as agency contact. General comments or inquiries about this agenda may be directed to John Chester, Office of the General Counsel, National Science Foundation, Washington, DC 20550, (202) 357-9435.

Dated: August 20, 1991.

John Chester,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Proposed Rule Stage

4037. ENVIRONMENTAL IMPACTS ABROAD AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 1870; EO 12114; 16 USC 2405; 16 USC 2411

CFR Citation: 45 CFR 641

Legal Deadline: None

Abstract: This action will amend NSF's regulations by adding a new Part 641 (45 CFR 641), entitled "Environmental Impacts Abroad and Related Procedures." Executive Order 12114 directs every Federal agency to publish appropriate procedures for evaluating the environmental impacts of major Federal actions outside the United States, specifically "actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans or Antarctica)." These regulations will set forth the procedures for assessing environmental impacts abroad, and determining the appropriate environmental review document to be used while making decisions concerning such major Federal actions.

Timetable:

Action	Date	FR Cite
NPRM	07/10/90	55 FR 28236
Revised NPRM	10/00/91	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lawrence Rudolph, Deputy General Counsel, National Science Foundation, 1800 G Street, NW., Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA14

4038. MEASURES TO CONTROL DISCHARGE AND DISPOSAL OF HARMFUL POLLUTANTS IN ANTARCTICA; POLLUTION CONTROL PERMITTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1970; 16 USC 2405; 16 USC 2407; 16 USC 2408; 16 USC 2409; 16 USC 2411

CFR Citation: 45 CFR 671

Legal Deadline: None

Abstract: This action will amend NSF's regulations by adding a new part 671 (45 CFR 671), entitled "Measures To Control Discharge and Disposal of Harmful Pollutants in Antarctica; Pollution Control Permitting Requirements." The Antarctic Conservation Act of 1978 requires NSF to issue regulations designating any substance that, if introduced into Antarctica, may create hazards to human health, harm living resources or marine life, damage amenities, or interfere with other legitimate uses of Antarctica. The Act also requires NSF to establish regulations and permitting procedures that prevent or control the discharge of such pollutants from any source within Antarctica.

Timetable:

Action	Date	FR Cite
ANPRM	04/20/90	55 FR 14980
Public Hearing	06/18/90	
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	
Final Action	12/00/91	
Final Action Effective		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Lawrence Rudolph, Deputy General Counsel, National Science Foundation, 1800 G Street, NW., Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA15

4039. CONFLICT OF INTEREST/ETHICS STANDARDS, REPORTING REQUIREMENTS, TRAINING

Legal Authority: 5 USC 7351; 5 USC 7353; 5 USC app III; 5 USC app IV; EO 12674; 5 CFR 634; 5 CFR 635; 5 CFR 638

CFR Citation: 45 CFR 680 to 685

Legal Deadline: None

Abstract: NSF regulations governing its Conflicts of Interest/Ethics Program will be revised to conform to anticipated revised regulations from the Office of Government Ethics.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles S. Brown, Assistant General Counsel, National Science Foundation, 1800 G Street,

NSF — Proposed Rule Stage

NW., Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA20

4040. ● DEBARMENT AND SUSPENSION OF CONTRACTORS

Legal Authority: 48 CFR 9.406-3; 42 USC 1870

CFR Citation: 48 CFR 2509

Legal Deadline: None

Abstract: This regulation will implement Federal Acquisition Regulations debarment procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Jesse E. Lasken, Assistant General Counsel, Office of the General Counsel, National Science Foundation, 1800 G Street, NW., Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA22

NATIONAL SCIENCE FOUNDATION (NSF) — Final Rule Stage

4041. PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Legal Deadline: None

Abstract: The Bayh-Dole Act (35 USC 200 et seq) was amended by Title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce has prepared a governmentwide implementing regulation. The Foundation's patents regulation (45 CFR 650) conforms to it. Because the revision to the NSF patents regulation will merely echo a governmentwide regulation on which the public will have had an opportunity to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The notable changes to be made in the revision of the NSF patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, Office of the General Counsel, National Science Foundation, 1800 G Street, NW., Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA07

4042. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 100-121, Sec 319

CFR Citation: 45 CFR 604

Legal Deadline: None

Abstract: Section 1352 of title 31 of the United States Code, enacted on October 23, 1989, imposes limitations on the use of appropriated funds to influence certain Federal contracting and financial transactions. National Science Foundation regulations implementing that statute will follow the governmentwide model now being developed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sherrye McGregor, Grant & Contract Specialist, National Science Foundation, 1800 G Street, NW., Room 1140, Washington, DC 20550, 202 357-7880

RIN: 3145–AA17

NATIONAL SCIENCE FOUNDATION (NSF) — Completed Actions

4043. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

CFR Citation: 45 CFR 690

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28003
Final Action Effective	08/19/91	56 FR 28003

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

NSF

Completed Actions

Agency Contact: John Chester, 202 357-9435

RIN: 3145–AA18

4044. AMENDMENTS TO FREEDOM OF INFORMATION AND PRIVACY ACT REGULATIONS

CFR Citation: 45 CFR 612; 45 CFR 613

Completed:

Reason	Date	FR Cite
Final Action	09/19/91	56 FR 47415
Final Action Effective	09/19/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Matthew Powell, 202 357-9435

RIN: 3145–AA19

4045. MISCONDUCT IN SCIENCE AND ENGINEERING

CFR Citation: 45 CFR 689

Completed:

Reason	Date	FR Cite
Final Action	05/14/91	56 FR 22286
Final Action Effective	05/14/91	56 FR 22286

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Monte Fisher, 202 357-9457

RIN: 3145–AA21

[FR Doc. 91-20879 Filed 10-18-91; 8:45 am]

BILLING CODE 7555-01-F

federal register

Monday
October 21, 1991

Part XXXII

Office of the Federal Inspector, Alaska Natural Gas Transportation System

Semiannual Regulatory Agenda

OFFICE OF THE FEDERAL INSPECTOR, ALASKA NATURAL GAS TRANSPORTATION SYSTEM (ANGTS)

OFFICE OF THE FEDERAL INSPECTOR, ALASKA NATURAL GAS TRANSPORTATION SYSTEM

15 CFR Ch. XV

Semiannual Agenda of Regulations

AGENCY: Office of the Federal Inspector, Alaska Natural Gas Transportation System.

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the Office of the Federal Inspector, Alaska Natural Gas Transportation System, is publishing this regulatory agenda describing agency regulations currently under review.

FOR FURTHER INFORMATION CONTACT: Nancy M. Ellett, Administrative Officer, FA-1, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-4669.

Michael J. Bayer,

Federal Inspector.

OFFICE OF THE FEDERAL INSPECTOR, ALASKA NATURAL GAS TRANSPORTATION SYSTEM (ANGTS) — Prerule Stage

4046. ● AMENDMENTS UPDATING THE REGULATIONS OF THE OFFICE OF THE FEDERAL INSPECTOR

Significance: Agency Priority

Legal Authority: 15 USC 719 et seq; 5 USC Chap 9, Reorganization Plan No 1 of 1979; EO 12142

CFR Citation: 15 CFR 1500; 15 CFR 1502; 15 CFR 1504; 15 CFR 1506; 15 CFR 1530; 15 CFR 1534; 15 CFR 1535

Legal Deadline: None

Abstract: The Alaska Natural Gas Transportation Act required that a Federal Inspector be appointed to oversee construction and operation of a system, designated the Alaska Natural Gas Transportation System, to deliver Alaska gas to the contiguous States. Established in 1979, the Office of the Federal Inspector issued its regulations in 1980 and 1981. These regulations govern the internal organization and management of the agency, the collection and disclosure of information, employee standards of conduct, cost reimbursement, and procedures to enforce compliance with Federal laws prohibiting discriminatory practices. These rulemakings will review and update those regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Ellett, Administrative Officer, Office of the Federal Inspector, Alaska Natural Gas Transportation System, SE., 1000 Independence Ave., SW., Washington, DC 20585, 202 586-4669

RIN: 3204–AA00

[FR Doc. 91-23174 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XXXIII

Office of Government Ethics

Semiannual Regulatory Agenda

OFFICE OF GOVERNMENT ETHICS (OGE)

OFFICE OF GOVERNMENT ETHICS

5 CFR Ch. XVI

Semiannual Regulatory Agenda; October 1991

AGENCY: Office of Government Ethics.

ACTION: Semiannual agenda of substantive regulations.

SUMMARY: The following Office of Government Ethics (OGE) substantive regulations are scheduled for development or review during the period from October 1, 1991, through September 30, 1992. This agenda fulfills OGE's responsibility to publish a semiannual regulatory agenda under Executive Order 12291 "Federal Regulation" and has been prepared in accordance with guidance received from the Office of Management and Budget. None of the OGE regulations in this October 1991 agenda will have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. chapter 6. In addition, none of the listed OGE regulatory actions are major rules under E.O. 12291 nor procurement-related. Furthermore, the organizational and procedural rules of OGE are not listed herein (see section 1(a)(3) of E.O. 12291).

This publication in the **Federal Register** does not impose a binding obligation on the Office of Government Ethics with respect to any particular item on its agenda. The dates shown for the future steps of each action are estimates and not commitments to act by the date shown. Moreover, other substantive OGE regulatory actions, in addition to the entries listed, are not precluded.

FOR FURTHER INFORMATION CONTACT: William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; telephone (202/FTS) 523-5757, FAX (202/FTS) 523-6325.

Approved: September 3, 1991.

Stephen D. Potts,

Director, Office of Government Ethics.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4047	Interpretation of 18 U.S.C. 209, the Constraint Against Private Supplementation of Salaries of Executive Branch Officials and Employees	3209-AA12
4048	Interests Exempt From the Coverage of the Restrictions of 18 U.S.C. 208(a) by Rule Pursuant to 18 U.S.C. 208(b)(2)	3209-AA09
4049	Guidance on Issuance of Ad Hoc Waivers Pursuant to 18 U.S.C. 208(b)(1) and 208(b)(3)	3209-AA10
4050	Interpretation of 18 U.S.C. 208, Acts Affecting a Personal Financial Interest	3209-AA11

OGE

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4051	Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees	3209-AA00
4052	Public Financial Disclosure, Conflicts of Interest, and Certificates of Divestiture for Executive Branch Officials	3209-AA06
4053	Standards of Ethical Conduct for Employees of the Executive Branch	3209-AA04
4054	Executive Agency Supplemental Standards of Ethical Conduct Regulations Jointly Issued With the Office of Government Ethics	3209-AA15
4055	Limitations on Outside Employment and Prohibition of Honoraria; Confidential Reporting of Payments to Charities in Lieu of Honoraria	3209-AA13
4056	Executive Agency Ethics Training Programs	3209-AA07
4057	Post-Employment Conflict of Interest Restrictions	3209-AA14

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4058	Post-Employment Conflict of Interest Restrictions	3209-AA08

OFFICE OF GOVERNMENT ETHICS (OGE) — Proposed Rule Stage

4047. INTERPRETATION OF 18 U.S.C. 209, THE CONSTRAINT AGAINST PRIVATE SUPPLEMENTATION OF SALARIES OF EXECUTIVE BRANCH OFFICIALS AND EMPLOYEES

Significance: Agency Priority

Legal Authority: 5 USC app IV; EO 12674; EO 12731

CFR Citation: 5 CFR 2639, (New)

Legal Deadline: None

Abstract: Proposed regulation to interpret section 209 of Title 18, U.S.C., prohibiting the supplementation of the Government salary of executive branch officers and employees.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane S. Ley, Deputy General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA12

4048. INTERESTS EXEMPT FROM THE COVERAGE OF THE RESTRICTIONS OF 18 U.S.C. 208(A) BY RULE PURSUANT TO 18 U.S.C. 208(B)(2)

Significance: Agency Priority

Legal Authority: 18 USC 208; 5 USC app IV; EO 12674; EO 12731

CFR Citation: 5 CFR 2640, (New)

Legal Deadline: None

Abstract: Proposed regulation will list and describe interests which are considered to be too remote or too inconsequential to affect the integrity of the services of executive branch officers or employees, in accordance with 18 U.S.C. 208(b)(2). Such interests will be exempt from the restrictions of 18 U.S.C. 208(a), generally requiring disqualification.

OGE — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane S. Ley, Deputy General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA09

4049. GUIDANCE ON ISSUANCE OF AD HOC WAIVERS PURSUANT TO 18 U.S.C. 208(B)(1) AND 208(B)(3)

Significance: Agency Priority

Legal Authority: 18 USC 208; 5 USC app IV; EO 12674; EO 12731

CFR Citation: 5 CFR 2640, (New)

Legal Deadline: None

Abstract: Proposed regulation will provide guidance to executive branch agencies as to the kinds of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from an employee and which, therefore, may be waived from the general rule of disqualification under 18 U.S.C. 208(a) pursuant to 18 U.S.C. 208(b)(1). Guidance will also be provided concerning the issuance of waivers to special Government employee advisory committee members pursuant to 18 U.S.C. 208(b)(3).

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane S. Ley, Deputy General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA10

4050. INTERPRETATION OF 18 U.S.C. 208, ACTS AFFECTING A PERSONAL FINANCIAL INTEREST

Significance: Agency Priority

Legal Authority: 5 USC app IV; EO 12674; EO 12731

CFR Citation: 5 CFR 2640, (New)

Legal Deadline: None

Abstract: Proposed regulation to interpret section 208(a) of Title 18, U.S.C., which prohibits officers and employees of the executive branch from officially participating personally and substantially in a particular matter in which there is a personal financial interest or a financial interest of a related person or organization (absent a waiver under 18 U.S.C. 208(b)).

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	
NPRM Comment Period End	09/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane S. Ley, Deputy General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA11

OFFICE OF GOVERNMENT ETHICS (OGE) — Final Rule Stage

4051. FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE FOR EXECUTIVE BRANCH EMPLOYEES

Significance: Agency Priority

Legal Authority: 5 USC app 101 et seq; 5 USC app 401 et seq; 26 USC 1043; EO 12674; EO 12731

CFR Citation: 5 CFR 2634, (New & Revision); 5 CFR 735.106, (Revision); 5 CFR 735.401 to 735.412, (Revision)

Legal Deadline: None

Abstract: Regulation revising the executive branch public and confidential financial disclosure report systems for high-level officials and certain midlevel employees, respectively, in light of the changes to the Ethics in Government Act effected by the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended by Pub. L. 101-280 and sections 313 and 314 of Pub. L. 102-90. The new disclosure provisions will apply to reports filed beginning January 1, 1991. Subpart I of the regulation will supersede 5 CFR part 735, Subpart D (and 5 CFR 735.106) and establish a revised system of confidential reporting, modeled generally on the public reporting system, for executive branch agency midlevel employees with sensitive duties and special Government employees.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Interim Final Rule	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: G. Sid Smith, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA00

4052. PUBLIC FINANCIAL DISCLOSURE, CONFLICTS OF INTEREST, AND CERTIFICATES OF DIVESTITURE FOR EXECUTIVE BRANCH OFFICIALS

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV; 26 USC 1043

CFR Citation: 5 CFR 2634.1001 to 2634.1004

Legal Deadline: None

Abstract: Regulation implementing a new provision of the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended by Pub. L. 101-280, providing for tax deferral if sale of property by an executive branch official (or related person) is deemed necessary to comply with conflict of interest requirements

OGE

Final Rule Stage

pursuant to a certificate of divestiture to be issued by the Office of Government Ethics.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/18/90	55 FR 14407
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Norman B. Smith, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA06

4053. STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH

Significance: Agency Priority

Legal Authority: 5 USC 7351; 5 USC 7353; 5 USC app III; 5 USC app IV; EO 12674; EO 12731

CFR Citation: 5 CFR 2635, (New & Revision)

Legal Deadline: None

Abstract: Proposed new regulation implementing certain provisions of recent Executive Order 12674 on Principles of Ethical Conduct, as modified by EO 12731, and the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended by Pub. L. 101-280, to supersede executive branch employee conduct and gifts rules of current 5 CFR Part 735, Subparts A (except section 735.106), B and C, and the interim gifts rule at current 5 CFR 2635.101, as well as pertinent portions of agency conduct regulations issued thereunder.

Timetable:

Action	Date	FR Cite
NPRM	07/23/91	56 FR 33778
NPRM Comment Period End	09/20/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Leslie L. Wilcox, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA04

4054. ● EXECUTIVE AGENCY SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT REGULATIONS JOINTLY ISSUED WITH THE OFFICE OF GOVERNMENT ETHICS

Significance: Agency Priority

Legal Authority: 5 USC apps; EO 12674; EO 12731

CFR Citation: 5 CFR 2635; Not yet determined

Legal Deadline: None

Abstract: The supplemental executive agency standards of ethical conduct regulations, to be issued jointly with the Office of Government Ethics (OGE) at agency expense in a new chapter of 5 CFR, after OGE approval, will supplement the new OGE executive branch standards of ethical conduct, once those standards are finally adopted and codified at 5 CFR part 2635. The supplemental regulations, to be issued in accordance with sections 201(a) and 301(a) of EO 12674, as modified by EO 12731, will set forth those agency-specific provisions under applicable law and regulation, such as restrictions on holding certain financial interests and designation of departmental subunits, which are needed to round out the executive branch-wide ethical standards.

Timetable:

Action	Date	FR Cite
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: TIMETABLE CONT: Various agency supplemental regulations to be issued by 12/00/92.

Agency Contact: Leslie L. Wilcox, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA15

4055. LIMITATIONS ON OUTSIDE EMPLOYMENT AND PROHIBITION OF HONORARIA; CONFIDENTIAL REPORTING OF PAYMENTS TO CHARITIES IN LIEU OF HONORARIA

Significance: Agency Priority

Legal Authority: 5 USC app 102(a)(1)(A); 5 USC app IV; EO 12674; EO 12671

CFR Citation: 5 CFR 2636

Legal Deadline: None

Abstract: Interim regulation governing reports by executive branch officials of payments, in lieu of honoraria, donated to charities as provided in the Ethics in Government Act, as amended by the 1989 Ethics Reform Act (Pub. L. 101-194) and Pub. L. 101-280, effective January 1, 1991, and section 314(b) of Pub. L. 102-90, effective January 1, 1992. The regulation also addresses the underlying prohibition on honoraria as well as the new limitations on outside employment, both of which became effective on January 1, 1991.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/17/91	56 FR 1721
Deferral of Effective Date of 5 CFR 2636.205	05/10/91	56 FR 21589
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Leslie L. Wilcox, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA13

4056. EXECUTIVE AGENCY ETHICS TRAINING PROGRAMS

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV; EO 12674; EO 12731

CFR Citation: 5 CFR 2638.701 to 2638.704, (New)

Legal Deadline: None

Abstract: Regulation specifying the responsibilities of executive branch agencies and their designated agency ethics officials to develop orientation and annual ethics training courses and to distribute appropriate guidance materials to their employees under sections 301 (b) and (c) of E.O. 12674, as modified by E.O. 12731.

Timetable:

Action	Date	FR Cite
NPRM	09/18/90	55 FR 38335
NPRM Comment Period End	11/17/90	
Final Action	11/00/91	

Small Entities Affected: None

OGE — Final Rule Stage

Government Levels Affected: Federal

Agency Contact: Stuart D. Gilman, Chief, Education and Liaison Division, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA07

4057. POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS

Significance: Agency Priority

Legal Authority: 5 USC apps; 18 USC 207; EO 12674; EO 12731

CFR Citation: 5 CFR 2641; 5 CFR 2637, (Continuation)

Legal Deadline: None

Abstract: Interpretive regulation which will give guidance for the executive branch on the various substantive restrictions of the current version of the post-Government employment conflict of interest statute 18 U.S.C. 207, which became effective January 1, 1991, pursuant to title I of the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended by Pub. L. 101-280 and the pay comparability section of Pub. L. 101-509. Part of the regulation, dealing with procedures for waivers by the Office of Government Ethics of certain senior official constraints (based on executive agency hardship) and separate agency designations, has already been published in the Federal Register (56 FR 3961) as an interim final rule. The Office of Government Ethics also has continued to publish in the CFR the interpretive regulation, 5 CFR part 2637, under the prior version of the post-employment law which still applies to executive branch employees who left the Government before January 1, 1991.

Timetable:

Action	Date	FR Cite
Interim Final Rule RIN 3209-AA08 Now Merged Herein	02/01/91	56 FR 3961
Interim Final Rule	03/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Julia S. Loring, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA14

OFFICE OF GOVERNMENT ETHICS (OGE) — Completed Actions

4058. POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS

Significance: Agency Priority

Legal Authority: 5 USC apps; 18 USC 207; EO 12674; EO 12731

CFR Citation: 5 CFR 2641; 5 CFR 2637, (Continuation)

Legal Deadline: None

Abstract: New interpretive regulation provides guidance to the executive branch on the current version of the post-Government employment conflict of interest statute, 18 U.S.C. 207, which became effective January 1, 1991, pursuant to title I of the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended by Pub. L. 101-280, and the pay comparability section of Pub. L. 101-509. The new regulation includes procedures for waivers by the Office of Government Ethics of certain senior official constraints based on executive agency hardship, as well as separate agency designations. The Office of Government Ethics also has continued to publish in the CFR the interpretive regulation, 5 CFR part 2637, under the prior version of the post-employment law which still applies to executive branch employees who left the Government before January 1, 1991.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/01/91	56 FR 3961
Merged With RIN 3209-AA14	08/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Julia S. Loring, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA08

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Federal Register

Part XXXIV

Office of Management and Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Circulars and Policy Letters Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB policy guidelines are issued under authority derived from several sources including: Subtitles I, II, and V of title 31, United States Code, Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not guidelines but which are of public interest. While it is presented in the standard Governmentwide format of prerule, proposed rule, and final rule stages, the entries are not rules.

OMB Circulars and OFPP Policy Letters are policy guidelines that communicate Governmentwide policy of a continuing nature. For purposes of this agenda, we have excluded directives that outline procedures to be followed in connection with the President's budget and legislative programs and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell Johnson, (202) 395-7250, at the above address.

Dated: September 17, 1991.

Darrell A. Johnson,

Assistant Director for Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4059	Office of Management and Budget's Directives System to Executive Departments and Agencies (Circular No. A-1)	0348-AA91
4060	Federal Participation in the Development and Use of Voluntary Standards (Circular No. A-119)	0348-AA99
4061	Policies on Management of Federal Information Resources (Circular No. A-130)	0348-AA76
4062	Value Engineering (Circular No. A-131)	0348-AB10

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4063	Federal Government User Charges Policy (Circular No. A-25)	0348-AA41
4064	Policy Governing Charges for Rental Quarters and Other Facilities (Circular No. A-45)	0348-AA85
4065	Audit Followup (Circular No. A-50)	0348-AB09
4066	A Guide for Writing and Administering Performance Statements of Work for Service Contracts (OFPP Pamphlet No. 4)	0348-AA34
4067	Performance of Commercial Activities (Circular No. A-76)	0348-AA45
4068	Cost Principles for State and Local Governments (Circular No. A-87)	0348-AA83
4069	Discount Rates to be Used in Evaluating Deferred Cost and Benefits (Circular No. A-94)	0348-AB08
4070	Uniform Requirements for Assistance to State and Local Governments (Circular No. A-102)	0348-AA96
4071	Major System Acquisitions (Circular No. A-109)	0348-AA97
4072	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Circular No. A-110)	0348-AA98
4073	Guidelines for the Use of Advisory and Assistance Services (Circular A-120)	0348-AB00
4074	Cost Principles for Nonprofit Organizations (Circular No. A-122)	0348-AB01
4075	Internal Control Systems (Circular No. A-123)	0348-AB02
4076	Financial Management Systems (Circular No. A-127)	0348-AA89
4077	Audits of State and Local Governments (Circular No. A-128)	0348-AA90
4078	Managing Federal Credit Programs (Circular A-129)	0348-AB04
4079	Statistical Policy Directives	0348-AA43

OMB

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4080	Policies on Government Publications (Circular No. A-3)	0348-AA77
4081	Policies on Construction of Family Housing (Circular No. A-18)	0348-AA92
4082	Cost Principles for Educational Institutions (Circular No. A-21)	0348-AA93
4083	Federal Credit Policy (Circular No. A-70)	0348-AA94
4084	Indirect Cost Rates, Audit and Audit Followup at Educational Institutions (Circular No. A-88)	0348-AB07
4085	Comparative Cost Analysis for Decisions to Lease or Purchase General Purpose Real Property (Circular No. A-104)	0348-AB06
4086	Management of Federal Audiovisual Activities (Circular No. A-114)	0348-AA84
4087	"Rule of Origin" Under the Buy American Act of 1933 as Amended	0348-AA88

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Prerule Stage

4059. ● OFFICE OF MANAGEMENT AND BUDGET'S DIRECTIVES SYSTEM TO EXECUTIVE DEPARTMENTS AND AGENCIES (CIRCULAR NO. A-1)

Legal Authority: See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular A-1 describes the OMB directives system used to convey policy, provide guidance, and communicate instruction to executive departments and agencies.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/91	
End Review	03/00/92	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Darrell A. Johnson, Assistant Director for Administration, Office of Management and Budget, Washington, DC 20503, 202 395-7250

RIN: 0348-AA91

4060. ● FEDERAL PARTICIPATION IN THE DEVELOPMENT AND USE OF VOLUNTARY STANDARDS (CIRCULAR NO. A-119)

Legal Authority: Budget and Accounting Act of 1921, as amended.

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This Circular encourages Federal participation in the development of voluntary standards, and the use of such standards in procurement, regulatory and other applications. Consideration will be given to revising the Circular to strengthen provisions relating to agency implementation, and other appropriate improvements.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/91	
End Review	02/00/92	
Revision Published for Comment	05/00/92	
Promulgate Revised Circular	09/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David F. Baker, Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-7207

RIN: 0348-AA99

4061. POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Legal Authority: 44 USC 35; 5 USC 552a; 40 USC 759; 40 USC 487; 31 USC 11

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-130, "Management of Federal Information Resources," issued December 12, 1985, establishes policy for the management of Federal information resources, and provides certain procedural and analytic guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for consistency with the Computer Security Act of 1987 (PL 100-235) and the Computer Matching and Privacy Protection Act of 1988. On March 4, 1991, OMB published plans for revising the Circular.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advance Proposal of Changes	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advance Proposal to Circular	06/15/89	54 FR 25554
Third Advance Proposal to Circular	03/04/91	56 FR 9026
Fourth Advance Proposal to Circular	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert N. Veeder, Acting Branch Chief, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348-AA76

4062. ● VALUE ENGINEERING (CIRCULAR NO. A-131)

Legal Authority: Budget and Accounting Act of 1921, as amended.

OMB **Prerule Stage**

CFR Citation: None

Legal Deadline: None

Abstract: This Circular was issued in January 1988 to require the use of value engineering, when appropriate, to identify and reduce nonessential procurement and program costs. The Circular will be reviewed and revised, as needed, to foster agency implementation and greater use of value engineering techniques.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/91	
End Review	01/00/92	
Publish Revised Circular for Comment	03/00/92	
Issue Revised Circular	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Wayne Amchin, Management Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, **202 395-6803**

RIN: 0348–AB10

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Proposed Rule Stage

4063. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Title V of Independent Offices Appropriations Act of 1952; 31 USC 9701

CFR Citation: None

Legal Deadline: None

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. Public comments have been received on a revised draft of the Circular. They are currently being considered.

Timetable:

Action	Date	FR Cite
Draft Published for Comment	10/00/91	
Public Comment Period End	11/00/91	
Final Publication	01/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Mike ter Maat, Financial Economist, Office of Management and Budget, Budget Analysis and Systems Division, Washington, DC 20503, **202 395-3930**

RIN: 0348–AA41

4064. POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND OTHER FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911(f); EO 11609, Sec 9

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-45 was issued to provide policy guidance regarding charges for rental quarters and other Government facilities. OMB is reviewing this Circular pursuant to the provisions of paragraph 9 of the Circular, dated March 28, 1984.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/88	
Draft Published for Comment	10/00/91	
End Review	03/00/92	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard A. Ong, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, **202 395-3300**

RIN: 0348–AA85

4065. ● AUDIT FOLLOWUP (CIRCULAR NO. A-50)

Legal Authority: Inspector General Act of 1978, as amended

CFR Citation: None

Legal Deadline: None

Abstract: The revision of Circular A-50 is to incorporate management reporting requirements and definitions contained in the Inspector General Act, as amended, October 18, 1988, as P.L. 100-504.

Timetable:

Action	Date	FR Cite
Proposed Revision	11/00/91	
Final Revision	02/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kathleen Turco, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, **202 395-6911**

RIN: 0348–AB09

4066. A GUIDE FOR WRITING AND ADMINISTERING PERFORMANCE STATEMENTS OF WORK FOR SERVICE CONTRACTS (OFPP PAMPHLET NO. 4)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	12/00/91	
Final Action	04/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Linda Mesaros, Management Analyst, Office of Management and Budget, Office of

Federal Procurement Policy, Washington, DC 20503, 202 395-3300

RIN: 0348–AA34

4067. PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)

Legal Authority: 31 USC 1 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under revision to incorporate changes including those recommended by the President's Council for Management Improvement.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	01/00/92	
Final Action	03/00/92	
Final Action Effective	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Frances Clark, Office of Management and Budget, General Management Division, Washington, DC 20503, 202 395-5090

RIN: 0348–AA45

4068. COST PRINCIPLES FOR STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-87)

Legal Authority: 64 Stat 832; Budget and Accounting Act of 1921 as amended; Budget and Accounting Procedures Act of 1950 as amended; EO 11541; Office of Federal Procurement Policy Act of 1974 as amended

CFR Citation: None

Legal Deadline: None

Abstract: This review will update the circular.

Timetable:

Action	Date	FR Cite
Proposed Revision	01/00/92	
Final Revision	06/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: David Gribble, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3050

RIN: 0348–AA83

4069. ● DISCOUNT RATES TO BE USED IN EVALUATING DEFERRED COST AND BENEFITS (CIRCULAR NO. A-94)

Legal Authority: Budget and Accounting Act of 1921, as amended

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular A-94 specifies the discount rate to be used by Government agencies in computing the discounted present value of costs and benefits that are distributed over time. The Circular is being updated (the last revision occurred in 1972) and expanded to give more complete guidance on how to conduct cost-benefit analysis.

Timetable:

Action	Date	FR Cite
Proposed Revision	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ahmad Al-Samarrie, Acting Associate Director for Economic Policy, Office of Management and Budget, Economic Policy, Washington, DC 20503, 202 395-5873

RIN: 0348–AB08

4070. ● UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-102)

Legal Authority: 31 USC 65 et seq; 42 USC 4212 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The purpose of the review is to update the Circular to include statutory changes passed since the issuance of the Circular on March 11, 1988.

Timetable:

Action	Date	FR Cite
Proposed Revision	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Palmer Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3050

RIN: 0348–AA96

4071. ● MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: 31 USC 1111, Sec 209, Budget and Accounting Act of 1921; 42 Stat 22; 5 USC App I, Sec 101, Reorganization Plan No. 2 of 1970; 41 USC 405, Sec 5, Office of Federal Procurement Policy Act

CFR Citation: 48 CFR 1

Legal Deadline: None

Abstract: OMB Circular No. A-109 is intended to ensure the effectiveness and efficiency of the Major System Acquisition Process. The Circular is being revised to incorporate statutory, policy and management changes that have occurred since it was first issued in 1976.

Timetable:

Action	Date	FR Cite
Request for Public Comment on existing Circular	07/03/91	56 FR 30601
Revised Draft for Public Comment	01/00/92	
Issue Revised Circular	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wayne Amchin, Management Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-6810

RIN: 0348–AA97

4072. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The proposed changes will update the administrative requirements contained in the Circular.

Timetable:

Action	Date	FR Cite
Proposed Revision	10/00/91	
Final Revision	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Palmer A. Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348–AA98

4073. ● GUIDELINES FOR THE USE OF ADVISORY AND ASSISTANCE SERVICES (CIRCULAR A-120)

Legal Authority: 41 USC 405; 31 USC 1111; 5 USC App. I

CFR Citation: 48 CFR 1

Legal Deadline: None

Abstract: Circular A-120 defines advisory and assistance services, establishes management controls, and assigns responsibilities to the agency head for the effective use of these services. A more comprehensive approach -- in the form of an OFPP Policy Letter on the "Management Oversight of Nonpersonal Services Contracting" -- is being developed to replace A-120 that deals with preventing abuses in the use of nonpersonal services contracting in general.

Timetable:

Action	Date	FR Cite
Development of Draft Policy Letter	07/30/91	
Internal OMB Clearance	08/31/91	
Obtain Agency Comments	10/00/91	
Publish Draft for Comment	01/00/92	
Final Action	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Linda G. Williams, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3300

RIN: 0348–AB00

4074. ● COST PRINCIPLES FOR NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-122)

Legal Authority: See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This review will update the Circular.

Timetable:

Action	Date	FR Cite
Proposed Revision	06/00/92	
Final Revision	09/00/92	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Jack Sheehan, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3050

RIN: 0348–AB01

4075. ● INTERNAL CONTROL SYSTEMS (CIRCULAR NO. A-123)

Legal Authority: PL 97-255 Federal Managers' Financial Integrity Act; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular A-123 implements the Federal Managers' Financial Integrity Act (FMFIA) and establishes policies and procedures for internal control reviews. The Circular will be reviewed for opportunities to simplify the internal control process and also bring the Circular into conformance with new requirements identified in the Chief Financial Officers Act of 1990.

Timetable:

Action	Date	FR Cite
Proposed Revision	03/00/92	
Final Revision	05/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kathleen Turco, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-6911

RIN: 0348–AB02

4076. ● FINANCIAL MANAGEMENT SYSTEMS (CIRCULAR NO. A-127)

Legal Authority: Budget and Accounting Procedures Act of 1950, as amended; Federal Managers' Financial Integrity Act; Chief Financial Officers Act of 1990

CFR Citation: None

Legal Deadline: None

Abstract: Circular A-127 provides guidance to the Executive Branch on the development and operation of financial management systems. Issued December 19, 1984, the circular is being revised to: (1) reflect passage of the Chief Financial Officers Act; and (2) clarify policy guidance concerning financial management systems.

Timetable:

Action	Date	FR Cite
Proposed Revision	06/00/92	
Final Revision	08/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Frank Stidman, Office of Federal Financial Management, Office of Management and Budget, Washington, DC, 20503, 202 395-3993

RIN: 0348–AA89

4077. ● AUDITS OF STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-128)

Legal Authority: 31 USC 7501 98 STAT 2327; Budget and Accounting Act of 1921 as amended; Budget and Accounting Procedures Act of 1950 as amended; Reorganization Plan No. 2 of 1970 EO 11541

CFR Citation: None

OMB — Proposed Rule Stage

Legal Deadline: None

Abstract: This Circular establishes requirements for audits of State and Local Governments.

Timetable:

Action	Date	FR Cite
Proposed Revision	06/00/92	
Final Revision	10/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Palmer Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348–AA90

4078. ● MANAGING FEDERAL CREDIT PROGRAMS (CIRCULAR A-129)

Legal Authority: Budget and Accounting Act of 1921, as amended; Debt Collection Act of 1982, as amended; Deficit Reduction Act of 1984; Budget and Accounting Procedures Act of 1950, as amended

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular A-129 prescribes policies and procedures for managing Federal Credit Programs. It was last revised November 25, 1988. Revision will: (1) eliminate detailed operating guidance already provided to Executive Branch Agencies through the Department of Treasury's TFM (Treasury Financial Manual); (2) incorporate relevant portions of OMB Circular A-70, "Federal Credit Policy" (which will be terminated after final action on A-129); and, (3) incorporate policy guidance on the management of guaranteed loans from OMB Bulletin 91-05 (November 26, 1990).

Timetable:

Action	Date	FR Cite
Proposed Revision	05/00/92	
Final Revision	07/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas Stack, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3066

RIN: 0348–AB04

4079. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The Directives give general policies for gathering, compiling, analyzing, publishing, and disseminating statistical information by the agencies in the Executive Branch of the Federal Government. A draft Circular was issued for public comment on January 20, 1988. The public comment period was subsequently extended to July 15, 1988. A revised draft circular is planned to be issued for public comment by April 1992. The final circular is planned for October 1992.

Timetable:

Action	Date	FR Cite
Draft Circular for Public Comment	01/20/88	53 FR 1542
Revised Draft for Public Comment	04/00/92	
Final Circular	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzann K. Evinger, Statistical Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-3093

RIN: 0348–AA43

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Final Rule Stage

4080. POLICIES ON GOVERNMENT PUBLICATIONS (CIRCULAR NO. A-3)

Legal Authority: 44 USC 1108

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-3, "Government Publications", last revised in May 1985, prescribes policies and procedures for approving funding for government periodicals to fulfill the requirements of 44 USC 1108, and for reporting periodicals and non-recurring publications. OMB is proposing to incorporate this Circular, with revisions, into OMB Circular No. A-130, "Management of Federal Information Resources." On August 18, 1989, OMB issued OMB Bulletin No. 89-15 which effected certain revisions to Circular A-3 in reporting requirements. OMB Bulletin No. 90-09, issued July 31, 1990, repeated these revisions to Circular No. A-3. On March 4, 1991, OMB published plans for revising Circular No. A-130, of which Circular No. A-3 will become part.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advance Proposal to Replace Circular	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advance Proposal to Replace Circular	06/15/89	54 FR 25554
Third Advance Proposal to Replace Circular	03/04/91	56 FR 9026
Notice of Rescission	10/01/91	56 FR 49824

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert N. Veeder, Acting Branch Chief, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348–AA77

4081. ● POLICIES ON CONSTRUCTION OF FAMILY HOUSING (CIRCULAR NO. A-18)

Legal Authority: Budget and Accounting Act of 1921, as amended; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular A-18 sets forth policies for budgeting, planning, and undertaking the construction of federally-owned housing for Federal personnel and for employees of Government contractors. The last revision of the Circular occurred in August 1967. Following the incorporation of the appropriate budget policies into OMB Circular A-11, Circular A-18 will be canceled.

Timetable:

Action	Date	FR Cite
Notice of Rescission	10/01/91	56 FR 49824

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard A. Ong, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3300

RIN: 0348–AA92

4082. ● COST PRINCIPLES FOR EDUCATIONAL INSTITUTIONS (CIRCULAR NO. A-21)

Legal Authority: See Preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular A-21 establishes Governmentwide accounting principles for the direct and indirect (allocated overhead) costs of Federal grants and contracts with colleges and universities. The Circular divides allocated overhead costs into seven "cost pools" that form the basis of a university's indirect cost rate. Four of these pools are for administrative costs. In Fiscal Year (FY) 1989 estimated Federal payments for university overhead were about $2.5 billion of an estimated $9.2 billion for direct scientific research. The problem of rising overhead costs has been the subject of continuing and extensive debate.

Timetable:

Action	Date	FR Cite
Final Revision No. 1	10/00/91	
Final Revision No. 2	09/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jack Sheehan, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3050

RIN: 0348–AA93

4083. ● FEDERAL CREDIT POLICY (CIRCULAR NO. A-70)

Legal Authority: Budget and Accounting Act of 1921, as amended; Federal Credit Reform Act of 1990

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular No. A-70 provides guidance to Federal agencies in reviewing or proposing credit program legislation, and other credit program policies and procedures, including the measurement of the subsidy element of Federal Credit Programs. Circular A-70 policies will be incorporated into Circular A-129, "Managing Federal Credit Programs", which is being revised. Circular A-70 will be terminated upon final issuance of A-129.

Timetable:

Action	Date	FR Cite
Notice of Rescission	10/01/91	56 FR 49824

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Agency Contact: Kim Burke, Office of Management and Budget, Budget Analysis and Systems Division, Washington, DC 20503, 202 395-3930

RIN: 0348–AA94

4084. ● INDIRECT COST RATES, AUDIT AND AUDIT FOLLOWUP AT EDUCATIONAL INSTITUTIONS (CIRCULAR NO. A-88)

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970 - EO 11541

CFR Citation: None

Legal Deadline: None

Abstract: This Circular provides policies for:

(a) establishing indirect cost rates;

(b) auditing;

(c) correcting systems deficiencies; and

(d) resolving questioned cost. This Circular will be rescinded.

Timetable:

Action	Date	FR Cite
Notice of Rescission	10/01/91	56 FR 49824

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Palmer Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348–AB07

4085. ● COMPARATIVE COST ANALYSIS FOR DECISIONS TO LEASE OR PURCHASE GENERAL PURPOSE REAL PROPERTY (CIRCULAR NO. A-104)

Legal Authority: Budget and Accounting Act of 1921, as amended.

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular A-104 establishes a procedure for Government agencies to follow in deciding whether to lease or purchase a capital asset. Requirements of the Circular will be incorporated in Circular A-11.

Timetable:

Action	Date	FR Cite
Notice of Rescission	10/01/91	56 FR 49824

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ahmad Al-Samarrie, Acting Associate Director for Economic Policy, Office of Management and Budget, Economic Policy, Washington, DC 20503, 202 395-5873

RIN: 0348–AB06

OMB

Final Rule Stage

4086. MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: Budget and Accounting Act of 1950

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-114 was issued to produce policies governing the consolidation, use, and management of federal audiovisual resources.

Timetable:

Action	Date	FR Cite
Notice of Rescission	10/01/91	56 FR 49824

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: The principle policies in OMB Circular No. A-114, "Management of Audiovisual Activities" will be consolidated into a revised OMB Circular No. A-130, "Management of Federal Information Resources." OMB Circular No. A-114 will then be canceled.

Agency Contact: Linda Mesaros, Management Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3300

RIN: 0348–AA84

4087. "RULE OF ORIGIN" UNDER THE BUY AMERICAN ACT OF 1933 AS AMENDED

Legal Authority: PL 100-418, Sec 7002

CFR Citation: None

Legal Deadline: Other, Statutory. OFPP presented a report to Congress on December 9, 1990, which included policy guidance on factors to be used in making determinations of country of origin.

Abstract: The Buy American Act (the Act) was enacted in 1933 to ensure Federal agencies gave domestic products priority in competition for government contracts. The Act provides that, unless it is inconsistent with the public interest or unreasonably costly, all materials and supplies purchased by any department of the Federal Government, and all materials and supplies furnished by contractors doing work for the Federal Government, be produced within the jurisdictional limits of the United States. In 1988, the Act was amended by several sections of Title VII of PL 100-418. Among other things, the 1988 amendments, directed the Administrator of Federal Procurement Policy to "conduct an assessment of the rules currently used this Act for making determinations of country of origin and alternatives to such rules." In conducting this assessment, the Administrator was directed to identify and evaluate reasonable alternative rules of origin, including one which requires that a determination be made on the basis of total cost.

Timetable:

Action	Date	FR Cite
Report to Congress	12/09/90	
Proposed Policy Letter	12/20/90	55 FR 52232
Comment Period End	01/19/91	
Final Policy Letter	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Agency Contact: William Coleman, Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, 725 17th St., NW.; NEOB; Rm. 9025, Washington, DC 20503, 202 395-3501

RIN: 0348–AA88

[FR Doc. 91-23173 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XXXV

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from October 1, 1991, through September 30, 1992. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E. O. 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, (202) 606-1973.

Office of Personnel Management.

Constance Berry Newman,

Director.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4088	Stay in School Program Regulations	3206-AE52
4089	Amendment to Selective Service Registration Requirements	3206-AD68
4090	Passing Over Preference Eligibles for Appointments Outside Registers	3206-AE61
4091	Repayment of Student Loans	3206-AE51
4092	Executive, Management, and Supervisory Development	3206-AC12
4093	Personnel Demonstration Projects	3206-AE58
4094	Pay Under the General Schedule; Pay Adjustment Conversion Rules	3206-AE23
4095	Special Pay Adjustments for Law Enforcement Officials in Selected Areas	3206-AE62
4096	Hazard Pay for General Schedule Employees; Exposure to Asbestos	3206-AE18
4097	Pay Administration Under the FLSA: Compliance	3206-AA40
4098	Allowances and Differentials; Uniform Allowances	3206-AE36
4099	Voluntary Leave Transfer and Leave Bank Programs	3206-AE53
4100	Amendment to the Federal Equal Opportunity Recruitment Program	3206-AE05
4101	Disabled Veterans Affirmative Action Program (DVAAP)	3206-AE07
4102	Political Activity of Federal Employees	3206-AA47
4103	Retirement; Credit and Deposits for Military Service	3206-AB73
4104	Retirement; CSRS Offset Service	3206-AD58
4105	Retirement; Disability Retirement	3206-AB77
4106	Retirement; Establishment of Minimum Amount for Government Claims	3206-AE41
4107	Retirement; Credit for Military Service	3206-AD87
4108	Retirement; Children's Survivor Benefits Based on Student Status	3206-AE40
4109	Retirement; FEGLI; Payments to Small Estates	3206-AE69
4110	Retirement; Determination of Marital Status	3206-AE71
4111	Retirement; Debt Collection	3206-AE72
4112	Retirement; Spousal Court Orders	3206-AE14
4113	Retirement; Reemployment of Annuitants	3206-AD60
4114	Retirement; FERS Partial Survivor Elections	3206-AE70
4115	Federal Employees Group Life Insurance; Change in Employee Contribution	3206-AE65
4116	FEGLI; Option Coverage Within 60 Days of a Divorce or Death of a Spouse	3206-AE64
4117	Federal Employees Health Benefits Program; Letter of Credit Provisions	3206-AE68
4118	Federal Employees Health Benefits Program; Reenrollment of Certain Annuitants	3206-AD23
4119	Voting Rights Program	3206-AD98
4120	Federal Employees Health Benefits (FEHB) Program; Letter of Credit Provisions	3206-AE66
4121	Miscellaneous Federal Employees Health Benefits Acquisition Regulation (FEHBAR) Amendments	3206-AE67
4122	OPM Procurement Regulations	3206-AB28
4123	Federal Employees' Group Life Insurance Acquisition Regulation	3206-AE04

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4124	Senior Level Positions	3206-AE27
4125	Organization of the Government for Personnel Management; Personnel Management in Agencies	3206-AA66
4126	Availability of Official Information	3206-AD83
4127	Executive Assignment System	3206-AC03
4128	Amendment to Veterans' Readjustment Appointment Regulations	3206-AE59

OPM

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4129	Election to Retain SES Benefits	3206-AE06
4130	Academic Degree Training	3206-AE60
4131	Performance Management: Performance Awards	3206-AE19
4132	Incentive Awards: Time Off from Duty as an Incentive Award	3206-AE20
4133	Pay Rates and Systems (General); Aggregate Limitation on Pay	3206-AE21
4134	Pay Rates and Systems (General); Special Salary Rate Schedules for Recruitment and Retention	3206-AE22
4135	Crediting NAF Service	3206-AE63
4136	Pay Under the General Schedule; Interim Geographic Adjustments	3206-AE24
4137	Pay Under the General Schedule; Determining Rate of Basic Pay	3206-AE25
4138	Pay Administration (General); Premium Pay	3206-AE29
4139	Pay Administration (General); Advance Payments for New Employees	3206-AE30
4140	Pay Administration (General); Pay for Duty Involving Physical Hardship or Hazard	3206-AE31
4141	Pay Administration Under the Fair Labor Standards Act; Overtime Pay Provisions	3206-AE32
4142	Employment of Retired Civilians and Military	3206-AE33
4143	Recruitment and Relocation Bonuses; Retention Allowances; Supervisory Differentials	3206-AE35
4144	Processing Garnishment Orders for Child Support and/or Alimony	3206-AB42
4145	Processing Garnishment Orders for Child Support and/or Alimony	3206-AE54
4146	Processing Garnishment Orders for Child Support and/or Alimony	3206-AE57
4147	Nonforeign Area Cost-of-Living Allowance; Annual Review	3206-AE17
4148	Suitability—Suitability Disqualification/Rating Actions	3206-AC19
4149	Personnel Security and Related Programs	3206-AC21
4150	Investigations	3206-AB92
4151	Agency Administrative Grievance System	3206-AD96
4152	Interim Relief	3206-AE16
4153	Retirement; Credit for Pre-1969 National Guard Technician Service	3206-AE39
4154	Retirement; Deposits for Military Service	3206-AB35
4155	Retirement; Federal Employees' Retirement System Act of 1986	3206-AD65
4156	Retirement; FERS—Annual Pay Computation for Less than Full-Time Employees	3206-AD63
4157	Retirement; FERS Basic Annuity	3206-AE73
4158	Retirement; Law Enforcement Officers and Firefighters	3206-AE15
4159	Retirement; MRA + 10 Retirement	3206-AE02
4160	Retirement; FERS Coverage Elections	3206-AE01
4161	FEGLI; Annual Rates of Pay for Employees Who Work Less Than Full Time; Retention of FEGLI by Nonappropriated Fund Employees When They Retire; Other Miscellaneous Changes	3206-AD50
4162	Miscellaneous Federal Employees Health Benefits Program (FEHBP) Amendments	3206-AD55
4163	Direct Payment of FEHB Premiums for Civil Service Retirement System (CSRS) and Other Annuitants	3206-AE08
4164	Federal Employees Health Benefits Program; Waiving the Participation Requirement	3206-AE09
4165	FEHB: Continuation of Coverage During a Period of Military Furlough in Support of Operation Desert Shield	3206-AE44
4166	Federal Employees Health Benefits Negotiations for Changes in Benefits and Rates; Nonrenewal of Contracts	3206-AE48
4167	Debarments, Civil Monetary Penalties and Assessments Imposed on Health Care Practitioners and Providers of Services or Supplies for Cited Offenses	3206-AD76
4168	Programs for Specific Positions and Examinations (Miscellaneous); Appointment, Pay and Removal of Administrative Law Judges	3206-AE37
4169	Computer Security Training	3206-AD43
4170	Federal Employees Health Benefits Acquisition Regulations; Termination of Contracts	3206-AE47

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4171	Employment (General) Time-in-Grade Restrictions	3206-AE50
4172	Veterans Readjustment Appointment (VRA) Program	3206-AD80
4173	Prevailing Rate Program; Premium Pay and Differentials	3206-AE26
4174	Grade and Pay Retention: Determination of Retained Grade and Rate of Basic Pay; Loss of, or Termination of, Eligibility	3206-AE28
4175	Travel and Transportation Expenses; New Appointees	3206-AE34
4176	Retirement; Voluntary Contributions	3206-AE00
4177	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AB75
4178	Retirement; Overpayment Debt Collection When Debtor is Deceased	3206-AE42
4179	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AD48

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Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
4180	Retirement; Alternative Forms of Annuity	3206-AE13
4181	Retirement; Coverage of NAF Employees	3206-AE38
4182	Retirement; Refund Notification	3206-AE10
4183	Retirement; Law Enforcement Officers and Firefighters	3206-AE12
4184	Federal Employees Health Benefits Program; Procedures Related to Disputed Claims	3206-AE43
4185	FEHB and FEGLI Programs: Benefits for Hostages in Iraq, Kuwait and Lebanon	3206-AE45
4186	Federal Employees Health Benefits Program; Procedures Related to Disputed Claims	3206-AE46
4187	Amendment to ALJ Regulations	3206-AD82

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Proposed Rule Stage

4088. STAY IN SCHOOL PROGRAM REGULATIONS

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 213.3101

Legal Deadline: None

Abstract: The Office of Affirmative Recruiting and Employment (OARE) is proposing to revise its regulations on the Stay in School Program to simplify program criteria so that students may enter the public service more easily.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Helen Lee, Personnel Management Specialist, Career Entry Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-0870

RIN: 3206–AE52

4089. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Legal Authority: 5 USC 3328

CFR Citation: 5 CFR 300, Subpart G

Legal Deadline: None

Abstract: We will issue revised proposed and final rules delegating authority to agencies to determine whether a Federal job applicant's failure to register with the Selective Service was knowing and willful. This change was authorized by an amendment to 5 USC 3328 which imposes the selective service registration requirement as a condition of employment in Federal executive agencies. The delegation will permit faster agency decisions for interested job seekers and reduce paperwork.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15400
Revised Proposed Rule	10/00/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas O'Connor, Personnel Staffing Specialist, Career Entry Group, Office of Personnel Management, Staffing Policy Division, 1900 E St., NW., Washington, DC 20415, 202 606-1407

RIN: 3206–AD68

4090. ● PASSING OVER PREFERENCE ELIGIBLES FOR APPOINTMENTS OUTSIDE REGISTERS

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 333

Legal Deadline: None

Abstract: The proposed regulations would clarify public notice requirements and the respective responsibilities of agencies and OPM for approving selections of candidates not eligible for veterans preference when preference eligibles with equal or higher ranking are available. These regulations are intended to ensure proper application of statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tracy Spencer, Staffing Policy Division, Career Entry Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-0960

RIN: 3206–AE61

4091. REPAYMENT OF STUDENT LOANS

Legal Authority: 5 USC 5379

CFR Citation: 5 CFR 537

Legal Deadline: None

Abstract: We plan to issue proposed and final regulations which will permit agencies to repay all or part of an outstanding student loan in order to recruit or retain highly qualified professional, technical or administrative personnel. This is a new provision of law contained in the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510. Agencies may pay up to a maximum of $6,000 per employee in a calendar year, or $40,000 overall. In return, the employee must agree to remain with the agency for at least 3 years.

OPM — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/30/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sylvia Cole, Personnel Staffing Specialist, Career Entry Group, Office of Personnel Management, Staffing Policy Division, 1900 E St., NW., Washington, DC 20415, 202 606-1003

RIN: 3206–AE51

4092. EXECUTIVE, MANAGEMENT, AND SUPERVISORY DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412

Legal Deadline: None

Abstract: Regulations pertaining to executive, management and supervisory development.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewis W. Taylor, Training Policy and Curriculum Division, Office of Executive and Management Policy, Office of Personnel Management, Human Resources Development Group, 1121 Vermont Ave., NW., P.O. Box 7559, Washington, DC 20044, 202 632-0420

RIN: 3206–AC12

4093. ● PERSONNEL DEMONSTRATION PROJECTS

Legal Authority: 5 USC 47

CFR Citation: 5 CFR 470

Legal Deadline: None

Abstract: This regulation would amend the current regulation by no longer requiring Federal Register notification for all project modifications. Plans for new projects would continue to be published in the Federal Register. The revised regulation would provide for a more streamlined, time-sensitive approach to modifying existing demonstration projects.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul R. Thompson, Office of Systems Innovation and Simplification, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 606-2810

RIN: 3206–AE58

4094. PAY UNDER THE GENERAL SCHEDULE; PAY ADJUSTMENT CONVERSION RULES

Significance: Regulatory Program

Legal Authority: 5 USC 5303(g)

CFR Citation: 5 CFR 531

Legal Deadline: Final, Statutory, January 1992.

Abstract: As required by the Federal Employees Pay Comparability Act of 1990, these regulations will revise current rules for adjusting the pay of a General Schedule employee at the time of an annual adjustment in General Schedule pay rates.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE23

4095. ● SPECIAL PAY ADJUSTMENTS FOR LAW ENFORCEMENT OFFICIALS IN SELECTED AREAS

Significance: Regulatory Program

Legal Authority: Sec 404 of the Federal Employees Pay Comparability Act of 1990

CFR Citation: 5 CFR 531, Subpart F

Legal Deadline: Final, Statutory, January 1, 1992.

Abstract: To implement a provision of the Federal Employees Pay Comparability Act of 1990 (FEPCA), regulatory revision is needed to provide for the payment of special pay adjustments to law enforcement officers in eight specified Consolidated Metropolitan Statistical Areas and Metropolitan Statistical Areas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert T. Gatewood, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE62

4096. HAZARD PAY FOR GENERAL SCHEDULE EMPLOYEES; EXPOSURE TO ASBESTOS

Legal Authority: 5 USC 5545(d)

CFR Citation: 5 CFR 550, Subpart I

Legal Deadline: None

Abstract: Proposed rule would establish a new hazard pay category for General Schedule employees exposed to asbestos, at a rate of 8 percent of basic pay.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	55 FR 31190
NPRM	12/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE18

4097. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204(f); 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Legal Deadline: None

Abstract: Proposed new regulation covering the FLSA Compliance Program and simplifying the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie A. Marks, Chief, Employee Relations Division, OLRWP, Office of Personnel Management, 1900 E St., NW., Room 7412, Washington, DC 20415, 202 606-2920

RIN: 3206–AA40

4098. ALLOWANCES AND DIFFERENTIALS; UNIFORM ALLOWANCES

Significance: Regulatory Program

Legal Authority: 5 USC 591

CFR Citation: 5 CFR 591, Subpart A

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulations are needed to provide uniform allowances up to the new maximum permitted by law ($400 per year).

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE36

4099. VOLUNTARY LEAVE TRANSFER AND LEAVE BANK PROGRAMS

Legal Authority: 5 USC 6332; 5 USC 6362

CFR Citation: 5 CFR 630, Subparts I, J

Legal Deadline: None

Abstract: Proposed rule would clarify that annual leave donated under the voluntary leave transfer program and annual leave contributed to a leave bank under the voluntary leave bank program may be used only for the purpose of the medical emergency for which the leave was approved. Also, proposed rule would permit an employee's leave bank membership to transfer with the employee if the employee is transferred by his or her employing agency to another part of the same agency covered by a different leave bank.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martha Hoehn, Personnel Management Specialist, Pay and Leave Administration Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE53

4100. AMENDMENT TO THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM

Legal Authority: 5 USC 7201

CFR Citation: 5 CFR 720

Legal Deadline: None

Abstract: The Office of Affirmative Recruiting and Employment (OARE) is proposing to amend its regulations on the Federal Equal Opportunity Recruitment Program (FEORP) to simplify and reduce paperwork requirements and eliminate provisions that are not specifically required by law or are administratively burdensome.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Priscilla Levinson, Personnel Management Specialist, Career Entry Group, Office of Personnel Management, Affirmative Recruiting and Employment, 1900 E St., NW., Washington, DC 20415, 202 606-0870

RIN: 3206–AE05

4101. DISABLED VETERANS AFFIRMATIVE ACTION PROGRAM (DVAAP)

Legal Authority: 5 USC 7201

CFR Citation: 5 CFR 720, Subpart C

Legal Deadline: None

Abstract: The Office of Affirmative Recruiting and Employment (OARE) is proposing to amend its regulations on the Disabled Veterans Affirmative Action Program (DVAAP) to simplify and reduce paperwork requirements and eliminate provisions that are not specifically required by law or are administratively burdensome.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Priscilla Levinson, Personnel Management Specialist, Career Entry Group, Office of Personnel Management, Affirmative Recruiting and Employment, 1900 E St., NW., Washington, DC 20415, 202 606-0870

RIN: 3206–AE07

4102. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recision of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: JoAnn Chabot, Attorney, Office of the General Counsel, Office of Personnel

Management, 1900 E St., NW., Room 7538, Washington, DC 20415, 202 606-1920

RIN: 3206–AA47

4103. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts A, C and U; 5 CFR 842, Subpart C

Legal Deadline: None

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AB73

4104. RETIREMENT; CSRS OFFSET SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart J

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provided that certain employees would continue to be covered by both the Civil Service Retirement System and social security. Their CSRS deductions are offset by social security taxes (FICA), and, when they retire, their CSRS benefits are offset by the value of this service in their social security benefits. The regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. T. Newland, Jr., Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AD58

4105. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Legal Deadline: None

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM's authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	03/30/90	55 FR 11933
NPRM	12/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. T. Newland, Jr., Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AB77

4106. RETIREMENT; ESTABLISHMENT OF MINIMUM AMOUNT FOR GOVERNMENT CLAIMS

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831, Subpart R; 5 CFR 845, Subpart D

Legal Deadline: None

Abstract: These regulations would bar agencies from submitting Government claims against an employee's retirement monies when the employee's debt is less than a minimum amount.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Interim Final Rule	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE41

4107. RETIREMENT; CREDIT FOR MILITARY SERVICE

Legal Authority: 5 USC 8347; 5 USC 8461; PL 97-253, Sec 307

CFR Citation: 5 CFR 831, Subpart C; 5 CFR 842, Subpart C; 5 CFR 843, Subpart C

Legal Deadline: None

Abstract: These regulations govern credit for military service under FERS and CSRS in situations where annuitants have simultaneous entitlement to Social Security benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AD87

4108. RETIREMENT; CHILDREN'S SURVIVOR BENEFITS BASED ON STUDENT STATUS

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831, Subpart F; 5 CFR 843, Subpart D

Legal Deadline: None

Abstract: These regulations would make minor changes in the rules governing child survivor benefits paid to full-time students between 18 and 22 years of age. For example, the

definition of full-time school attendance would be clarified.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE40

4109. ● RETIREMENT; FEGLI; PAYMENTS TO SMALL ESTATES

Legal Authority: 5 USC 8347; 5 USC 8461; 5 USC 8716

CFR Citation: 5 CFR 831, Subpart T; 5 CFR 843, Subparts A, B; 5 CFR 870, Supart I

Legal Deadline: None

Abstract: These regulations will amend the Civil Service Retirement System (CSRS), Federal Employees Retirement System (FERS), and Federal Employees' Group Life Insurance (FEGLI) regulations to clarify that when a lump-sum death benefit is payable to the estate of a deceased employee or annuitant and no administrator or other fiduciary has been appointed by a court of appropriate jurisdiction, payment may be made to an individual qualifying under "small estate" procedures of the State of domicile.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE69

4110. ● RETIREMENT; DETERMINATION OF MARITAL STATUS

Legal Authority: 5 USC 8348; 5 USC 8461

CFR Citation: 5 CFR 831, Subpart J; 5 CFR 843, Subpart E

Legal Deadline: None

Abstract: These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations to provide standards of evidence required to prove marital status in relation to claims for benefits.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE71

4111. ● RETIREMENT; DEBT COLLECTION

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 835

Legal Deadline: None

Abstract: These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations by consolidating existing regulations in three different subparts of the CSRS regulations and 5 CFR 845 in the FERS regulations to eliminate duplication of the provisions governing debt collection.

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	
Final Action	04/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE72

4112. RETIREMENT; SPOUSAL COURT ORDERS

Legal Authority: 5 USC 8347; 5 USC 8461; PL 98-615

CFR Citation: 5 CFR 838

Legal Deadline: None

Abstract: This regulation would consolidate Civil Service Retirement System and Federal Employees Retirement System rules governing court orders that award retirement system benefits to an employee's former spouse. Thus, one set of regulations would govern both retirement systems. A new Part 838 will be created.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Siegelman, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE14

4113. RETIREMENT; REEMPLOYMENT OF ANNUITANTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart K; 5 CFR 846

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, amended the Federal Employees' Retirement System Act provisions concerning reemployment of FERS annuitants and CSRS annuitants who transfer to FERS. These regulations implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AD60

4114. ● RETIREMENT; FERS PARTIAL SURVIVOR ELECTIONS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 842, Subpart F; 5 CFR 843, Subpart C

Legal Deadline: None

Abstract: These regulations will amend the Federal Employees Retirement System rules governing the annuity reduction for survivor benefits to reflect the statutory change allowing retirees to elect a partial survivor benefit with the consent of the spouse. The regulations also clarify existing language to conform with Civil Service Retirement System regulations on the same subject.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE70

4115. ● FEDERAL EMPLOYEES GROUP LIFE INSURANCE; CHANGE IN EMPLOYEE CONTRIBUTION

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870, Subpart D; 5 CFR 871, Subpart D; 5 CFR 872, Subpart D; 5 CFR 873, Subpart D

Legal Deadline: None

Abstract: Regulations to reflect new rates for the employee contribution toward the cost of coverage.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE65

4116. ● FEGLI; OPTION COVERAGE WITHIN 60 DAYS OF A DIVORCE OR DEATH OF A SPOUSE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 872, Subpart B; 5 CFR 873, Subpart B

Legal Deadline: None

Abstract: Federal employees who have Basic life insurance coverage may elect Option B and/or Option C coverage upon marriage or acquisition of a child. Regulations will allow the same opportunity within 60 days of a divorce or death of a spouse.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	06/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE64

4117. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; LETTER OF CREDIT PROVISIONS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to reflect a revised system of making recurring premium payments to FEHB Program carriers on a letter of credit basis; to implement Section 7002(b) of Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990; and to centralize all of the regulations relating to FEHB Program payments to carriers in Chapter 16, Title 48, Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE68

4118. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REENROLLMENT OF CERTAIN ANNUITANTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Regulations to permit reenrollment of annuitants who cancelled FEHB enrollment to enroll in a Health Maintenance Organization or Competitive Medical Plan under a Medicare risk contract and need to return to FEHB coverage.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 29686
Notice of Withdrawal	11/06/89	53 FR 29686
Reinstatement of NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AD23

4119. VOTING RIGHTS PROGRAM

Legal Authority: 42 USC 1973(a) to 1973(e)

CFR Citation: 45 CFR 801

Legal Deadline: None

Abstract: The Voting Rights Act of 1965 places certain responsibilities on the Office of Personnel Management in order to effectuate the guarantees of the 15th Amendment. OPM is responsible,

when so requested by the Attorney General, for opening and staffing examining offices in order to examine applicants to be registered to vote. Accordingly, when the Attorney General determines it is necessary, the Office may be requested to open offices in political subdivisions in various states to examine the qualifications of minorities or non-English speaking citizens to vote.

Timetable:

Action	Date	FR Cite
NPRM	12/20/91	30 FR 9059
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie J. Peters, Law Clerk Trainee, Office of General Counsel, Rm. 7338, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2033

RIN: 3206–AD98

4120. ● FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB) PROGRAM; LETTER OF CREDIT PROVISIONS

Legal Authority: 5 USC 8913; 40 USC 486(c)

CFR Citation: 48 CFR Ch 16

Legal Deadline: None

Abstract: Regulations to reflect a revised system of making recurring premium payments to FEHB Program carriers on a letter of credit basis; to implement Section 7002(b) of Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990; and to centralize all of the regulations relating to FEHB Program payments to carriers in Chapter 16, Title 48, Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE66

4121. ● MISCELLANEOUS FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION (FEHBAR) AMENDMENTS

Legal Authority: 5 USC 8913; 5 USC 486(c)

CFR Citation: 48 CFR Ch 16

Legal Deadline: None

Abstract: Regulations to add new clauses for subrogation of claims and quality assurance in FEHB Program contracting; to update clauses to reflect Insurance Audits Receivables Tracking System (IARTS) procedures; to add new Federal Acquisition Regulation (FAR) clauses to the list of FAR clauses required for FEHB contracting; and to delete clauses which are not applicable to FEHB contracting and for other purposes.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE67

4122. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Ch 1

CFR Citation: 48 CFR 17

Legal Deadline: None

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Alfred F. Chatterton III, Assistant Director for Procurement Services, Administration Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2240

RIN: 3206–AB28

4123. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACQUISITION REGULATION

Legal Authority: 5 USC 8716; 48 CFR 1.301

CFR Citation: 48 CFR Ch 20

Legal Deadline: None

Abstract: Proposed regulations to describe the method by which the Office of Personnel Management (OPM) implements and supplements the Federal Acquisition Regulations (FAR) for the Federal Employees' Group Life Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Abby L. Block, Chief, Insurance Division, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE04

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Final Rule Stage

4124. SENIOR LEVEL POSITIONS

Significance: Regulatory Program

Legal Authority: 5 USC 5108; 5 USC 5376

CFR Citation: 5 CFR 9; 5 CFR 213; 5 CFR 214; 5 CFR 300; 5 CFR 305; 5 CFR 317; 5 CFR 319; 5 CFR 353; 5 CFR 534; 5 CFR 536; 5 CFR 591; 5 CFR 630

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulations are needed to establish rules governing: (1) conversion of scientific and professional positions and former GS-16, 17 and 18 positions to the new senior-level pay authority; (2) adjustment of rates of basic pay for senior-level positions; (3) abolishment of Executive Assignment System for GS-16, 17 and 18 positions; and (4) establishment of employment procedures for positions subject to senior-level pay authority of 5 U.S.C. 5376.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/23/91	56 FR 18658
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Office of Executive and Management Policy, Human Resources Development Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-1610

RIN: 3206–AE27

4125. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Legal Deadline: None

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
NPRM	05/08/91	56 FR 21330
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Oland, Chief, Program Development Division, Agency Compliance and Evaluation, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 606-2458

RIN: 3206–AA66

4126. AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: None

Abstract: Revisions in response to the requirements of E.O. 12600 regarding confidential commercial information and revisions to the description of the Index to Information to clearly reflect OPM's practices.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25120
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Ronald Trueworthy, Chief, Information Policy Branch, Office of Information Resources Management, Office of Personnel Management, Administration Group, 1900 E St., NW., Washington, DC 20415, 703 908-8550

RIN: 3206–AD83

4127. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Legal Deadline: None

Abstract: Recision of regulations on executive assignment system (GS-16/18), which is abolished by Executive order. The Senior Executive Service incorporated most GS-16/18 positions in 1979, and the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509) abolished the GS-16/18 grades and made the positions subject to a new, ungraded senior level system.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/23/91	56 FR 18658
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Office of Executive and Management Policy, Human Resources Development Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-1610

RIN: 3206–AC03

4128. ⊕ AMENDMENT TO VETERANS' READJUSTMENT APPOINTMENT REGULATIONS

Legal Authority: 38 USC 2014

CFR Citation: 5 CFR 307

Legal Deadline: None

Abstract: OPM will issue revised regulations to reflect the latest changes to the VRA program enacted by Pub. L. 102-16, approved March 22, 1991.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Changes are necessary to conform to statute.

Agency Contact: Thomas O'Connor, Personnel Staffing Specialist, Career Entry Group, Office of Personnel Management, Staffing Policy Division, 1900 E St., NW., Washington, DC 20415, 202 606-1407

RIN: 3206–AE59

4129. ELECTION TO RETAIN SES BENEFITS

Legal Authority: 5 USC 3392(c)

CFR Citation: 5 CFR 317

Legal Deadline: None

Abstract: Under the Civil Service Reform Act of 1978, career employees of the Senior Executive Service (SES) who received Presidential appointments with Senate confirmation at level V of the Executive Schedule or higher could elect to retain certain SES benefits. The "Thrift Savings Plan Technical Amendments Act of 1990" extended this election coverage to other SES career employees appointed to Executive Schedule or equivalent positions (Pub. L. 101-334, July 17, 1990). It also provided that OPM shall prescribe regulations covering election by persons appointed between November 1986 and the effective date of the Act.

Timetable:

Action	Date	FR Cite
NPRM	04/16/91	56 FR 15273
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Office of Executive and Management Policy, Human Resources Development Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-1610

RIN: 3206–AE06

4130. ● ACADEMIC DEGREE TRAINING

Legal Authority: 5 USC 4107; 5 USC 4118

CFR Citation: 5 CFR 410

Legal Deadline: None

Abstract: This is to implement a provision in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), requiring OPM to prescribe regulations authorizing Federal agencies to provide training without regard to the constraints in 5 U.S.C. 4107(c) on "academic degree training," if it is necessary to assist in the recruitment or retention of employees in shortage occupations.

Timetable:

Action	Date	FR Cite
NPRM	09/06/91	56 FR 44012
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Masterson, Employee Development Specialist, Policy and Curriculum Initiatives Division, Office of Personnel Management, Human Resources Development Group, 1121 Vermont Ave., NW., P.O. Box 7559, Washington, DC 20044, 202 632-9769

RIN: 3206–AE60

4131. PERFORMANCE MANAGEMENT: PERFORMANCE AWARDS

Significance: Regulatory Program

Legal Authority: 5 USC 4505(a)

CFR Citation: 5 CFR 430, Subpart E

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: Regulation will reflect new statutory limitations on performance-based cash awards as required by the Federal Employees Pay Comparability Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/91	56 FR 20331
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Doris Hausser, Labor Relations and Workforce Performance, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-1202

RIN: 3206–AE19

4132. INCENTIVE AWARDS: TIME OFF FROM DUTY AS AN INCENTIVE AWARD

Significance: Regulatory Program

Legal Authority: 5 USC 4502(e)

CFR Citation: 5 CFR 451, Subpart C

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: Regulation will implement a provision of the Federal Employees Pay Comparability Act of 1990 to permit agencies to grant time off from duty as an incentive award.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/91	56 FR 20331
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Brengel, Labor Relations and Workforce Performance, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2828

RIN: 3206–AE20

4133. PAY RATES AND SYSTEMS (GENERAL); AGGREGATE LIMITATION ON PAY

Significance: Regulatory Program

Legal Authority: 5 USC 5307(c)

CFR Citation: 5 CFR 530, Subpart B

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: In implementing provisions of the Federal Employees Pay Comparability Act of 1990, regulations are needed to establish (1) rules governing the EX-I aggregate limitations on pay and (2) procedures for lump-sum payments of amounts in excess of EX-I.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/28/91	56 FR 12833
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE21

4134. PAY RATES AND SYSTEMS (GENERAL); SPECIAL SALARY RATE SCHEDULES FOR RECRUITMENT AND RETENTION

Significance: Regulatory Program

Legal Authority: 5 USC 5305

CFR Citation: 5 CFR 530, Subpart C

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulatory revisions are needed to (1) expand criteria for requesting and approving special rates, and (2) increase range of

rates within which special rates may be authorized.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/91	56 FR 20334
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Gualtieri, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-1413

RIN: 3206–AE22

4135. ● CREDITING NAF SERVICE

Legal Authority: 5 USC 5334(a); 5 USC 5365; 5 USC 5595; Sec 7202(f) of the Omnibus Budget Reconciliation Act of 1990

CFR Citation: 5 CFR 531; 5 CFR 536; 5 CFR 550, Subpart G

Legal Deadline: None

Abstract: To implement provisions of the Omnibus Budget Reconciliation Act of 1990, regulatory revision is needed to govern pay-setting, credit service for within-grade increases, and provide entitlement to grade and pay retention and severance pay for certain former employees of nonappropriated fund instrumentalities in the Department of Defense and the Coast Guard who have moved to General Schedule positions under specified conditions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernadette Christie, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE63

4136. PAY UNDER THE GENERAL SCHEDULE; INTERIM GEOGRAPHIC ADJUSTMENTS

Significance: Regulatory Program

Legal Authority: Section 302, Federal Employees Pay Comparability Act of 1990

CFR Citation: 5 CFR 531, Subpart A

Legal Deadline: Final, Statutory, January 1, 1991.

Abstract: As permitted under provisions of the Federal Employees Pay Comparability Act of 1990, regulations are needed to govern (1) applicability of interim geographic adjustments to special rate employees, and (2) status of interim geographic adjustments for basic pay purposes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/09/91	56 FR 771
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE24

4137. PAY UNDER THE GENERAL SCHEDULE; DETERMINING RATE OF BASIC PAY

Significance: Regulatory Program

Legal Authority: 5 USC 5333

CFR Citation: 5 CFR 531, Subpart B

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulatory revisions are required to provide for above-minimum entry rates at all GS grade levels.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/14/91	56 FR 6204
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tracy Spencer, Staffing Policy Division, Career Entry Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2502

RIN: 3206–AE25

4138. PAY ADMINISTRATION (GENERAL); PREMIUM PAY

Significance: Regulatory Program

Legal Authority: 5 USC 5542(a)and (c); 5 USC 5543(a); 5 USC 5545(c)(1); 5 USC 5547(a)-(c)

CFR Citation: 5 CFR 550, Subpart A

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulatory revision is needed to: (1) exclude FLSA nonexempt employees from overtime computation; (2) provide continued eligibility for compensatory time off for FLSA nonexempt employees; (3) establish criteria for applying annual maximum earnings limitation to employees who perform emergency or rescue work; and (4) exclude law enforcement officers from overtime pay and biweekly maximum earnings limitations applicable to other employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/15/91	56 FR 11059
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE29

4139. PAY ADMINISTRATION (GENERAL); ADVANCE PAYMENTS FOR NEW EMPLOYEES

Significance: Regulatory Program

Legal Authority: 5 USC 5524(a)

CFR Citation: 5 CFR 550, Subpart B

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulations

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are needed to govern advance payments to new employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/28/91	56 FR 12833
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE30

4140. PAY ADMINISTRATION (GENERAL); PAY FOR DUTY INVOLVING PHYSICAL HARDSHIP OR HAZARD

Significance: Regulatory Program

Legal Authority: 5 USC 5545(d)

CFR Citation: 5 CFR 550, Subpart I

Legal Deadline: Final, Statutory, May 4, 1990.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulatory revision is needed to delete "irregular or intermittent duty" as a condition of eligibility for hazard pay employees, and prescribe circumstances (if any) in which hazard pay may be paid when the classification of a position takes into account the degree of physical hardship or hazard involved.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/91	56 FR 20343
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE31

4141. PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT; OVERTIME PAY PROVISIONS

Significance: Regulatory Program

Legal Authority: 5 USC 5542(c); 5 USC 5544(a)

CFR Citation: 5 CFR 551, Subpart E

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement amendments of the Federal Employees Pay Comparability Act of 1990, regulatory revision is needed to: (1) provide for an 8-hour daily overtime work standard; (2) include paid absences as "hours of work" for the purpose of computing overtime pay entitlements for nonexempt Federal employees under the Fair Labor Standards Act; and (3) exclude FLSA nonexempt employees from FLSA overtime pay computation rules under title 5, United States Code.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/91	56 FR 20339
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE32

4142. EMPLOYMENT OF RETIRED CIVILIANS AND MILITARY

Significance: Regulatory Program

Legal Authority: 5 USC 5532(g); 5 USC 8344(i); 5 USC 8468(f)

CFR Citation: 5 CFR 553

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulatory revision is needed to provide for OPM waiver of dual compensation restrictions on a case-by-case basis for military retirees and CSRS and FERS annuitants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/14/91	56 FR 6205
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tracy Spencer, Staffing Policy Division, Career Entry Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2502

RIN: 3206–AE33

4143. RECRUITMENT AND RELOCATION BONUSES; RETENTION ALLOWANCES; SUPERVISORY DIFFERENTIALS

Significance: Regulatory Program

Legal Authority: 5 USC 5753; 5 USC 5754; 5 USC 5755

CFR Citation: 5 CFR 575, Subparts A, B, C, D

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulations are needed to permit agencies to pay recruitment bonuses, relocation bonuses, retention allowances, and supervisory differentials.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/28/91	56 FR 12833
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Office of Pay Policy and Programs, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-2858

RIN: 3206–AE35

4144. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661; 42 USC 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Legal Deadline: None

Abstract: Update regulations in response to a decision issued by the U.S. Court of Appeals for the Federal Circuit.

Timetable:

Action	Date	FR Cite
NPRM	03/05/91	56 FR 9181
NPRM Comment Period End	04/04/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker, Attorney, Office of the General Counsel, Office of Personnel Management, 1900 E St., NW., Room 7544, Washington, DC 20415, 202 606-1980

RIN: 3206–AB42

4145. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661 to 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Legal Deadline: None

Abstract: Update regulations in response to the Pay Reform Act.

Timetable:

Action	Date	FR Cite
NPRM	06/20/91	56 FR 28350
NPRM Comment Period End	07/22/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker, Attorney, Office of the General Counsel, Office of Personnel Management, 1900 E St., NW., Room 7544, Washington, DC 20415, 202 606-1980

RIN: 3206–AE54

4146. ● PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661; 42 USC 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Legal Deadline: None

Abstract: Update regulation in response to an opinion from the Department of Justice concerning benefits from the Department of Veterans Affairs and concerning benefits payable by the Social Security Administration.

Timetable:

Action	Date	FR Cite
NPRM	09/14/90	55 FR 37881
NPRM Comment Period End	10/15/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker, Attorney, Office of the General Counsel, Office of Personnel Management, 1900 E St., NW., Room 7544, Washington, DC 20415, 202 606-1980

RIN: 3206–AE57

4147. NONFOREIGN AREA COST-OF-LIVING ALLOWANCE; ANNUAL REVIEW

Legal Authority: 5 USC 5941(a)(1); EO 10000

CFR Citation: 5 CFR 591, Subpart B

Legal Deadline: None

Abstract: Proposed rule would publish the results of the annual review of nonforeign area cost-of-living allowances, as required by Executive Order 10000 and 5 CFR 591.211.

Timetable:

Action	Date	FR Cite
NPRM	02/26/91	56 FR 7902
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Paquin, Pay Specialist, Wage Systems Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 606-2848

RIN: 3206–AE17

4148. SUITABILITY—SUITABILITY DISQUALIFICATION/RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subparts B and C

Legal Deadline: None

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
Interim Final Rule	04/23/91	56 FR 1866
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-1999

RIN: 3206–AC19

4149. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None

Abstract: Comprehensive review of security standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel security standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
Interim Final Rule	04/23/91	56 FR 18650
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-1999

RIN: 3206–AC21

4150. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 5 CFR 736

Legal Deadline: None

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Abstract: Review of Governmentwide background investigations standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel investigations standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
Interim Final Rule	04/23/91	56 FR 18650
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 606-1999

RIN: 3206–AB92

4151. AGENCY ADMINISTRATIVE GRIEVANCE SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 9832; EO 11222

CFR Citation: 5 CFR 771

Legal Deadline: None

Abstract: Revises requirements for agency administrative grievance systems (AGS) to: (1) broaden and clarify the type of matters and categories of employees covered by the AGS; (2) simplify AGS requirements; (3) require agencies to establish timeframes and other measures to ensure prompt consideration of grievances; (4) enhance employee perceptions of AGS fairness and responsiveness; (5) allow cancellation of improper or duplicative grievances; (6) clarify agency flexibility in tailoring their AGS to the dispute at hand; (7) encourage use of alternative forms of dispute resolution; and (8) require agencies to periodically examine the operation and effectiveness of their AGS.

Timetable:

Action	Date	FR Cite
NPRM	09/26/91	56 FR 48757
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie A. Marks, Chief, Employee Relations Division, OLRWP, Office of Personnel Management, 1900 E St., NW., Room 7412, Washington, DC 20415, 202 606-2920

RIN: 3206–AD96

4152. INTERIM RELIEF

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 7301; PL 101-12

CFR Citation: 5 CFR 772

Legal Deadline: None

Abstract: Creates new Part 772, which along with simultaneous changes to Parts 531, 536, 540, 831, 846, 870, and 890, provides agencies with the authorities necessary to take conditional personnel actions providing "interim relief" pursuant to the Whistleblower Protection Act of 1989. These changes permit agencies to take such interim actions as well as to have the means to affect pay and benefits administration for employees (or former employees) who have prevailed in an appeal to the Merit Systems Protection Board.

Timetable:

Action	Date	FR Cite
NPRM	02/05/91	56 FR 4582
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie A. Marks, Chief, Employee Relations Division, OLRWP, Office of Personnel Management, 1900 E St., NW., Room 7412, Washington, DC 20415, 202 606-2920

RIN: 3206–AE16

4153. RETIREMENT; CREDIT FOR PRE-1969 NATIONAL GUARD TECHNICIAN SERVICE

Legal Authority: 5 USC 8347; 5 USC 8461; PL 101-530

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: None

Abstract: These regulations are needed to implement Public Law 101-530, which was enacted on November 6, 1990. The regulations govern how individuals may receive retirement credit for pre-1969 National Guard technician service under the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/91	56 FR 6552
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE39

4154. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Legal Deadline: None

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Federal Retirement and Insurance Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE35

4155. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 841

Legal Deadline: None

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/87	52 FR 4472
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AD65

4156. RETIREMENT; FERS—ANNUAL PAY COMPUTATION FOR LESS THAN FULL-TIME EMPLOYEES

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841; 5 CFR 843

Legal Deadline: None

Abstract: These regulations provide a methodology for computing the amount of the basic employee death benefit under the Federal Employees' Retirement System (FERS) Act of 1986 for employees whose tour of duty is less than full time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16535
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AD63

4157. ● RETIREMENT; FERS BASIC ANNUITY

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 842, Subparts B through G

Legal Deadline: None

Abstract: These final regulations will amend FERS Basic Annuity regulations governing Eligibility (Subpart B), Credit for Service (Subpart C), Computations (Subpart F), and Alternative Forms of Annuities (Subpart G). These regulations have been published at various times in interim final form, and have been affected by statutory changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/87	52 FR 2061
Interim Final Rule	01/16/87	52 FR 2067
Interim Final Rule	02/11/87	52 FR 4473
Interim Final Rule	02/11/87	52 FR 4479
Interim Final Rule	05/14/87	52 FR 18193
Interim Final Rule	04/08/88	53 FR 11635
Interim Final Rule	02/09/90	55 FR 4598
Final Rule	12/27/90	55 FR 53136
Interim Final Rule	02/19/91	56 FR 6549
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0777

RIN: 3206–AE73

4158. RETIREMENT; LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 842, Subpart H

Legal Deadline: None

Abstract: This regulation will finalize interim regulations on law enforcement officer or firefighter retirees under the Federal Employees Retirement System. It will incorporate statutory changes made by Public Law 100-238.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/87	52 FR 2068
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John E. Landers, Supervisory Personnel Management Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE15

4159. RETIREMENT; MRA + 10 RETIREMENT

Legal Authority: 5 USC 8461; 5 USC 8442

CFR Citation: 5 CFR 842, Subpart B; 5 CFR 843, Subpart C

Legal Deadline: None

Abstract: These proposed regulations would amend the rules governing the MRA + 10 and early deferred retirement provisions under FERS. They also would amend the rules concerning the basic employee death benefit under FERS.

Timetable:

Action	Date	FR Cite
NPRM	07/05/91	56 FR 30701
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE02

4160. RETIREMENT; FERS COVERAGE ELECTIONS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 846

Legal Deadline: None

Abstract: Regulations to implement the provisions of the Federal Employees Retirement System Act of 1986, as amended, dealing with the election of Federal Employees Retirement System coverage by employees under the Civil Service Retirement System and certain other employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/87	52 FR 19235
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

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Agency Contact: Robert M. Rosenblatt, Federal Retirement and Insurance Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0299

RIN: 3206–AE01

4161. FEGLI; ANNUAL RATES OF PAY FOR EMPLOYEES WHO WORK LESS THAN FULL TIME; RETENTION OF FEGLI BY NONAPPROPRIATED FUND EMPLOYEES WHEN THEY RETIRE; OTHER MISCELLANEOUS CHANGES

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870, Subpart C

Legal Deadline: None

Abstract: Regulations to: (1) withdraw proposed regulations which would have established a new method of arriving at annual rates of pay for life insurance purposes for employees on less than full-time schedules; (2) allow Nonappropriated Fund employees to continue FEGLI after retirement as provided by Pub. L. 101-509; (3) specify that certain retired judges are exempted from reduction of Family Optional FEGLI; and (4) correct citations and references.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	53 FR 40232
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AD50

4162. MISCELLANEOUS FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) AMENDMENTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to: (1) establish earlier effective date of coverage for former spouses; (2) clarify the treatment of former spouse health benefits if former spouse is or becomes a Federal employee or is covered under the Federal enrollment of another; and (3) clarify the current provision on continued coverage while confined in a hospital at the time of change of plan.

Timetable:

Action	Date	FR Cite
NPRM	03/27/91	56 FR 12676
NPRM Comment Period End	05/28/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AD55

4163. DIRECT PAYMENT OF FEHB PREMIUMS FOR CIVIL SERVICE RETIREMENT SYSTEM (CSRS) AND OTHER ANNUITANTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to implement Public Law 101-303 to permit CSRS and other annuitants to pay FEHB premiums directly to their retirement system when the amount of their health benefits premium exceeds the amount of their annuity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/91	56 FR 25995
NPRM Comment Period End	08/05/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE08

4164. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; WAIVING THE PARTICIPATION REQUIREMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to give OPM broader discretion in applying its authority to waive the 5-year participation requirement under 5 U.S.C. 8905(b) for continuing health benefits coverage into retirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/92	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE09

4165. FEHB: CONTINUATION OF COVERAGE DURING A PERIOD OF MILITARY FURLOUGH IN SUPPORT OF OPERATION DESERT SHIELD

Legal Authority: 5 USC 8413

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulation to waive the employee share of the health benefits premium for employees who continue their coverage while they are on military furlough (leave without pay) because of military service in support of Operation Desert Shield.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/25/90	55 FR 39131
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE44

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4166. FEDERAL EMPLOYEES HEALTH BENEFITS NEGOTIATIONS FOR CHANGES IN BENEFITS AND RATES; NONRENEWAL OF CONTRACTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart B

Legal Deadline: None

Abstract: Regulations to address situations where benefit and rate negotiations between OPM and a health benefits plan carrier break down and either party decides not to renew the health benefits contract at the end of the contract term.

Timetable:

Action	Date	FR Cite
NPRM	05/06/91	56 FR 20553
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE48

4167. DEBARMENTS, CIVIL MONETARY PENALTIES AND ASSESSMENTS IMPOSED ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF SERVICES OR SUPPLIES FOR CITED OFFENSES

Significance: Regulatory Program

Legal Authority: 5 USC 8913; PL 100-654

CFR Citation: 5 CFR 890, Subpart J

Legal Deadline: None

Abstract: Regulations to implement title I of Public Law 100-654, the "Federal Employees Health Benefits Amendments Act of 1988." Title I of Pub. L. 100-654 permits OPM to exclude from further participation in the FEHB Program any health care provider (1) convicted of fraud or various other cited examples of unethical professional conduct, or (2) determined by OPM to have committed various cited offenses against the FEHB Program. The above cited debarment authority is for an offense committed on or after January 1, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/89	54 FR 43939
Revocation	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth D. Huffman, Assistant Inspector General for Policy, Resources Management, and Oversight, Office of Personnel Management, Office of the Inspector General, 1900 E St., NW., Washington, DC 20415, 202 606-3791

RIN: 3206–AD76

4168. PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS); APPOINTMENT, PAY AND REMOVAL OF ADMINISTRATIVE LAW JUDGES

Significance: Regulatory Program

Legal Authority: 5 USC 5372

CFR Citation: 5 CFR 930, Subpart B

Legal Deadline: Final, Statutory, May 4, 1991.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulatory revision is needed to provide the basis for determining the pay level for each ALJ position, and the qualifications to be required for appointment to each level.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/14/91	56 FR 6208
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Lee Willis, Acting Assistant Director for Administrative Law Judges, Office of Personnel Management, Career Entry Group, 1900 E St., NW., Washington, DC 20415, 202 606-0810

RIN: 3206–AE37

4169. COMPUTER SECURITY TRAINING

Legal Authority: 40 USC 759

CFR Citation: 5 CFR 930, Subpart C

Legal Deadline: Final, Statutory, July 10, 1988.

Abstract: Regulations for Governmentwide training requirement in computer security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/13/88	53 FR 26562
NPRM	06/12/91	56 FR 26942
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Constance Guitian, Training Policy and Curriculum Division, Office of Executive and Management Policy, Office of Personnel Management, Human Resources Development Group, 1121 Vermont Avenue, NW., P.O. Box 7559, Washington, DC 20044, 202 632-9769

RIN: 3206–AD43

4170. FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATIONS; TERMINATION OF CONTRACTS

Legal Authority: 40 USC 486(c); PL 101-508

CFR Citation: 48 CFR 1631; 48 CFR 1649; 48 CFR 1652

Legal Deadline: None

Abstract: Regulations to identify the sections of 5 U.S.C., Chapter 89, and 5 CFR, Part 890, which govern the termination of FEHB contracts. Regulations also implement Section 7002(c) of Public Law 101-508, which exempts FEHB Program carriers from State taxes on FEHB premiums.

Timetable:

Action	Date	FR Cite
NPRM	05/06/91	56 FR 20574
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Abby L. Block, Chief, Insurance Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St., NW., Washington, DC 20415, 202 606-0191

RIN: 3206–AE47

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Completed Actions

4171. EMPLOYMENT (GENERAL) TIME-IN-GRADE RESTRICTIONS

CFR Citation: 5 CFR 300, Subpart F

Completed:

Reason	Date	FR Cite
Final Action	05/20/91	56 FR 23001
Final Action Effective	06/19/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee Shelkey, 202 606-0960

RIN: 3206–AE50

4172. VETERANS READJUSTMENT APPOINTMENT (VRA) PROGRAM

CFR Citation: 5 CFR 307; 5 CFR 316

Completed:

Reason	Date	FR Cite
Withdrawn - Incorporated into RIN 3206-AE59	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Carbonneau, 202 606-0870

RIN: 3206–AD80

4173. PREVAILING RATE PROGRAM; PREMIUM PAY AND DIFFERENTIALS

Significance: Regulatory Program

CFR Citation: 5 CFR 532, Subpart E

Completed:

Reason	Date	FR Cite
Combined with RIN 3206-AE32	07/17/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Winstead, 202 606-2818

RIN: 3206–AE26

4174. GRADE AND PAY RETENTION: DETERMINATION OF RETAINED GRADE AND RATE OF BASIC PAY; LOSS OF, OR TERMINATION OF, ELIGIBILITY

Significance: Regulatory Program

CFR Citation: 5 CFR 536, Subpart B

Completed:

Reason	Date	FR Cite
Combined with RIN 3206-AE27 , Senior Level Positions	04/23/91	56 FR 18658

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Winstead, 202 606-2818

RIN: 3206–AE28

4175. TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES

Significance: Regulatory Program

CFR Citation: 5 CFR 572, Subpart A

Completed:

Reason	Date	FR Cite
Final Action	06/20/91	56 FR 28307
Final Action Effective	07/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tracy Spencer, 202 606-2502

RIN: 3206–AE34

4176. RETIREMENT; VOLUNTARY CONTRIBUTIONS

CFR Citation: 5 CFR 831, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	09/05/91	56 FR 43863
Final Action Effective	10/07/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, 202 606-0299

RIN: 3206–AE00

4177. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

CFR Citation: 5 CFR 831, Subparts F and T

Completed:

Reason	Date	FR Cite
Final Action	04/22/91	56 FR 16261
Final Action Effective	05/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Siegelman, 202 606-0777

RIN: 3206–AB75

4178. RETIREMENT; OVERPAYMENT DEBT COLLECTION WHEN DEBTOR IS DECEASED

CFR Citation: 5 CFR 831, Subpart N; 5 CFR 845, Subparts B, C

Completed:

Reason	Date	FR Cite
Withdrawn	07/19/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, 202 606-0299

RIN: 3206–AE42

4179. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

CFR Citation: 5 CFR 831, Subparts A and Q

Completed:

Reason	Date	FR Cite
Final Action	09/09/91	56 FR 45883
Final Action Effective	10/09/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, 202 606-0299

RIN: 3206–AD48

4180. RETIREMENT; ALTERNATIVE FORMS OF ANNUITY

CFR Citation: 5 CFR 831, Subpart V; 5 CFR 842, Subpart G

Completed:

Reason	Date	FR Cite
Final Action	09/05/91	56 FR 43865
Final Action Effective	10/07/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, 202 606-0299

RIN: 3206–AE13

4181. RETIREMENT; COVERAGE OF NAF EMPLOYEES

CFR Citation: 5 CFR 831, Subpart B; 5 CFR 842, Subpart A

Completed:

Reason	Date	FR Cite
Final Action	09/05/91	56 FR 43866
Final Action Effective	10/07/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, 202 606-0299

RIN: 3206–AE38

4182. RETIREMENT; REFUND NOTIFICATION

CFR Citation: 5 CFR 831, Subpart T; 5 CFR 843, Subpart B

Completed:

Reason	Date	FR Cite
Withdrawn	07/19/79	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Siegelman, 202 606-0299

RIN: 3206–AE10

4183. RETIREMENT; LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

CFR Citation: 5 CFR 842, Subpart H

Completed:

Reason	Date	FR Cite
Withdrawn	07/19/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bryce Baker, 202 606-0777

RIN: 3206–AE12

4184. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; PROCEDURES RELATED TO DISPUTED CLAIMS

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	09/23/91	56 FR 47899
Final Action Effective	10/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, 202 606-0191

RIN: 3206–AE43

4185. FEHB AND FEGLI PROGRAMS: BENEFITS FOR HOSTAGES IN IRAQ, KUWAIT AND LEBANON

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	04/23/91	56 FR 18495
Final Action Effective	05/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret J. Sears, 202 606-0780

RIN: 3206–AE45

4186. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; PROCEDURES RELATED TO DISPUTED CLAIMS

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Withdrawn - Covered in RIN 3206-AE43	04/23/9	56 FR 18495

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, 202 606-0191

RIN: 3206–AE46

4187. AMENDMENT TO ALJ REGULATIONS

CFR Citation: 5 CFR 930, Subpart B

Completed:

Reason	Date	FR Cite
Withdrawn - Incorporated in RIN 3206-AE37	09/30/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee Willis, 202 606-0810

RIN: 3206–AD82

[FR Doc. 91-21608 Filed 10-18-91; 8:45 am]

BILLING CODE 6325-01-F

federal register

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Part XXXVI

Office of Special Counsel

Semiannual Regulatory Agenda

OFFICE OF SPECIAL COUNSEL (OSC)

OFFICE OF SPECIAL COUNSEL

5 CFR Ch. VIII

Regulatory Agenda

AGENCY: Office of Special Counsel.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Special Counsel (OSC) regulations are scheduled for review or development from October 1, 1991, to September 30, 1992. They are submitted herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291.

Regulatory action may not be limited to the items listed.

FOR FURTHER INFORMATION CONTACT: Robert A. Lane, (202) or FTS 653-7137.

Mary F. Wieseman,

Special Counsel.

OFFICE OF SPECIAL COUNSEL (OSC) — Final Rule Stage

4188. IMPLEMENTATION OF THE WHISTLEBLOWER PROTECTION ACT

Significance: Agency Priority

Legal Authority: PL 101-12, Sec 3; 5 USC 552(a)(3); 5 USC 552(a)(4); 5 USC 552a(b)

CFR Citation: 5 CFR 1800.1 to 1800.3; 5 CFR 1820.1 to 1820.9; 5 CFR 1830.1 to 1830.2; 5 CFR 1840.1

Legal Deadline: None

Abstract: The Whistleblower Protection Act of 1989 establishes the Office of Special Counsel as an independent agency. Regulations are planned to implement the new law. Also, certain other regulations, such as those on the Freedom of Information Act and the Privacy Act, are being republished.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/89	54 FR 47341
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Robert A. Lane, Attorney, Office of Special Counsel, Suite 1100, 1120 Vermont Avenue, NW Washington, DC 20005, 202 653-8982

RIN: 3255–AA00

[FR Doc. 91-20880 Filed 10-18-91; 8:45 am]

BILLING CODE 7400-02-F

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Part XXXVII

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA CANAL COMMISSION (PANAMA)

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC 20036-4996, (202) 634-6441 TDD; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, Unit 2300, APO AA 34011.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda w is prepared pursuant to guidelines established by the Office of Management and Budget.

Dated: August 23, 1991.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Prerule Stage

4189. RULES FOR MEASUREMENT OF VESSELS

Significance: Agency Priority

Legal Authority: PL 96-70, Sec 1601

CFR Citation: 35 CFR 135

Legal Deadline: None

Abstract: In July 1982, 48 nations, representing more than 80 percent of world shipping, began implementing a new uniform method for tonnage determination in accordance with the International Convention on Tonnage Measurement of Ships, 1969. Final implementation is scheduled for July 1994. The present Panama Canal measurement system is based upon the old national tonnage measurement system. The Panama Canal Commission is currently studying the possibility of adapting its tonnage measurement system to one which is compatible with the 1969 Convention. This would eliminate the need for vessels to be measured twice, once under the new system and again under the old system for Panama Canal assessment purposes. While no timetable for rulemaking has been established, tentative plans are to target any possible change to the Panama Canal measurement rules to the July 1994 final implementation of the 1969 Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Rhode, Jr., Assistant to the Chairman and Secretary, Panama Canal Commission, 2000 L Street, NW., Suite 550, Washington, DC 20036-4996, 202 634-6441

RIN: 3207–AA23

PANAMA CANAL COMMISSION (PANAMA) — Proposed Rule Stage

4190. CLASSIFIED INFORMATION

Significance: Agency Priority

Legal Authority: 22 USC 3611

CFR Citation: 35 CFR 60 (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to revise 35 CFR Part 60, which governs its use of security information to amend established procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn H. Twohy, Chief, Administrative Services Division, Panama Canal Commission, Unit 2300, APO AA 34011, 202 634-6441

RIN: 3207–AA29

4191. PANAMA CANAL COMMISSION ACQUISITION REGULATION

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 35

Legal Deadline: None

Abstract: The proposed rule will update the Panama Canal Commission Acquisition Regulations to conform to changes in the Federal Acquisition Regulation and to incorporate minor changes to internal operating procedures.

PANAMA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Interim Final Rule	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: Phone number for James N. Doyle in Panama, Republic of Panama, is (507)52-7511.

Agency Contact: James N. Doyle, Assistant Procurement Executive, Panama Canal Commission, Unit 2300, APO AA 34011, 202 634-6441

RIN: 3207–AA30

PANAMA CANAL COMMISSION (PANAMA)

Final Rule Stage

4192. DANGEROUS CARGOES RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215

CFR Citation: 35 CFR 101; 35 CFR 103; 35 CFR 105; 35 CFR 107; 35 CFR 109; 35 CFR 111; 35 CFR 113; 35 CFR 115; 35 CFR 117; 35 CFR 119; 35 CFR 121; 35 CFR 123

Legal Deadline: None

Abstract: The Panama Canal Commission is proposing to make minor technical changes and clarifications, including additional definitions of terms and changes of format.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. George T. Hull, Marine Director, Panama Canal Commission, Marine Bureau, Unit 2300, APO AA 34011, 202 634-6441

RIN: 3207–AA26

4193. ● BOARDING OF ARRIVING VESSELS

Legal Authority: 22 USC 3811; EO 12215; 44 USC 3501

CFR Citation: 35 CFR 101.2(b)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to amend 35 CFR 101.2(b) to include outside the Atlantic breakwater and beyond the seaward end of the dredged marked channel at the Pacific entrance as permissible boarding areas for the clearing of vessels.

Timetable:

Action	Date	FR Cite
NPRM	07/10/91	56 FR 31362
NPRM Comment Period End	08/09/91	56 FR 31362
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. George T. Hull, Marine Director, Panama Canal Commission, Marine Bureau, Unit 2300, APO AA 34011, 202 634-6441

RIN: 3207–AA31

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

4194. EMPLOYEE RESPONSIBILITIES AND CONDUCT

CFR Citation: 35 CFR 255, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	06/26/91	56 FR 29179
Final Action Effective	06/26/91	56 FR 29179

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn H. Twohy, 202 634-6441

RIN: 3207–AA16

4195. ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF RECORDS

Significance: Agency Priority

CFR Citation: 35 CFR 9 (Revision)

Completed:

Reason	Date	FR Cite
Final Action	06/26/91	56 FR 29179
Final Action Effective	06/26/91	56 FR 29179

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Carolyn H. Twohy, 202 634-6441

RIN: 3207–AA27

[FR Doc. 91-20881 Filed 10-18-91; 8:45 am]

BILLING CODE 3640-04-F

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Part XXXVIII

Peace Corps

Semiannual Regulatory Agenda

PEACE CORPS (PEACE)

PEACE CORPS

22 CFR Ch. III

Executive Order 12291 "Federal Regulation"; Semiannual Agenda of Regulations

AGENCY: Peace Corps of the United States.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from October 1, 1991, through September 30, 1992. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Mr. Daniel Bosco, Assistant General Counsel, Peace Corps, 1990 K Street NW., Washington, DC 20526, (202) 606-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year. The regulations being considered by the Peace Corps are not "major" rules within the meaning of E.O. 12291, and no Regulatory Impact Analysis is required. The Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Dated: July 18, 1991.

John K. Scales,

General Counsel.

PEACE CORPS (PEACE) — Proposed Rule Stage

4196. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504—HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 312

Legal Deadline: None

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 USC 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John Scales, General Counsel, Peace Corps, 1990 K Street, NW., Room 8302, Washington, DC 20526, 202 606-3114

RIN: 0420–AA03

PEACE CORPS (PEACE) — Final Rule Stage

4197. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121, sec 319

CFR Citation: 22 CFR 311

Legal Deadline: Final, Statutory, December 23, 1989.

Abstract: These regulations implement Section 319 of PL 101-121, which generally prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a Federal contract, grant, or loan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Kirby Mullen, Associate General Counsel, Peace Corps, 1990 K Street, NW., Washington, DC 20526, 202 606-3114

RIN: 0420–AA06

[FR Doc. 91-20882 Filed 10-18-91; 8:45 am]

BILLING CODE 6051-01-F

Federal Register

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Part XXXIX

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation (PADC).

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next 12 months.

FOR FURTHER INFORMATION CONTACT: Talbot J. Nicholas II, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue NW., Washington, DC 20004, (202) 724-9088.

Dated: August 21, 1991.

M.J. Brodie,

Executive Director, Pennsylvania Avenue Development Corporation.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Prerule Stage

4198. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Legal Deadline: None

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004, 202 724-9088

RIN: 3208–AA01

4199. DEVELOPMENT POLICIES AND PROCEDURES

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911, (New)

Legal Deadline: None

Abstract: The Corporation is studying ways to apply past experience to update its development policies and procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004, 202 724-9088

RIN: 3208–AA06

[FR Doc. 91-20883 Filed 10-18-91; 8:45 am]

BILLING CODE 7630-01-F

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Part XL

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation (PBGC).

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next 12 months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESSES: Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, (202) 778-8850. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive order requires that the agenda also include those currently effective regulations that are being reviewed by the Agency pursuant to the Executive order. The Regulatory Flexibility Act, Public Law 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Prerule Stage

4200. ANNUITY CONTRACTS DISTRIBUTED BY TERMINATING PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b); 29 USC 1341(b)

CFR Citation: 29 CFR 2617

Legal Deadline: None

Abstract: ERISA section 4041(b) requires terminating plans to provide benefits that are payable in annuity form by purchasing and distributing to plan participants (or beneficiaries) irrevocable commitments from an insurer to pay the annuity benefits. Once the final distribution of assets in accordance with section 4041(b) is completed, PBGC's guarantee under ERISA section 4022 is extinguished. Under ERISA section 4041(b), the only specific requirement dealing with irrevocable commitments distributed upon plan termination is that they be purchased from a licensed insurance company. (Such purchases are, of course, subject generally to the fiduciary provisions of Title I of ERISA.) During the past 1 1/2 years, publicity about financial problems within the insurance industry, and, specifically, about the serious problems of a few insurers, has sparked concerns about the security of pension annuities that are being, or will be, paid by an insurer pursuant to an irrevocable commitment. Although since ERISA's enactment, no retiree has lost his or her pension because of an insurance company insolvency, PBGC (with the Department of Labor) has been studying this issue. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/21/91	56 FR 28642

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: As part of this ongoing study, PBGC issued an ANPRM, in order to solicit comments and suggestions from the public on the following two broad issues: (1) Are current or future retirees, who are (or will be) receiving their benefits from an insurance company pursuant to the insurer's irrevocable commitments, at risk of losing some (or all) of their promised benefits because of the insurer's financial inability to pay the full benefits? (2) If such risk does exist, or can reasonably be expected to exist in the future, what actions, either Federal or nonfederal, can be taken to reduce this risk with respect to plans terminating under Title IV? After reviewing the public comments in response to this ANPRM, as well as the other information available to it, PBGC will decide whether to proceed with this rulemaking by issuing an NPRM.

Agency Contact: Angela Arnett, Assistant General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, 2020 K Street, NW., Washington, DC 20006, 202 778-8823

RIN: 1212-AA57

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Proposed Rule Stage

4201. PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1387(b)

CFR Citation: 29 CFR 2647 (Amendment)

Legal Deadline: None

Abstract: Under section 4207(a) of ERISA, the PBGC has issued a regulation (29 CFR Part 2647) providing for the reduction or waiver of an employer's liability for complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation will permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: J. Ronald Goldstein, Associate General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA38

4202. ● PAYMENT OF PREMIUMS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1306; 29 USC 1307

CFR Citation: 29 CFR 2610

Legal Deadline: None

Abstract: Under sections 4006 and 4007 of ERISA, the PBGC has issued its regulation governing the payment of premiums for pension plans subject to Title IV of ERISA (29 CFR Part 2610). PBGC studies of ways to simplify premium calculation and filing and to improve premium processing and accounting by PBGC have yielded suggestions for changes in that regulation, and the PBGC is considering amending the regulation to implement any such changes that it may ultimately find worthwhile. Changes now under review relate mainly to filing due dates, treatment of short plan years, simplification of the alternative calculation method, and premium payment requirements for large plans (including what plans are considered large plans for this purpose). The purpose of the changes would be primarily to simplify the premium payment system for plans and the PBGC.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22500), 2020 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA58

4203. ● VALUATION OF BENEFITS IN SINGLE-EMPLOYER PLANS; VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

Legal Authority: 29 USC 1301(a); 29 USC 1301(b)(3); 29 USC 1341; 29 USC 1344; 29 USC 1362; 29 USC 1399(c)(1)(D); 29 USC 1441(b)(1)

CFR Citation: 29 CFR 2619; 29 CFR 2676

Legal Deadline: None

Abstract: Section 4062 of ERISA provides that when a single-employer pension plan terminates with unfunded benefit liabilities, any contributing sponsor of the plan and any member of the contributing sponsor's controlled group shall be liable to the PBGC for the amount of unfunded benefit liabilities as of the plan termination date (and interest thereon). Current 29 CFR 2619 prescribes the rules, including the mortality and interest rate assumptions, to be used to value benefits. The interest and mortality assumptions are selected so that the calculated benefit values will be in line with the market costs for providing the benefits. Similarly, current 29 CFR 2676 prescribes the rules for valuing benefits under multiemployer plans following a mass withdrawal of employers. The PBGC intends to propose amending 29 CFR 2619: (1) to update its mortality assumptions to reflect recent actuarial practice, (2) to uncouple the regulation's administrative expense ("loading") assumptions from its interest assumptions, and (3) to replace the interest rate structure with one based on the length of time between the valuation date and (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
NPRM Comment Period End	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: the date of each monthly payment. The PBGC intends at the same time to propose amending 29 CFR 2676, governing valuation of benefits in multiemployer plans following mass withdrawal, so as to adopt the same mortality, interest, and loading assumptions as would the modified single-employer regulation. This change will result in simplification of calculations under the multiemployer regulation as well as greater consistency of annuity valuations between the two programs. The PBGC anticipates that, for most plans, the amendments would not significantly affect the valuations produced.

Agency Contact: Peter H. Gould, Senior Counsel, Pension Benefit

Guaranty Corporation, Office of the General Counsel (22500), 2020 K St. NW., Washington, DC 20006, **202 778-8885**

RIN: 1212–AA61

4204. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: 29 CFR 2624

Legal Deadline: None

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provisions and section 4022 of ERISA. Many of the rules and procedures for benefit payments, while of interest to participants, are inappropriate for inclusion in a regulation. The PBGC already provides much of this information to participants in other appropriate forms, such as letters and pamphlets, and will continue to do so. However, rules governing certain aspects of benefit payments are more appropriately established by regulation (or otherwise addressed through a Federal Register issuance). This regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with resultant cost savings by filling gaps in the rules and otherwise clarifying matters that had been handled on a case-by-case basis in the past.

Timetable:

Action	Date	FR Cite
NPRM	11/00/92	
Interim Final Rule	11/00/92	
NPRM Comment Period End	01/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, **202 778-8850**

RIN: 1212–AA35

4205. PAYMENTS BY PBGC OF UNFUNDED NONGUARANTEED BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322(c)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Pension Protection Act repealed ERISA sections 4049 and 4062(c). Those provisions established new employer liability to plan participants and beneficiaries in the event of a distress termination or involuntary termination by the PBGC of a plan without sufficient assets to pay all benefit commitments; the section 4049 trust was the vehicle for collecting and distributing these liability amounts. This system proved flawed in several respects, however, and Congress therefore created a new scheme by which to channel employer liability recoveries to plan participants and beneficiaries, amended ERISA section 4022(c).

Under section 4022(c), participants no longer have a direct claim for employer liability. Instead, the PBGC's claim covers both its shortfall (unfunded guaranteed benefits) and participants' losses (unfunded benefit liabilities in excess of guaranteed benefits). In turn, the PBGC is to pay a portion of its employer liability recovery to participants and beneficiaries. The amount to be paid is based on the PBGC "recovery ratio" (as defined in amended sec. 4022(c)(3)).(cont)

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	
NPRM Comment Period End	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This new statutory rule contains several ambiguities and also leaves to the PBGC the development of specific rules and procedures necessary to make this system work. The regulation will, for example, contain rules on how the PBGC will value its employer liability recoveries for purposes of computing the recovery ratio, whether the allocation of amounts payable under this provision will be done as part of the regular section 4044 asset allocation, and whether the PBGC will pay these benefits by increasing the amount of annuity payments it is making to participants or making lump sum payments.

Agency Contact: Peter H. Gould, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, **202 778-8885**

RIN: 1212–AA54

4206. RETIREMENT EQUITY ACT AMENDMENTS - VALUATION OF PLAN BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341

CFR Citation: 29 CFR 2619

Legal Deadline: None

Abstract: The Retirement Equity Act of 1984 ("REA") requires plans to provide certain benefits, prohibits the elimination of benefit options and certain early retirement benefits and retirement type subsidies, and mandates the range of interest rates that may be used in calculating the amount of a non-consensual lump sum benefit. The Tax Reform Act of 1986 ("TRA '86") slightly modified the interest rate restrictions and extended them to the calculation of all lump sum benefits.

These rules necessitate several amendments to the PBGC's valuation of benefits regulation (29 CFR Part 2619). The major changes will address the rules on determining the form of benefit to be valued on plan termination and the interest rate rules for lump sum payments in standard terminations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/92	
Interim Final Rule	07/00/92	
NPRM Comment Period End	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold J. Ashner, Assistant General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St.,

PBGC

Proposed Rule Stage

NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA55

4207. ● NOTICE OF IDENTITY OF INSURER

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341; 29 USC 1344

CFR Citation: 26 CFR 2617

Legal Deadline: None

Abstract: Under Title IV of ERISA, a single-employer plan covered by the termination insurance program may terminate in a "standard termination" if the plan has assets sufficient to provide for all benefit liabilities under the plan. The termination process is complete, and the PBGC's guarantee is extinguished, once the plan administrator distributes benefit liabilities by purchasing "irrevocable commitments" (annuity contracts) from an insurer or by distributing benefits in any other permitted form (generally a lump sum cash payment). The recent and highly publicized financial difficulties of certain insurers have focused public attention on the risks faced by participants whose benefits under terminating plans are to be provided through irrevocable commitments issued by such insurers. Participants who have concerns about the insurer from whom their plan administrator intends to purchase their annuity contracts may wish to take appropriate steps to protect their interests. Currently, however, plan administrators are not required to inform participants of the identity of the (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT:insurer prior to the time an annuity contract is purchased, at which point it may be too late for the plan administrator to respond to participants' concerns by selecting another insurer. This regulation would require plan administrators to provide advance notice to PBGC and plan participants of the identity of the insurer the plan intends to use.

Agency Contact: Angela Arnett, Assistant General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel (22500), 2020 K St. NW., Washington, DC 20006, 202 778-8823

RIN: 1212–AA59

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Final Rule Stage

4208. REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1388(e)(3)

CFR Citation: 29 CFR 2646

Legal Deadline: None

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal liability arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21319
NPRM Comment Period End	08/04/87	
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Deborah Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8864

RIN: 1212–AA22

4209. ADJUSTMENT OF WITHDRAWAL LIABILITY FOR A WITHDRAWAL SUBSEQUENT TO A PARTIAL WITHDRAWAL

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1386(b)

CFR Citation: 29 CFR 2649

Legal Deadline: None

Abstract: Under section 4206(b) of ERISA, if an employer partially or completely withdraws from a multiemployer plan subsequent to an earlier partial withdrawal from that plan, the employer's liability for the second withdrawal must be reduced by the amount of its liability for the earlier partial withdrawal. The purpose of this credit is to avoid plans double-charging employers for the same unfunded liabilities. Section 4206(b) also requires the PBGC to prescribe regulations adjusting this credit to ensure that the employer's liability for its second withdrawal properly reflects the employer's share of liability with respect to the plan.

The need for this adjustment to the credit can be seen from the following

example. In a plan that uses the rolling-5 allocation method, an employer's withdrawal liability is based on its last five years' participation in the plan. If an employer's second withdrawal occurs more than five years after its partial withdrawal, the liability for the second withdrawal is based solely on plan participation subsequent to the partial (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/06/87	52 FR 37329
NPRM Comment Period End	12/07/87	
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: withdrawal. Thus, there is no double-charging with respect to the old liabilities and no reason to give the employer a credit against its liability for the second withdrawal. However, without this regulation, the employer would get that credit under the statute. There are many other possible situations in which the employer's credit should similarly be reduced in order to ensure equitable treatment of the withdrawing employer vis-a-vis the other employers still contributing to the plan.

This regulation will result in some shifting of liabilities among employers contributing to a multiemployer plan. An employer that has another withdrawal following a partial withdrawal may incur greater liability for the second withdrawal because of the reduction in the credit for the prior partial withdrawal. However, this increase in liability would reduce the unfunded vested benefits allocable to other employers that withdraw thereafter. In the aggregate, the regulation will impose no new costs.

Agency Contact: Deborah Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8864

RIN: 1212–AA37

4210. DETERMINATION OF WITHDRAWAL LIABILITY FOLLOWING A MERGER

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(f)

CFR Citation: 29 CFR 2642 (Amendment)

Legal Deadline: None

Abstract: The merger of two multiemployer plans creates a problem as to how the successor plan's unfunded vested benefits are to be allocated in order to determine withdrawal liability for post-merger withdrawals. Frequently, the two plans will have been using different allocation methods prior to the merger. Even if they were using the same method, if they had different plan years, that would create different allocations.

For this reason, section 4211(f) of ERISA requires the PBGC to issue regulations prescribing rules for the post-merger allocation of unfunded vested benefits. The PBGC proposes to establish rules that parallel the statutory allocation methods: i.e., there would be a presumptive allocation method that would apply to plans unless they chose otherwise, and plans would be permitted to adopt certain modifications to this presumptive method without the PBGC's approval and other more significant modifications with the PBGC's approval. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43082
NPRM Comment Period End	01/08/88	
Final Action	10/00/92	
Final Action Effective	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This regulation will remove a significant impediment to multiemployer plan mergers by eliminating employers' concern and confusion over how their withdrawal liability would be calculated after a merger. Plan mergers are generally to be encouraged since a larger plan is typically a stronger plan because of its broader contribution base, and because portability of benefits is increased. This regulation will impose no new costs.

Agency Contact: Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8859

RIN: 1212–AA39

4211. ● NOTICE OF EXTINGUISHMENT OF GUARANTEE

Legal Authority: 29 USC 1301(b)(3); 29 USC 1341; 29 USC 1344; 29 USC 1361

CFR Citation: 29 CFR 2617

Legal Deadline: None

Abstract: Under Title IV of ERISA, a single-employer plan covered by the termination insurance program may terminate in a "standard termination" if the plan has assets sufficient to provide for all benefit liabilities under the plan. The termination process is complete, and the PBGC's guarantee is extinguished, once the plan administrator distributes benefit liabilities by purchasing "irrevocable commitments" (annuity contracts) from an insurer or by distributing benefits in any other permitted form (generally a lump sum cash payment). The recent and highly publicized financial difficulties of certain insurers have focused public attention on the risks faced by participants whose benefits under terminating plans are to be provided through irrevocable commitments issued by such insurers. Nevertheless, some participants may not know that the PBGC's guarantee is extinguished upon the distribution of their benefits through the purchase of an annuity contract, and thus will not appreciate how the selection of an insurer (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	
Comment Period End	11/00/91	
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: may affect their retirement security. This regulation requires that plan administrators notify participants that the PBGC does not guarantee annuities distributed in a plan termination.

Agency Contact: Angela Arnett, Assistant General Counsel, Pension

Benefit Guaranty Corporation, Office of the General Counsel (22500), 2020 K St. NW., Washington, DC 20006, **202 778-8823**

RIN: 1212–AA60

4212. ● NOTICE OF UNPAID CONTRIBUTIONS

Legal Authority: 29 USC 1082(f); 29 USC 1302(b)(3); 29 USC 1343; 29 USC 1365

CFR Citation: 29 CFR 2615

Legal Deadline: None

Abstract: The Pension Protection Act added section 302(f) of ERISA and section 412(n) of the Internal Revenue Code to impose a lien on all assets of the contributing sponsor and each member of its controlled group for unpaid contributions totaling in excess of $1 million (including interest). The lien runs in favor of the plan, but can be perfected and enforced only by (or at the direction of) the PBGC. While the statute requires that the PBGC be given notice of payment failures, it does not specify the contents of that notice. The PBGC is issuing a regulation requiring use of a specified PBGC form to provide the required notice.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith Neibrief, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22500), 2020 K St. NW., Washington, DC 20006, **202 778-8850**

RIN: 1212–AA62

4213. DISTRESS TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(c)

CFR Citation: 29 CFR 2616

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 substantially revised ERISA section 4041 dealing with the voluntary termination of single-employer pension plans. Under amended section 4041, a plan may voluntarily terminate only if the termination satisfies the statutory conditions for a standard or distress termination. These rules were further modified by the 1987 Pension Protection Act, which increased the benefits that must be provided, or for which the employer maintaining the plan is liable, upon plan termination. Thus, under current law, unless a plan has sufficient assets to satisfy all plan benefit liabilities, it may voluntarily terminate only in a "distress" termination; i.e., a termination in which the plan sponsor and all members of its controlled group are able to demonstrate either such financial hardship or unduly burdensome pension costs that, as a practical matter, they are unable to continue to maintain the plan. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The statutory rules and procedures for distress terminations are substantially different from the prior rules and procedures for terminating insufficient plans. Therefore, it is necessary to revise the PBGC's plan termination regulations to reflect these new rules and procedures. This regulation covering distress terminations and a companion rule covering standard terminations (to be codified in Part 2617) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Although the notice of proposed rulemaking for this regulation was issued prior to enactment of the Pension Protection Act, the final rule will reflect the relevant statutory changes from that Act.

Agency Contact: J. Ronald Goldstein, Associate General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, **202 778-8850**

RIN: 1212–AA41

4214. STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(b); 29 USC 1344

CFR Citation: 29 CFR 2617

Legal Deadline: None

Abstract: Under ERISA Section 4041, as amended by the Single-Employer Pension Plan Amendments Act of 1986 and the Pension Protection Act, absent a showing of financial hardship or unduly burdensome pension costs that would satisfy the requirements for a distress termination, a single-employer plan may be voluntarily terminated only if it is sufficient for all benefit liabilities (i.e., all benefits provided under the plan on the termination date, whether or not vested). This is referred to as a "standard" termination. SEPPAA also modified many of the termination rules and procedures that applied under prior law, both to increase the protections afforded plan participants and beneficiaries and to simplify and expedite the PBGC's processing of these sufficient plan terminations. It is, therefore, necessary to promulgate this new regulation implementing the new rules and procedures for standard terminations. This regulation and its companion regulation covering distress terminations (to be codified in Part 2616) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	05/00/92	
Final Action Effective	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Ronald Goldstein, Associate General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, **202 778-8850**

RIN: 1212–AA47

4215. MISCELLANEOUS SEPPAA/PPA AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b); 29 USC 1322; 29 USC 1341 to 1344; 29 USC 1362 to 1364; 29 USC 1367 to 1368

CFR Citation: 29 CFR 2606; 29 CFR 2615; 29 CFR 2622; 29 CFR 2623

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") and the Pension Protection Act ("PPA") made several changes in Title IV rules and procedures that affect and, in some cases, override portions of several PBGC regulations. For this reason, these regulations - administrative review of agency decisions, benefit reductions in terminated plans, reportable events and employer liability - must be amended to conform them to the current law. For example, because SEPPAA altered the determinations that the PBGC may make with respect to voluntary plan terminations, the list in 29 CFR 2606.1(b) of determinations subject to agency review must be amended.

Similarly, SEPPAA contained, for distress terminations, specific benefit cutback rules. These rules differ somewhat from those set forth in 29 CFR Part 2623 and, therefore, conforming amendments to Part 2623 are required. SEPPAA and the PPA significantly changed the rules on employer liability to the PBGC in distress and involuntary terminations. Now, an employer is liable to the PBGC for the total plan underfunding, (cont)

Timetable:

Action	Date	FR Cite
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: i.e., for all unfunded benefit liabilities. Further, the 30 percent of net worth limitation is now relevant only in determining the amount subject to PBGC's statutory lien and the status of PBGC's claim in bankruptcy. The employer liability regulation needs to be amended to reflect these change

Agency Contact: Harold J. Ashner, Assistant General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA50

[FR Doc. 91-22441 Filed 10-18-91; 8:45 am]

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Monday
October 21, 1991

Federal Register

Part XLI

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next 12 months and regulations that are scheduled to be reviewed in that period.

ADDRESSES: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, (312) 751-4935 (FTS 386-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: August 20, 1991.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4216	Recovery of Overpayments	3220-AA44
4217	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
4218	Computing Employee, Spouse, and Divorced Spouse Annuities	3220-AA58
4219	Survivor Annuity Computations	3220-AA59
4220	Social Security Overall Minimum	3220-AA60
4221	Reduction and Nonpayment of Annuities by Reason of Work	3220-AA61
4222	Medicare	3220-AA64
4223	Exhaustion of Rights to Benefits	3220-AA67
4224	Voluntary Quit	3220-AA75
4225	Employers' Contributions and Contribution Reports	3220-AA79
4226	Incompetence	3220-AA83
4227	Extended Unemployment and Sickness Benefits	3220-AA85
4228	Railroad Employers' Reports and Responsibilities; Creditable Railroad Compensation; Employers' Contributions and Contribution Reports	3220-AA87
4229	Administrative Dispute Resolution Procedure	3220-AA91
4230	20 CFR Parts 236 and 240; Removal of Obsolete Parts	3220-AA92
4231	Sickness Benefits	3220-AA93
4232	Employers' Contributions and Contribution Reports	3220-AA94

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4233	Employees Under the Railroad Retirement Act	3220-AA52
4234	Initial Determinations Under the Railroad Unemployment Insurance Act and Review of and Appeals from Such Determinations	3220-AA73
4235	Recovery of Benefits	3220-AA77
4236	Initial Determinations and Appeals from Initial Determinations With Respect to Employer Status and Employee Status	3220-AA88
4237	General Administration	3220-AA90

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4238	Eligibility for Annuity	3220-AA15
4239	Monthly Compensation Base	3220-AA72
4240	Determination of Daily Benefit Rates	3220-AA82
4241	Nongovernmental Plans for Unemployment or Sickness Insurance	3220-AA84

RRB

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
4242	Recovery of Debts Owed to the Railroad Retirement Board from Other Government Agencies	3220-AA89

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

4216. RECOVERY OF OVERPAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None

Abstract: Part 255 is being revised to clarify when and how erroneous payments must be recovered under the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
NPRM	09/19/91	56 FR 47426
NPRM Comment Period End	10/21/91	56 FR 47426
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA44

4217. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 202; 20 CFR 301

Legal Deadline: None

Abstract: The Board's regulations with respect to employer status have not been updated in recent years and may, in some respects, be obsolete. Parts 202 and 30l are being amended to conform them to current law, delete obsolete provisions, and to simplify and clarify the language of these parts.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA51

4218. COMPUTING EMPLOYEE, SPOUSE, AND DIVORCED SPOUSE ANNUITIES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Legal Deadline: None

Abstract: The Railroad Retirement Board's regulations on the computation of employee, spouse, and divorced spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA58

4219. SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(f)(5)

CFR Citation: 20 CFR 228

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974, and amendments to that Act made in 1981 and 1983.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA59

4220. SOCIAL SECURITY OVERALL MINIMUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 229 to describe when the Social Security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA60

4221. REDUCTION AND NONPAYMENT OF ANNUITIES BY REASON OF WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to amend 20 CFR Part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA61

4222. MEDICARE

Legal Authority: 45 USC 231f(d)

CFR Citation: 20 CFR 238

Legal Deadline: None

Abstract: The Board proposes to add this part to explain its role in the administration of Medicare benefits to qualified railroad retirement beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA64

4223. EXHAUSTION OF RIGHTS TO BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 336

Legal Deadline: None

Abstract: This proposed amendment will remove obsolete provisions and clarify the meaning of the term extended benefit period as provided for in section 2(c) of the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA67

4224. VOLUNTARY QUIT

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 328

Legal Deadline: None

Abstract: A new Part 328 is being added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA75

4225. EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 345

Legal Deadline: None

Abstract: Part 345 is being revised to reflect experience rating as provided for in the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, P.L. 100-647.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA79

4226. INCOMPETENCE

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 266

Legal Deadline: None

Abstract: Part 266 is being revised to more clearly delineate the accounting requirements imposed upon representative payees.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA83

4227. EXTENDED UNEMPLOYMENT AND SICKNESS BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 337

Legal Deadline: None

Abstract: New Part 337 explains how an employee may qualify for extended benefits under the Railroad Unemployment Insurance Act after exhausting normal benefits as provided for in 20 CFR Part 336.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

RRB — Proposed Rule Stage

Agency Contact: Arthur A. Arfa, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4346

RIN: 3220–AA85

4228. RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES; CREDITABLE RAILROAD COMPENSATION; EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 209; 20 CFR 211; 20 CFR 345

Legal Deadline: None

Abstract: Amends reporting requirements under the Railroad Retirement and Railroad Unemployment Insurance Acts to permit reporting of compensation for purposes of benefit eligibility on a "when paid" basis.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA87

4229. ● ADMINISTRATIVE DISPUTE RESOLUTION PROCEDURE

Legal Authority: 45 USC 231(f); PL 101-552

CFR Citation: 20 CFR 368

Legal Deadline: None

Abstract: Regulation sets up a procedure for resolving contract and Federal Tort Claims disputes as required by the Alternative Dispute Resolution Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA91

4230. ● 20 CFR PARTS 236 AND 240; REMOVAL OF OBSOLETE PARTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 236; 20 CFR 240

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) removes parts 236 and 240, as these parts are obsolete.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA92

4231. ● SICKNESS BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 335

Legal Deadline: None

Abstract: Extends time from 15 days to 30 days in which to file a claim for sickness benefits under the Railroad Unemployment Insurance Act for a claim period.

Timetable:

Action	Date	FR Cite
NPRM	09/19/91	56 FR 47430
NPRM Comment Period End	10/21/91	56 FR 47430
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA93

4232. ● EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Legal Authority: 45 USC 358; 45 USC 362(l)

CFR Citation: 20 CFR 345

Legal Deadline: None

Abstract: Section 345.10 of part 345 is being amended to change deposit requirements for contributions under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Marguerite P. Dadabo, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4945

RIN: 3220–AA94

RAILROAD RETIREMENT BOARD (RRB) — Final Rule Stage

4233. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 203

Legal Deadline: None

Abstract: The Board's regulations with respect to employee status have not been updated in recent years and may, in some respects, be obsolete. Part 203 is being amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 318
NPRM Comment Period End	02/06/89	54 FR 318
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA52

4234. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEW OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 355; 45 USC 362(l)

CFR Citation: 20 CFR 320

Legal Deadline: None

Abstract: Part 320 is being amended to provide for employer intervention rights provided for by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	07/05/91	56 FR 30714
NPRM Comment Period End	08/05/91	56 FR 30714
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA73

4235. RECOVERY OF BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 340

Legal Deadline: None

Abstract: Part 340 is being amended to delineate situations in which waiver of an overpayment under the Railroad Unemployment Insurance Act will not be granted.

Timetable:

Action	Date	FR Cite
NPRM	07/17/91	56 FR 32523
NPRM Comment Period End	08/16/91	56 FR 32523
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA77

4236. INITIAL DETERMINATIONS AND APPEALS FROM INITIAL DETERMINATIONS WITH RESPECT TO EMPLOYER STATUS AND EMPLOYEE STATUS

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 259

Legal Deadline: None

Abstract: Amends Part 259 to provide that original jurisdiction for employer and employee status determinations shall be with the three-member Board.

Timetable:

Action	Date	FR Cite
NPRM	06/24/91	56 FR 28732
NPRM Comment Period End	08/23/91	56 FR 28732
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA88

4237. ● GENERAL ADMINISTRATION

Legal Authority: 45 USC 231(b)(5); 45 USC 362

CFR Citation: 20 CFR 200.8

Legal Deadline: None

Abstract: The Board is amending section 200.8 in order to make it clear that the Board has the authority to prevent RRB employees from being compelled to testify in a deposition, trial, or other similar proceeding, concerning information acquired in the course of performing official duties or because of an employee's official capacity, where the provision of such testimony would interfere with the employee's official duties and where the information sought may be obtained by means other than by testimony of an RRB employee.

Timetable:

Action	Date	FR Cite
NPRM	06/24/91	56 FR 28731
NPRM Comment Period End	07/24/91	56 FR 28731
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas A. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA90

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

4238. ELIGIBILITY FOR ANNUITY

CFR Citation: 20 CFR 216

Completed:

Reason	Date	FR Cite
Final Action	06/24/91	56 FR 28691
Final Action Effective	06/24/91	56 FR 28691

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, 312 751-4513

RIN: 3220–AA15

4239. MONTHLY COMPENSATION BASE

CFR Citation: 20 CFR 318

Completed:

Reason	Date	FR Cite
Withdrawn because no activity will occur in this agenda period.	08/07/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, 312 751-4513

RIN: 3220–AA72

4240. DETERMINATION OF DAILY BENEFIT RATES

CFR Citation: 20 CFR 330

Completed:

Reason	Date	FR Cite
Final Action	06/24/91	56 FR 28701
Final Action Effective	06/24/91	56 FR 28701

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter P. Witkovich, 312 751-4750

RIN: 3220–AA82

4241. NONGOVERNMENTAL PLANS FOR UNEMPLOYMENT OR SICKNESS INSURANCE

CFR Citation: 20 CFR 323

Completed:

Reason	Date	FR Cite
Final Action	06/07/91	56 FR 26327
Final Action Effective	06/07/91	56 FR 26327

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, 312 751-4513

RIN: 3220–AA84

4242. RECOVERY OF DEBTS OWED TO THE RAILROAD RETIREMENT BOARD FROM OTHER GOVERNMENT AGENCIES

CFR Citation: 20 CFR 367

Completed:

Reason	Date	FR Cite
Final Action	09/12/91	56 FR 46374
Final Action Effective	09/12/91	56 FR 46374

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, 312 751-4513

RIN: 3220–AA89

[FR Doc. 91-20884 Filed 10-18-91; 8:45 am]

BILLING CODE 7905-01-F

Federal Register

Monday
October 21 1991

Part XLII

Selective Service System

Semiannual Regulatory Agenda

SELECTIVE SERVICE SYSTEM (SSS)

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. app. 451 *et seq.*). This information will allow the public to participate in the System's decisionmaking at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435; telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service regulations appear in 32 CFR chapter XVI.

Dated: August 15, 1991.

Robert W. Gambino,

Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS) — Prerule Stage

4243. SELECTIVE SERVICE REGULATIONS

Legal Authority: 50 USC app 451 et seq Military Selective Service Act

CFR Citation: 32 CFR Chapter XVI

Legal Deadline: None

Abstract: Various sections of 32 CFR Chapter XVI will be revised to increase clarity of expression or change procedures for registrant processing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW., Washington, DC 20435, 202 724-1167

RIN: 3240–AA01

[FR Doc. 91-20885 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XLIII

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration (SBA).

SUMMARY: This is SBA's 25th semiannual agenda of regulations. Although not a regulatory agency, SBA has attempted to draft agendas that meet both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and Public Law 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual agency official listed for the particular item.

For information concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 205-6642.

SUPPLEMENTARY INFORMATION: The SBA agenda contains many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific content nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemaking, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rulemaking which will be proposed during the 12-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn and reviews completed since the preceding agenda.

Publication of the agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

Dated: August 26, 1991.

June Nichols,

Deputy Administrator.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4244	Certificate of Competency	3245-AA74
4245	Loans to State and Local Development Companies	3245-AB35
4246	Nondiscrimination in Federally Assisted Programs	3245-AB36
4247	Nondiscrimination in Financial Assistance Programs	3245-AB37
4248	User Fees for SBA Programs	3245-AB44
4249	Accrual of Interest Payable by SBA in Secondary Market	3245-AB69
4250	Small Business Size Regulation	3245-AB88
4251	Small Business Size Standards; SIC Major Groups 20, 32, 33, 37, 49, 52, 53, 70, 72, and 75	3245-AC02
4252	Small Business Size Standards; Wholesale Trade Industries	3245-AC10
4253	Small Business Size Standards; Computer Services Industries	3245-AC11
4254	Small Business Size Standards; Footnotes to Size Standards	3245-AC12
4255	Disclosure of Information and Privacy Act of 1974 Amendments	3245-AC18
4256	Disadvantaged Business Status Protest and Appeals Procedures Amendments	3245-AC19
4257	Amendments to Administration Regulations	3245-AC20
4258	Minority Small Business and Capital Ownership Development Program	3245-AC27
4259	Minority Small Business and Capital Ownership Development Program	3245-AC28
4260	Minority Small Business and Capital Ownership Development Program	3245-AC30
4261	Small Business Size Regulations	3245-AC31
4262	Small Business Size Standards; Help Supply Services	3245-AC32
4263	Minority Small Business and Capital Ownership Development Program	3245-AC33
4264	Small Business Size Standards; Base Maintenance	3245-AC34
4265	Minority Small Business and Capital Ownership Development Program	3245-AC35
4266	Minority Small Business and Capital Ownership Development Program	3245-AC36
4267	Minority Small Business and Capital Ownership Development Program	3245-AC37
4268	Minority Small Business and Capital Ownership Development Program	3245-AC38
4269	Minority Small Business and Capital Ownership Development Program	3245-AC39
4270	Minority Small Business and Capital Ownership Development Program	3245-AC40
4271	Minority Small Business and Capital Ownership Development Program	3245-AC41
4272	Loans to State and Local Development Companies, Self-Dealing, Etc	3245-AC42
4273	Loans to State and Local Development Companies, Miscellaneous Subjects	3245-AC44
4274	Disclosure of Information and Privacy Act of 1974	3245-AC45
4275	Administration/Surety Bond Guarantee	3245-AC46
4276	Surety Bond Guarantee - Policy	3245-AC47
4277	Surety Bond Guarantees—Fees and Premiums	3245-AC48

SBA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4278	Surety Bond Guarantees—Definitions and Claims for Losses	3245-AC49
4279	Small Business Investment Companies	3245-AC51
4280	Administration	3245-AC53
4281	Business Loan Policy	3245-AC54
4282	Small Business Size Standards - Motor Vehicle Dealers (New and Used)	3245-AC55
4283	Small Business Size Standards - Gas Production and Distribution	3245-AC56
4284	Small Business Size Standards - Combination Electric and Gas and Other Utility Services	3245-AC57
4285	Small Business Size Standards - Hazardous Waste Removal and Disposal	3245-AC58

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4286	Small Business Investment Companies	3245-AB12
4287	Small Business Development Centers	3245-AB17
4288	Uniform Administrative Requirements for Grants and Cooperative Agreements; Proposed Revision of Circular A-110	3245-AB67
4289	Small Business Size Standards for Natural Gas Distribution	3245-AB94
4290	Business and Disaster Loans	3245-AB99
4291	Governmentwide Restrictions on Lobbying	3245-AC07
4292	Regulations for the Implementation of New 301(d) SBIC Funding Authority and Terms Contained in Public Law 101-162	3245-AC09
4293	Small Business Size Standards; Petroleum Refining	3245-AC14
4294	Small Business Size Standards; Motor Vehicle Parts and Accessories Industry	3245-AC15
4295	Small Business Size Standards; Chicken Egg Industry	3245-AC16
4296	Small Business Investment Companies; Auditing Procedures	3245-AC24
4297	Small Business Investment Companies	3245-AC50
4298	Administration	3245-AC52

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4299	Small Business Investment Companies	3245-AB29
4300	Procurement: Subcontracting Limitations	3245-AB62
4301	Small Business Size Regulation	3245-AB87
4302	Breakout Procurement Center Representative Program	3245-AC01
4303	Small Business Investment Companies; Portfolio Valuation	3245-AC25
4304	Small Business Investment Companies	3245-AC26
4305	Small Business Size Regulations	3245-AC29
4306	Loans to State and Local Development Companies, Statutory Public Policy Goals	3245-AC43

SMALL BUSINESS ADMINISTRATION (SBA) — Proposed Rule Stage

4244. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6); PL 99-591; PL 99-661

CFR Citation: 13 CFR 125.5

Legal Deadline: None

Abstract: Overall revision to Certificate of Competency regulations. Additionally, this rule will include guidelines for application of subcontracting limitations imposed by PL 99-591 and PL 99-661.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: RIN 3245-AB62 has been merged with this rulemaking action.

Agency Contact: Robert J. Moffitt, Associate Administrator for Procurement Assistance, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6460

RIN: 3245–AA74

4245. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: Complete revision of the section 502 local development company rules.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: LeAnn Oliver, Deputy Director for Program Development, Office of Econ. Development & Rural Affairs, Small Business Administration, 409 3rd Street, Washington, DC 20416, 208 205-6485

RIN: 3245–AB35

4246. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 15 USC 634(b)(6); 42 USC 2000d-1

CFR Citation: 13 CFR 112

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 409 3rd Street, SW., 4th Floor, 202 205-6750

RIN: 3245–AB36

4247. NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: 15 USC 634(b)(6); PL 85-536; 15 USC 633; 15 USC 634; 15 USC 687; 15 USC 1691; 20 USC 1681, et seq; 29 USC 794

CFR Citation: 13 CFR 113

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 409 3rd Street, SW., 4th Floor, Washington, DC 20416, 202 653-6750

RIN: 3245–AB37

4248. USER FEES FOR SBA PROGRAMS

Legal Authority: 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 694a; 15 USC 694b; 5 USC app 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113

CFR Citation: 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129

Legal Deadline: None

Abstract: Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database, guaranty of debentures issued by Small Business Investment Companies, guaranty of surety bonds, appeals of size determinations and standard industrial classification code designations, application to the Minority Small Business (Section 8(a)) Program, training sponsored by the Service Corps of Retired Executives (SCORE), SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs, counseling by Small Business Institutes and application for a Certificate of Competency.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SBA will not publish a final rule on user fees prior to October 1992. The promulgation of regulations pertaining to user fees will be assessed in fiscal year 1993.

Agency Contact: Ramona Powell, Chief Counsel for Debt Collection and Development Companies, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6644

RIN: 3245–AB44

4249. ACCRUAL OF INTEREST PAYABLE BY SBA IN SECONDARY MARKET

Legal Authority: 15 USC 634(f); 15 USC 634(g); 15 USC 634(h); 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: The proposed regulation would spell out the process of calculating accrued interest payable by SBA to an investor. The payment by SBA is triggered by a borrower defaulting on an SBA guaranteed loan.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6496

RIN: 3245–AB69

4250. SMALL BUSINESS SIZE REGULATION

Legal Authority: 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: Final, Statutory, August 15, 1989.

Abstract: Rule to establish procedures for requesting/granting waivers to the nonmanufacturers rule when there are no small business manufacturers in the Federal market.

Timetable:

Action	Date	FR Cite
NPRM	05/17/90	55 FR 20467
NPRM Comment Period End	06/18/90	
Second NPRM	12/18/90	55 FR 51913
Second NPRM Comment Period End	01/18/91	
Third NPRM	10/00/91	
Third NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: RIN 3245-AC29 has been merged with this rulemaking action.

Agency Contact: Robert J. Moffitt, Associate Administrator for Procurement Assistance, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6460

RIN: 3245–AB88

4251. SMALL BUSINESS SIZE STANDARDS; SIC MAJOR GROUPS 20, 32, 33, 37, 49, 52, 53, 70, 72, AND 75

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: A review of size standards for industries within the major groups listed above may lead to a revision of size standards in one or more industries in order to achieve a more equitable relationship among industry size standards within each major group.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6618

RIN: 3245–AC02

4252. SMALL BUSINESS SIZE STANDARDS; WHOLESALE TRADE INDUSTRIES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to modify size standards table to wholesale trade industries to include size standard for nonmanufacturers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6618

RIN: 3245–AC10

4253. SMALL BUSINESS SIZE STANDARDS; COMPUTER SERVICES INDUSTRIES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for computer integrated systems design, computer programming services, and other computer-related services. Depending on the specific industry, size standards of $7 million to $12.5 million in average annual receipts are presently established.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6618

RIN: 3245–AC11

4254. SMALL BUSINESS SIZE STANDARDS; FOOTNOTES TO SIZE STANDARDS

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to simplify and clarify existing footnotes to size standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6618

RIN: 3245–AC12

4255. DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974 AMENDMENTS

Legal Authority: 5 USC 552; 44 USC 35; 5 USC 552a; 31 USC 1 et seq; 31 USC 67 et seq

CFR Citation: 13 CFR 102

Legal Deadline: None

Abstract: This regulation would make revisions to 13 CFR part 102 dealing with Freedom of Information Act rules. Specifically, this regulation would create predisclosure notification procedures to providers of commercial information under exemption four of the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John H. Barnett, Assistant Administrator for Hearings and Appeals, Small Business Administration, 2100 K Street, NW., Suite 300, Washington, DC 20416, 202 653-7735

RIN: 3245–AC18

4256. DISADVANTAGED BUSINESS STATUS PROTEST AND APPEALS PROCEDURES AMENDMENTS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37

CFR Citation: 13 CFR 124, subpart B

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the processing of protests and appeals of self-certifications of disadvantaged status made in connection with the 8(d) program, the Small Disadvantaged Business (SDB) program of the Department of Defense and other programs that require SBA to determine disadvantaged status as a condition of eligibility.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC19

4257. AMENDMENTS TO ADMINISTRATION REGULATIONS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 101

Legal Deadline: None

Abstract: General revision of 13 CFR part 101, Administration.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard L. Osbourn, Director of Personnel, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6782

RIN: 3245–AC20

4258. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the "mix" of 8(a) and non-8(a) contracts required for an 8(a) program participant.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC27

4259. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Public Law 101-574 allows a firm to receive the award of a contract for which it was participating in an 8(a) competition during the program term, if such award is made after such firm's program term has expired. This rule is an amendment to the program regulations governing the award of competitive contracts under 8(a) program authority.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC28

4260. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing appeals of denials of programs admission, graduation, and termination actions, and denials of requests for waiver of the requirement that, subject to certain conditions, an 8(a) contract must be performed by the contractor to which it was awarded

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC30

4261. SMALL BUSINESS SIZE REGULATIONS

Legal Authority: 15 USC 634(b)(6); PL 100-590

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule contains revisions to the size regulations to address employee leasing arrangements, expanding the jurisdiction of OHA, and other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Catherine Thomas, Program Manager, Size Determination Program, Office of Procurement Policy and Liaison, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6465

RIN: 3245–AC31

4262. SMALL BUSINESS SIZE STANDARDS; HELP SUPPLY SERVICES

Legal Authority: 15 USC 634(b)(6); 15 USC 632(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule is a proposal to revise the size standards for help supply services. A firm in this industry is presently defined as small if it has $3.5 million or less in receipts.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6618

RIN: 3245–AC32

4263. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(d)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the development of an 8(a) participant's business plan and support levels.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Admministrator Minority Small Business and Capital Owership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC33

4264. SMALL BUSINESS SIZE STANDARDS; BASE MAINTENANCE

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for base maintenance to one based on employees. A firm in this industry is presently defined as small if it has $13.5 million or less in receipts.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6618

RIN: 3245–AC34

4265. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the requirement on benefits for an 8(a) participant during each of the stages of program participation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC35

4266. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the exemption of an 8(a) concern in the developmental stages of participation from any payment and performance bonds required by the Miller Act for, and in connection with, any 8(a) construction contract.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC36

4267. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Public Law 101-574, enacted November 15, 1990, permits SBA to require that a firm have been in business for a minimum period of time as a condition of 8(a) program eligibility only if SBA provides for a waiver to this requirement. The waiver criterion is provided in the statute. Current regulations provide that a firm must have been in business for two full years as evidenced by revenues shown on filed income tax returns in order to be eligible for the program.

This rule is an amendment to the program regulation governing the determination of potential for success as a condition of 8(a) program eligibility.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC37

4268. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the procedures for obtaining and accepting requirements for award under 8(a) program authority.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC38

4269. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Public Law 101-574 allows a firm owned by a holding company owned by an Indian tribe to be eligible for 8(a) participation. Current regulations are not clear that the statutorily permitted second tier ownership is allowed. This rule is an amendment to the program regulations governing 8(a) program participation by concerns owned by Indian tribes, including Alaska native corporations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC39

4270. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, Sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: PL 101-574 extends the sunset date and increases the number of opportunities for which an Indian Tribe may be eligible for an exemption from the size limitations imposed on joint ventures. This rule is an amendment to the program regulation governing the award of 8(a) contract to joint ventures partially owned by Indian tribes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC40

4271. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing 8(a) competition.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245–AC41

4272. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES, SELF-DEALING, ETC

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c; PL 101-574

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This rule incorporates administrative experience and clarifies existing Agency rules governing the Development Company program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: LeAnn M. Oliver, Deputy Director for Program Development, Office of Econ. Development & Rural Affairs, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6485

RIN: 3245–AC42

4273. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES, MISCELLANEOUS SUBJECTS

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c; PL 101-574

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This rule makes several amendments to the Development Company program to reflect recent developments in the industry and to facilitate the operation of the program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: LeAnn M. Oliver, Deputy Director for Program Development, Office of Econ. Development & Rural Affairs, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6485

RIN: 3245–AC44

4274. ● DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974

Legal Authority: PL 93-579; 5 USC 552(a)

CFR Citation: 13 CFR 102, subpart B

Legal Deadline: None

Abstract: Regulations for the Computer Matching and Privacy Protection Act of 1974 will be added to the Agency's regulations on the Privacy Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	
Final Action	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: John H. Barnett, Assistant Administrator for Hearings and Appeals, Small Business

Administration, 2100 K Street, NW., Suite 300, Washington, DC 20416, 202 653-7735

RIN: 3245–AC45

4275. ● ADMINISTRATION/SURETY BOND GUARANTEE

Legal Authority: PL 85-536; 15 USC 633; 15 USC 634; PL 85-699; 15 USC 687; PL 93-386; 5 USC 552; 15 USC 687b; 15 USC 694a; 15 USC 694b; 5 USC app 1; PL 100-590

CFR Citation: 13 CFR 101; 13 CFR 115

Legal Deadline: None

Abstract: The Office of Surety Guarantees was designated as an office of primary responsibility June 3, 1990. As a result, various regulations based upon prior organizational structuring have not been fully addressed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Dorothy D. Kleeschulte, Assistant Administrator for Surety Guarantees, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6540

RIN: 3245–AC46

4276. ● SURETY BOND GUARANTEE - POLICY

Legal Authority: 15 USC 687b; 15 USC 694a; 15 USC 694b; 5 USC app 1; PL 100-590

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: While subpart A indicates that it pertains to all surety bond guarantees, in fact much of this regulatory section pertains only to the Preferred Surety Bond (PSB) program. This rule will mainly involve a rewriting for clarification and organizational purposes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Dorothy D. Kleeschulte, Assistant Administrator for Surety Guarantees, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6540

RIN: 3245–AC47

4277. ● SURETY BOND GUARANTEES—FEES AND PREMIUMS

Legal Authority: 15 USC 687b; 15 USC 694a; 15 USC 694b; 5 USC app 1; PL 100-590

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: Section 115.35(c) will be simplified so that it is clear when and how much a contractor and surety must remit payments to the Agency; and conversely, when the Agency will remit returns for decreases. This section has caused numerous accounting problems with sureties and contractors. As written, on contracts increased by $10,000 to $49,999, yet less than 25% of the original contract amount, the surety must report the increase, but no fee is due. However, surety and contractor are still billed. The section, as written, leads to situations where some contracts are increased resulting in fees due and payable from contractors for as little as $60, but others are increased where fees up to $270 are waived.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dorothy D. Kleeschulte, Assistant Administrator for Surety Guarantees, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6540

RIN: 3245–AC48

4278. ● SURETY BOND GUARANTEES—DEFINITIONS AND CLAIMS FOR LOSSES

Legal Authority: 15 USC 687b; 15 USC 694a; 15 USC 694b; 5 USC app 1; PL 100-590

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: The Agency will reimburse the surety "reasonable" expenses related to the settlement of a claim. However, no guidelines exist as to what is reasonable. Regulations will be proposed setting forth more objective guidelines for what will be considered reasonable.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Dorothy D. Kleeschulte, Assistant Administrator for Surety Guarantees, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6540

RIN: 3245–AC49

4279. ● SMALL BUSINESS INVESTMENT COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 681, et seq; 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; 15 USC 687m; 15 USC 632; 15 USC 634(b)(6); 15 USC 644(a); PL 100-656; PL 100-590; PL 101-162; 15 USC 634(b)(11)

CFR Citation: 13 CFR 107; 13 CFR 121

Legal Deadline: None

Abstract: This rule will revise one of the two possible size standards which must be met by applicant concerns seeking financing from a small business investment company. Specifically, a third test (total assets) will be added to the two existing tests in the alternate size standard. Further, there will be a change to the permissible limits under the existing tests. Additionally, a provision delineating authority regarding examinations and investigations will be added to the program regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
NPRM Comment Period End	11/00/91	
Final Action	02/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Wayne Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6510

RIN: 3245–AC51

4280. ● ADMINISTRATION

Legal Authority: PL 85-536; PL 85-699; PL 93-386; 5 USC 552; 15 USC 633; 15 USC 634; 15 USC 687

CFR Citation: 13 CFR 101

Legal Deadline: None

Abstract: Proposal to revise the Delegations of Authority granted to the various Claims Review Committees.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6496

RIN: 3245–AC53

4281. ● BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h)

CFR Citation: 13 CFR 120.202-4

Legal Deadline: None

Abstract: SBA will propose a new guaranty purchase policy on loans not sold in the secondary market. Accrued interest paid by SBA will be limited to 120 days plus approved deferments and any SBA processing time. SBA will also propose that the purchase of its guaranty cannot extend beyond 120 days after maturity on all loans except lines of credit.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6496

RIN: 3245–AC54

4282. ● SMALL BUSINESS SIZE STANDARDS - MOTOR VEHICLE DEALERS (NEW AND USED)

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for the Motor Vehicle Dealers (New and Used) Industry. The standard is currently $11.5 million in average annual receipts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245–AC55

4283. ● SMALL BUSINESS SIZE STANDARDS - GAS PRODUCTION AND DISTRIBUTION

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for the industries under the SIC Industry Group 492, except SIC Code 4924 (Natural Gas Distribution). The current size standard is $3.5 million in average annual receipts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245–AC56

4284. ● SMALL BUSINESS SIZE STANDARDS - COMBINATION ELECTRIC AND GAS AND OTHER UTILITY SERVICES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for the three industries in SIC Industry Group 493. The current size standard is $3.5 million in average annual receipts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245–AC57

4285. ● SMALL BUSINESS SIZE STANDARDS - HAZARDOUS WASTE REMOVAL AND DISPOSAL

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standards that apply to the removal and disposal of hazardous waste. Currently, several industry size standards may be used depending on the type of activity. The proposal may consider if a new industry classification

SBA **Proposed Rule Stage**

should be developed for these activities and what size standard is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245–AC58

SMALL BUSINESS ADMINISTRATION (SBA) — Final Rule Stage

4286. SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 320

CFR Citation: 13 CFR 107

Legal Deadline: Other, Statutory, June 7, 1986.

Abstract: Establishment of mechanism for selling to the public certificates of interest backed by pools of SBIC guaranteed debentures and of a system of registration of such sales.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/86	51 FR 21484
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Wayne Foren, Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6510

RIN: 3245–AB12

4287. SMALL BUSINESS DEVELOPMENT CENTERS

Significance: Agency Priority

Legal Authority: PL 96-302; PL 98-395

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: Comprehensive regulations governing the Small Business Development Center Program.

Timetable:

Action	Date	FR Cite
NPRM	10/23/86	51 FR 37580
Comment Period Extended to 1/21/87	11/24/86	51 FR 42255
NPRM Comment Period End	01/27/87	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1991 (PL 101-515) prohibits the Small Business Administration from using appropriated funds to publish any rules or regulations for the Small Business Development Center Program.

Agency Contact: Johnnie L. Albertson, Associate Administrator for Small Business Development Centers, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6766

RIN: 3245–AB17

4288. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; PROPOSED REVISION OF CIRCULAR A-110

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 143

Legal Deadline: None

Abstract: This regulation establishes a uniform administrative rule for the SBA's grants and cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	
Final Action	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Amy Mertz, Attorney Advisor, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6645

RIN: 3245–AB67

4289. SMALL BUSINESS SIZE STANDARDS FOR NATURAL GAS DISTRIBUTION

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 99-591; PL 99-661

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: SBA is imposing a size standard of 500 employees for a new 8(a) program for the recently deregulated natural gas distribution industry firms which now compete for Federal natural gas contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/25/88	53 FR 47663
Final Action	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6618

RIN: 3245–AB94

4290. BUSINESS AND DISASTER LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); 15 USC 636(h); PL 100-590; 31 USC 3717(e)

CFR Citation: 13 CFR 120; 13 CFR 123

Legal Deadline: None

Abstract: This rule would allow SBA to recover its collection costs from borrowers who have failed to satisfy their loan agreements and to assess additional penalties permitted by law.

Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35499
NPRM Comment Period End	09/27/89	
Final Action	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, **202 205-6496**

RIN: 3245–AB99

4291. GOVERNMENTWIDE RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121, Sec 319; 15 USC 634(b)(6)

CFR Citation: 13 CFR 146

Legal Deadline: NPRM, Statutory, December 23, 1989.
OMB published governmentwide interim final guidance on this subject December 20, 1989, 54 FR 52305, thereby meeting the statutory deadline.

Abstract: Section 319 of Pub. L. 101-121 generally prohibits recipients of Federal contracts, grants or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities. This Office of Management and Budget crafted common rule will implement this law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Effective Date	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	55 FR 6736
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Daniel Cohen, Attorney Advisor, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, **202 205-6644**

RIN: 3245–AC07

4292. REGULATIONS FOR THE IMPLEMENTATION OF NEW 301(D) SBIC FUNDING AUTHORITY AND TERMS CONTAINED IN PUBLIC LAW 101-162

Legal Authority: 15 USC 681 et seq, as amended; PL 100-590; PL 101-162

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: This rule changes the present regulations governing the Small Business Investment Company (SBIC) program in order to implement amendments made to the Small Business Investment Act (15 USC 661 et seq) by Public Laws 100-590 and 101-162 with regard to funds invested in private capital, provisions followed by SBA to buy down leverage in 301(d) SBICs and to set the interest rate on preferred securities purchased by SBA after November 20, 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/10/90	55 FR 28166
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Joseph L. Newell, Director, Office of Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, **202 205-6510**

RIN: 3245–AC09

4293. SMALL BUSINESS SIZE STANDARDS; PETROLEUM REFINING

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the Petroleum Refining Industry size standard. A small refining firm is presently defined as a small business if it has 1,500 employees or less, and a 50,000 barrel per day capacity or less.

Timetable:

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20382
NPRM Comment Period End	07/03/91	56 FR 28829
Final Action	12/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, **202 205-6618**

RIN: 3245–AC14

4294. SMALL BUSINESS SIZE STANDARDS; MOTOR VEHICLE PARTS AND ACCESSORIES INDUSTRY

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for the Motor Vehicle Parts and Accessories Industry. The standard is presently 500 employees.

Timetable:

Action	Date	FR Cite
NPRM	01/29/91	56 FR 3229
NPRM Comment Period End	02/28/91	
Final Action	11/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, **202 205-6618**

RIN: 3245–AC15

4295. SMALL BUSINESS SIZE STANDARDS; CHICKEN EGG INDUSTRY

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

SBA — Final Rule Stage

Abstract: Proposal to revise the size standard for the Chicken Egg Industry. The standard is presently $1 million in average annual receipts.

Timetable:

Action	Date	FR Cite
NPRM	04/30/91	56 FR 19821
NPRM Comment Period End	05/30/91	
Final Action	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6618

RIN: 3245–AC16

4296. SMALL BUSINESS INVESTMENT COMPANIES; AUDITING PROCEDURES

Legal Authority: 15 USC 681 et seq; PL 100-590; PL 101-162

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: This rule amends 13 CFR 107.1002(c) and appendix I to part 107 in order to adopt government auditing standards as the standards of auditing for all independent audits of small business investment companies.

Timetable:

Action	Date	FR Cite
NPRM	08/23/90	55 FR 34650
NPRM Comment Period End	09/24/90	
NPRM Comment Period Extended	01/11/91	56 FR 1334
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Bresnan, Staff Accountant, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6510

RIN: 3245–AC24

4297. ● SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 681, et seq; 15 USC 687(c); 15 USC 683; 15 USC 687(d); 15 USC 687(g); 15 USC 687(b); 15 USC 687(m); PL 100-590; PL 101-162; PL 101-574

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Implementation of the statutory limit of $35 million for aggregate leverage for SBICs under common control.

Timetable:

Action	Date	FR Cite
NPRM	05/10/91	56 FR 21639
NPRM Comment Period End	07/09/91	
Final Action	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Wayne Foren, Associate Administrator for Investment Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6510

RIN: 3245–AC50

4298. ● ADMINISTRATION

Legal Authority: 15 USC 633; 15 USC 634; 15 USC 687; 5 USC 552; PL 85-536; PL 85-699; PL 93-386

CFR Citation: 13 CFR 101.2-3

Legal Deadline: None

Abstract: As the result of an Agency reorganization, the Office of Field Management has been retitled the Office of Program Analysis and Quality Assurance. This regulation will implement such reorganization by amending the regulations to include the mission statement of the newly created office.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rodney Lewis, Director, Office of Program Analysis, Small Business Administration, 409 Third Street, SW., 5th Floor, Washington, DC 20416, 202 205-6650

RIN: 3245–AC52

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

4299. SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Major revision to part 107 of title 13 governing Small Business Investment Companies. The proposed regulation would cover changes to ownership or control of a licensee, definition of private capital, deposits and investments of idle funds, other permissible financing, leverage for section 301(d) SBICs, definition of small business concern , control of small concern, operational requirements, cost of money, funds to licensee, conflicts of interest provisions, redemptions, commitments, the purchase, sale or guarantee of securities evidencing leverage, and the filing of SBA Form 468.

Timetable:

Action	Date	FR Cite
NPRM	09/27/90	55 FR 39422
NPRM Comment Period End	11/27/90	
NPRM Comment Period Extended	12/06/90	55 FR 50334
Final Action	07/11/91	56 FR 31774

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph L. Newell, Director, Office of Investment, Small

Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6510

RIN: 3245–AB29

4300. PROCUREMENT: SUBCONTRACTING LIMITATIONS

Legal Authority: PL 99-591; PL 99-661; 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: Guidelines for application of subcontracting limitations imposed by Public Laws 99-591 and 99-661.

Timetable:

Action	Date	FR Cite
Merged with RIN 3245-AA74	08/23/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Robert J. Moffitt, Associate Administrator for Procurement Assistance, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6460

RIN: 3245–AB62

4301. SMALL BUSINESS SIZE REGULATION

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); PL 100-590

CFR Citation: 13 CFR 121

Legal Deadline: NPRM, Statutory, March 15, 1989. Final, Statutory, May 3, 1989.

Abstract: The rule would clarify the eligibility of nonprofit organizations operated for the benefit of the blind and severely handicapped for Federal procurements restricted to small businesses.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	
Interim Final Rule	01/31/90	55 FR 3201
NPRM	10/05/90	55 FR 40847
NPRM Comment Period End	11/05/90	
Final Action	08/06/91	56 FR 37276

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Robert J. Moffitt, Associate Administrator for Procurement Assistance, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416, 202 205-6460

RIN: 3245–AB87

4302. BREAKOUT PROCUREMENT CENTER REPRESENTATIVE PROGRAM

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); 15 USC 637; 15 USC 643; PL 98-577; PL 100-590

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: These regulations would implement the passage of the Small Business and Federal Procurement Competition Enhancement Act of 1984, which authorized the placement of Small Business Administration (SBA) Breakout Procurement Center Representatives (BPCRs) at major procurement centers and the Small Business Administration Reauthorization and Amendment Act of 1988, which further expanded the authority of such personnel. The purpose of these proposed regulations is to advise Government personnel of the division of responsibilities that must be performed to implement the law. The current regulations in 13 CFR 125.6, Government Prime Act Contracts Assistance, addresses only one portion of the procurement center representatives (PCR) program as it relates to those PCRs known as Traditional PCRs. This group of individuals is basically responsible for the small business set-aside program versus the mandate to BPCRs to breakout acquisitions for full and open competition. The Federal Acquisition Regulations contain basic regulations for the breakout (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/10/90	55 FR 19633
NPRM Comment Period End	06/11/90	
Final Action	03/27/91	56 FR 12650
Final Action Effective	04/26/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Additional Information: ABSTRACT CONT: program. SBA's regulation should reflect all of their program areas. This rule will correct this void.

Agency Contact: Roy Rodgers, Director, Office of Prime Contracts, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6471

RIN: 3245–AC01

4303. SMALL BUSINESS INVESTMENT COMPANIES; PORTFOLIO VALUATION

Legal Authority: 15 USC 681 et seq; PL 100-590; PL 101-162

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: This rule would amend two sections of appendix I to part 107 in order to clarify SBA requirements regarding valuation of SBIC portfolio securities. Specifically, the rule would clarify the role of the independent public accountant in the valuation process.

Timetable:

Action	Date	FR Cite
NPRM	09/27/90	55 FR 39421
NPRM Comment Period End	10/29/90	
Final Action	07/05/91	56 FR 30850

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Bresnan, Staff Accountant, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6510

RIN: 3245–AC25

SBA

Completed Actions

4304. SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 681 et seq; PL 100-590; PL 101-162

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: SBA's proposal would raise the minimum amount of private paid-in capital from $1,000,000 to $3,000,000 for a 301(c) SBIC and $2,000,000 for a 301(d) Licensee. Further, it would require a Licensee to have at least five directors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/02/90	55 FR 40356
Interim Final Rule Comment Period End	11/02/90	55 FR 46190
Final Action (Board of Directors)	04/03/91	56 FR 13582
Final Action (Minimum Capital)	08/07/91	56 FR 37459

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph L. Newell, Director, Office of Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6510

RIN: 3245–AC26

4305. SMALL BUSINESS SIZE REGULATIONS

Legal Authority: 15 USC 634(b)(6); PL 100-590; PL 101-574

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule would establish procedures for implementing Section 210 of PL 101-574 which provides for waiver of the nonmanufacturer rule. Section 210 established authority by which the contracting officer can determine that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications, including period for performance, required of an offeror by a solicitation.

Timetable:

Action	Date	FR Cite
Merged with RIN 3245-AB88	08/14/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: James Fairbairn, Office of Procurement Policy and Liaison, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, 202 205-6465

RIN: 3245–AC29

4306. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES, STATUTORY PUBLIC POLICY GOALS

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c; PL 101-574

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This rule incorporates section 214 of PL 101-574 into SBA's Development Company program regulations. Section 214 restated the economic development objectives of the program, as well as increased the maximum loan amount for loans meeting specific public policy goals.

Timetable:

Action	Date	FR Cite
Final Action	08/19/91	56 FR 41055

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: LeAnn M. Oliver, Deputy Director for Program Development, Office of Econ. Development & Rural Affairs, Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416, 202 205-6485

RIN: 3245–AC43

[FR Doc. 91-20886 Filed 10-18-91; 8:45 am]

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Monday
October 21, 1991

Part XLIV

Tennessee Valley Authority

Semiannual Regulatory Agenda

federal register

TENNESSEE VALLEY AUTHORITY (TVA)

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates few regulations. However, TVA has four regulations under development and has published a notice of proposed rulemaking with regard to a fifth regulation. In addition, TVA has published an interim final common rule with regard to a sixth regulation. TVA is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information, please contact the persons listed.

W. F. Willis,

Senior Executive Officer.

TENNESSEE VALLEY AUTHORITY (TVA) — Proposed Rule Stage

4307. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470mm

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 236 Natural Resources Building, Norris, TN 37828, 615 632-1585

RIN: 3316–AA02

4308. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: 20 USC 1682; 16 USC 831 to 831dd

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation implements 20 USC 1681 which assures nondiscrimination on the basis of sex in educational programs or activities receiving financial assistance from Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Freddie L. Hogan, Manager, Contracts and Community Assistance, Tennessee Valley Authority, CEB 4E 417-B, Muscle Shoals, AL 35660, 205 386-2049

RIN: 3316–AA13

4309. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: 16 USC 470aa to 470mm

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The proposed rule would amend the sections in the final uniform regulations to implement recent amendments to the Archaeological Resources Protection Act of 1979. Principally, these changes address public awareness programs, archaeological surveys and schedules, and guidance to Federal agencies on the disposition of human remains and directly associated objects found at archaeological sites. No direct costs to the public are anticipated, as the proposed rule would deal primarily with management and protection of archaeological resources by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 236 Natural Resources Building, Norris, TN 37828, 615 632-1585

RIN: 3316–AA16

TENNESSEE VALLEY AUTHORITY (TVA)

Final Rule Stage

4310. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: 16 USC 470ii(a)

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The proposed rule would revise the prohibited acts section of the uniform regulations to conform to recent amendments to the Archaeological Resources Protection Act, thus enabling Federal land managers to assess civil penalties for the attempt to excavate, remove, damage, alter, or otherwise deface archaeological resources. The proposed rule would thus affect persons who make unauthorized use of archaeological resources or attempt to do so.

Timetable:

Action	Date	FR Cite
NPRM	01/29/90	55 FR 2848
NPRM Comment Period End	02/28/90	55 FR 2848
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 236 Natural Resources Building, Norris, TN 37828, **615 632-1585**

RIN: 3316–AA14

4311. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 16 USC 831 to 831dd; 31 USC 1352

CFR Citation: 18 CFR 1315, (New)

Legal Deadline: None

Abstract: By this regulation the Tennessee Valley Authority adopts a common interim final rule issued in response to Section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, cooperative agreements, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, cooperative agreement, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, cooperative agreement, grant, loan, or a Federal commitment to insure or guarantee a loan must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Charles L. Young, Senior Attorney, Office of the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902-1499, **615 632-7305**

RIN: 3316–AA17

4312. ADOPTION OF PROCEDURES - PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: 16 USC 831 to 831dd; 31 USC 1352

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In accordance with the requirements of Section 319 of Public Law 101-121, the Tennessee Valley Authority is required to apply certain requirements of the Program Fraud Civil Remedies Act to the imposition and collection of civil penalties under Section 319 for violations of its restrictions on lobbying and its disclosure requirements. These regulations establish administrative procedures for imposition and collection of civil penalties in accordance with the Program Fraud Civil Remedies Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles L. Young, Senior Attorney, Office of the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902-1499, **615 632-7305**

RIN: 3316–AA18

[FR Doc. 91-20887 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21, 199

Part XLV

Department of Defense General Services Administration National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. I

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council in compliance with section 5 of the Executive Order 12291 (Federal Regulation). These regulations are published as Federal Acquisition Regulations (FAR). This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FACs). None of the regulations listed in this agenda are considered major under Executive Order 12291 "Federal Regulation."

Dated: September 13, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4313	Federal Acquisition Regulation (FAR) Case 91-37, Independent Research and Development and Bid and Proposal Costs (IR&D/B&P)	9000-AE67
4314	Federal Acquisition Regulation (FAR) Case 91-39, Voluntary Refunds	9000-AE68

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4315	Amendment to Federal Acquisition Regulation (FAR Case 88-56)	9000-AC67
4316	Amendment to Federal Acquisition Regulation (FAR Case 88-64)	9000-AC75
4317	Amendment to Federal Acquisition Regulation (FAR Case 88-70)	9000-AC80
4318	Amendment to Federal Acquisition Regulation (FAR Case 89-12)	9000-AC90
4319	Amendment to Federal Acquisition Regulation (FAR Case 89-13)	9000-AC91
4320	Amendment to Federal Acquisition Regulation (FAR Case 89-21)	9000-AC99
4321	Amendment to Federal Acquisition Regulation (FAR Case 89-23)	9000-AD01
4322	Amendment to Federal Acquisition Regulation (FAR Case 89-31)	9000-AD09
4323	Amendment to Federal Acquisition Regulation (FAR Case 89-34)	9000-AD12
4324	Amendment to Federal Acquisition Regulation (FAR Case 89-42)	9000-AD20
4325	Amendment to Federal Acquisition Regulation (FAR Case 89-88)	9000-AD71
4326	Amendment to Federal Acquisition Regulation (FAR Case 89-89)	9000-AD72
4327	Amendment to Federal Acquisition Regulation (FAR Case 89-93)	9000-AD76
4328	Amendment to Federal Acquisition Regulation (FAR Case 90-12)	9000-AD84
4329	Amendment to Federal Acquisition Regulation (FAR Case 90-17)	9000-AD89
4330	Amendment to Federal Acquisition Regulation (FAR Case 90-18)	9000-AD90
4331	Amendment to Federal Acquisition Regulation (FAR Case 90-30)	9000-AE02
4332	Amendment to Federal Acquisition Regulation (FAR Case 90-31)	9000-AE03
4333	Amendment to Federal Acquisition Regulation (FAR Case 90-32)	9000-AE04
4334	Amendment to Federal Acquisition Regulation (FAR Case 90-34)	9000-AE06
4335	Amendment to Federal Acquisition Regulation (FAR Case 90-37)	9000-AE09
4336	Amendment to Federal Acquisition Regulation (FAR Case 90-38)	9000-AE10
4337	Amendment to Federal Acquisition Regulation (FAR Case 90-39)	9000-AE11
4338	Amendment to Federal Acquisition Regulation (FAR Case 90-41)	9000-AE13
4339	Amendment to Federal Acquisition Regulation (FAR Case 90-51)	9000-AE20

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Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4340	Amendment to Federal Acquisition Regulation (FAR Case 90-52)	9000-AE21
4341	Amendment to Federal Acquisition Regulation (FAR Case 90-53)	9000-AE22
4342	Amendment to Federal Acquisition Regulation (FAR Case 90-54)	9000-AE23
4343	Amendment to Federal Acquisition Regulation (FAR Case 90-56)	9000-AE25
4344	Amendment to Federal Acquisition Regulation (FAR Case 90-57)	9000-AE26
4345	Amendment to Federal Acquisition Regulation (FAR Case 90-58)	9000-AE27
4346	Amendment to Federal Acquisition Regulation (FAR Case 90-62)	9000-AE30
4347	Amendment to Federal Acquisition Regulation (FAR Case 90-66)	9000-AE33
4348	Amendment to Federal Acquisition Regulation (FAR Case 91-7)	9000-AE37
4349	Federal Acquisition Regulation (FAR) Case 91-34, Make-or-Buy Provision	9000-AE40
4350	Federal Acquisition Regulation (FAR) Case 91-31, Contract Award-Sealed Bidding	9000-AE41
4351	Federal Acquisition Regulation (FAR) Case 91-26, Contractor versus Government Performance	9000-AE42
4352	Federal Acquisition Regulation (FAR) Case 91-32, Specifications, Standards, and Other Purchase Descriptions	9000-AE43
4353	Federal Acquisition Regulation (FAR) Case 90-68, Thresholds, Part 22	9000-AE45
4354	Federal Acquisition Regulation (FAR) Case 91-27, Performance and Payment Bonds	9000-AE47
4355	Federal Acquisition Regulation (FAR) Case 91-13, Acquisition of Utility Services	9000-AE48
4356	Federal Acquisition Regulation (FAR) Case 90-47, Preaward Survey for the Blind and Other Severely Handicapped	9000-AE49
4357	Federal Acquisition Regulation (FAR) Case 91-29, Award without Discussions	9000-AE51
4358	Federal Acquisition Regulation (FAR) Case 91-28, Indian-Owned Enterprises	9000-AE52
4359	Federal Acquisition Regulation (FAR) Case 91-19, Small Purchase Limitation	9000-AE53
4360	Federal Acquisition Regulation (FAR) Case 91-36, Contract Air Fares	9000-AE54
4361	Federal Acquisition Regulation (FAR) Case 91-15, Extraordinary Contractual Actions	9000-AE56
4362	Federal Acquisition Regulation (FAR) Case 91-11, Shipments to Ports and Air Terminals	9000-AE57
4363	Federal Acquisition Regulation (FAR) Case 91-9, Acquisition of Helium	9000-AE58
4364	Federal Acquisition Regulation (FAR) Case 90-65, Novation Change of Name Agreements	9000-AE59
4365	Federal Acquisition Regulation (FAR) Case 91-43, Termination of Contracts	9000-AE62
4366	Federal Acquisition Regulation (FAR) Case 90-45, Revision of the Prescription's in FAR 25.109(a) & (d)	9000-AE63
4367	Federal Acquisition Regulation (FAR) Case 91-18, Multiyear Contracting	9000-AE65
4368	Federal Acquisition Regulation (FAR) Case 91-10, Returnable Cylinders and Other Containers	9000-AE66
4369	Federal Acquisition Regulation (FAR) Case 91-42, Post-Retirement Benefits Transition Costs	9000-AE69
4370	Federal Acquisition Regulation (FAR) Case 91-38, Audits of Institutions of Higher Learning and Other Nonprofit Organizations	9000-AE70
4371	Federal Acquisition Regulation (FAR) Case 91-25, Commercial Pricing Certificates	9000-AE71
4372	Federal Acquisition Regulation (FAR) Case 91-20, Notification of Ownership Changes	9000-AE72
4373	Federal Acquisition Regulation (FAR) Case 91-17, Contractor Acquisition of ADPE	9000-AE73
4374	Federal Acquisition Regulation (FAR) Case 91-12, Precontract Costs	9000-AE74
4375	Federal Acquisition Regulation (FAR) Case 90-67, Preproduction Startup Costs	9000-AE75
4376	Federal Acquisition Regulation (FAR) Case 91-16, Disclosure Requirements for Subcontractors	9000-AE76

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4377	Amendment to Federal Acquisition Regulation (FAR Case 88-31)	9000-AC43
4378	Amendment to Federal Acquisition Regulation (FAR Case 89-14)	9000-AC92
4379	Amendment to Federal Acquisition Regulation (FAR Case 89-24)	9000-AD02
4380	Amendment to Federal Acquisition Regulation (FAR Case 89-25)	9000-AD03
4381	Amendment to Federal Acquisition Regulation (FAR Case 89-30)	9000-AD08
4382	Amendment to Federal Acquisition Regulation (FAR Case 89-43)	9000-AD21
4383	Amendment to Federal Acquisition Regulation (FAR Case 89-54)	9000-AD32
4384	Amendment to Federal Acquisition Regulation (FAR Case 89-55)	9000-AD33
4385	Amendment to Federal Acquisition Regulation (FAR Case 89-61)	9000-AD43
4386	Amendment to Federal Acquisition Regulation (FAR Case 89-70)	9000-AD53
4387	Amendment to Federal Acquisition Regulation (FAR Case 89-74)	9000-AD57
4388	Amendment to Federal Acquisition Regulation (FAR Case 89-83)	9000-AD66
4389	Amendment to Federal Acquisition Regulation (FAR Case 89-90)	9000-AD73
4390	Amendment to Federal Acquisition Regulation (FAR Case 89-94)	9000-AD77
4391	Amendment to Federal Acquisition Regulation (FAR Case 90-6)	9000-AD78
4392	Amendment to Federal Acquisition Regulation (FAR Case 90-9)	9000-AD81
4393	Amendment to Federal Acquisition Regulation (FAR Case 90-13)	9000-AD85

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Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
4394	Amendment to Federal Acquisition Regulation (FAR Case 90-26)	9000-AD98
4395	Amendment to Federal Acquisition Regulation (FAR Case 90-27)	9000-AD99
4396	Amendment to Federal Acquisition Regulation (FAR Case 90-28)	9000-AE00
4397	Amendment to Federal Acquisition Regulation (FAR Case 90-29)	9000-AE01
4398	Amendment to Federal Acquisition Regulation (FAR Case 90-33)	9000-AE05
4399	Amendment to Federal Acquisition Regulation (FAR Case 90-40)	9000-AE12
4400	Amendment to Federal Acquisition Regulation (FAR Case 90-60)	9000-AE28
4401	Amendment to Federal Acquisition Regulation (FAR Case 90-61)	9000-AE29
4402	Amendment to Federal Acquisition Regulation (FAR Case 90-63)	9000-AE31
4403	Amendment to Federal Acquisition Regulation (FAR Case 90-64)	9000-AE32
4404	Amendment to Federal Acquisition Regulation (FAR Case 90-69)	9000-AE34
4405	Amendment to Federal Acquisition Regulation (FAR Case 91-4)	9000-AE35
4406	Amendment to Federal Acquisition Regulation (FAR Case 91-5)	9000-AE36
4407	Amendment to Federal Acquisition Regulation (FAR Case 91-8)	9000-AE38
4408	Federal Acquisition Regulation (FAR) Case 91-44, Publicizing Procurement Actions	9000-AE39
4409	Federal Acquisition Regulation (FAR) Case 91-24, Brand Name Description Procurements	9000-AE44
4410	Federal Acquisition Regulation (FAR) Case 91-33, DD Form 254	9000-AE46
4411	Federal Acquisition Regulation (FAR) Case 90-44, Utilization of LSA Concerns	9000-AE50
4412	Federal Acquisition Regulation (FAR) Case 91-22, Extraordinary Contractual Actions - Deviations	9000-AE55
4413	Federal Acquisition Regulation (FAR) Case 91-41, General Accounting Office Protest Costs	9000-AE60
4414	Federal Acquisition Regulation (FAR) Case 91-23, Nonavailability —Exception to the Buy American Act	9000-AE61
4415	Federal Acquisition Regulation (FAR) Case 91-21, Screening of Contractor Inventory	9000-AE64

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

4313. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-37, INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS (IR&D/B&P)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31.205-18; 48 CFR 42.10

Legal Deadline: None

Abstract: To amend the cost principle in the FAR to reflect statutory changes in the thresholds for negotiation of advance agreements for IR&D/B&P.

Timetable:

Action	Date	FR Cite
NPRM	08/15/91	56 FR 40714
NPRM Comment Period End	10/15/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 501-4755**

RIN: 9000–AE67

4314. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-39, VOLUNTARY REFUNDS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 32.6; 48 CFR 42.13

Legal Deadline: None

Abstract: To amend the FAR to add a new Subpart 42.13 to provide guidance on solicitation and acceptance of voluntary refunds.

Timetable:

Action	Date	FR Cite
NPRM	08/15/91	56 FR 40716
NPRM Comment Period End	10/15/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 501-4755**

RIN: 9000–AE68

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

4315. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-56)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR by requiring agencies to ensure that contractors, doing business with the U.S. Government under a cost-reimbursement contract (CRC), submit paid freight bills/ invoices, CBL's and supporting documentation to GSA for audit. The rule clarifies GSA's audit function and establishes procedures for the submission of the above referenced documentation.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45742
NPRM Comment Period End	01/09/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AC67

4316. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-64)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 22; 48 CFR 23; 48 CFR 36; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise coverage concerning hazardous material, submission of material safety data sheets, and add a new subpart and clause concerning radioactive material.

Timetable:

Action	Date	FR Cite
NPRM	01/30/90	55 FR 3174
NPRM Comment Period End	04/02/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AC75

4317. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-70)

Legal Authority: PL 100-449

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: Other, Statutory, January 1, 1989.

Abstract: To amend the FAR to implement the United States-Canada Free-Trade Agreement and the United States-Canada Free-Trade Implementation Act of 1988, which added requirements with respect to acquisitions from Canada.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	53 FR 53340
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AC80

4318. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-12)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to bring the cost principle on unfunded pension costs in line with Cost Accounting Standard 412.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AC90

4319. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-13)

Legal Authority: PL 100-456

CFR Citation: 48 CFR 31; 48 CFR 37; 48 CFR 52

Legal Deadline: Other, Statutory, March 28, 1989.

Abstract: To amend the FAR to assure that severance payments to foreign nationals employed under a service contract performed outside the United States do not exceed the typical rate of severance pay in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AC91

4320. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-21)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 46

Legal Deadline: None

Abstract: To amend the FAR to more clearly define under what circumstances the Government should rely on inspection and testing by contractors when acquiring commercial off-the-shelf supplies.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	54 FR 16094
NPRM Comment Period End	06/19/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AC99

4321. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-23)

Legal Authority: 41 USC 423

CFR Citation: 48 CFR 1; 48 CFR 3; 48 CFR 4; 48 CFR 9; 48 CFR 15; 48 CFR 37; 48 CFR 43; 48 CFR 52

Legal Deadline: Other, Statutory, July 16, 1989.

Abstract: To amend the FAR to implement the procurement integrity requirements of section 27 of the OFPP Act.

Timetable:

Action	Date	FR Cite
NPRM	03/27/89	54 FR 12556
Interim Final Rule	05/11/89	54 FR 20488
Suspension of Interim Rule	12/08/89	54 FR 50718
Interim Final Rule	09/06/90	55 FR 36782
Interim Final Rule Effective	09/06/90	
Amendment to Interim Final Rule	11/30/90	55 FR 49852
Amendment to Interim Final Rule Effective	12/30/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD01

4322. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-31)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that the Government takes title in the form of "ownership" rather than a lien when progress payments are made under the progress payments clause at FAR 52.232-16.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18631
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD09

4323. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-34)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify the procedures for submission of cost impact proposals and the authority of the ACO to withhold a portion of payments when the contractor does not submit the cost impact proposal in a timely manner.

Timetable:

Action	Date	FR Cite
NPRM	06/16/89	54 FR 25686
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD12

4324. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-42)

Legal Authority: PL 100-656, Sec 304

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require a prime contractor to pay liquidated damages upon a lack of good faith effort to meet its small business subcontracting goals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/21/89	54 FR 30703
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD20

4325. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-88)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 48

Legal Deadline: None

Abstract: To amend the FAR to clarify the allowability of costs for unaccepted value engineering change proposals. The allowability of the costs will be determined in accordance with FAR Part 31.

Timetable:

Action	Date	FR Cite
NPRM	01/04/90	55 FR 416
NPRM Comment Period End	03/05/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD71

4326. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-89)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to address the treatment of orders placed under indefinite delivery type contractual arrangements, basic agreements, and basic ordering agreements for purposes of debarment/suspension.

Timetable:

Action	Date	FR Cite
NPRM	01/04/90	55 FR 416
NPRM Comment Period End	03/05/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD72

4327. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-93)

Legal Authority: PL 101-121, Sec 319

CFR Citation: 48 CFR 3; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement section 319 of PL 101-121, which added a new section 1352 to title 31 USC entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of $100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of $150,000, must disclose lobbying with other than appropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD76

4328. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-12)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to raise or delete various dollar thresholds that are outdated and to clarify existing policy in FAR Part 45.

Timetable:

Action	Date	FR Cite
NPRM	08/09/90	55 FR 32586
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD84

4329. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-17)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 8; 48 CFR 15; 48 CFR 31; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to address the requirement for claiming and

granting catalog price exemptions from the requirements for submission of certified cost or pricing data, and the policies regarding price negotiation.

Timetable:

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36774
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD89

4330. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-18)

Legal Authority: PL 100-463, Sec 8141

CFR Citation: 48 CFR 9; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to establish policy and procedures relating to conflict of interest standards for persons who provide consulting services to the Government and to its contractors, and promote compliance with the standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/22/90	55 FR 42684
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD90

4331. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-30)

Legal Authority: PL 101-189, Sec 311(a)

CFR Citation: 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to make unallowable the costs of severance payments to foreign nationals if the termination of employment is the result of the closing of, or the curtailment of activities at, a U.S. facility in a country at the request of the government of that country.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/21/90	55 FR 52782
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE02

4332. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-31)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to require that challenges to an offeror's certification under the Trade Agreements Act be referred to the Treasury Department.

Timetable:

Action	Date	FR Cite
NPRM	06/27/90	55 FR 26342
NPRM Comment Period End	08/27/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE03

4333. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-32)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: To amend the FAR to provide general policy guidelines, and prescribe agency responsibilities and conditions for use of Government credit cards in the place of certain purchase orders and imprest funds draw-downs.

Timetable:

Action	Date	FR Cite
NPRM	06/27/90	55 FR 26342
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE04

4334. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-34)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to ensure that Government property is transferred and documented properly upon termination or completion of a contract.

Timetable:

Action	Date	FR Cite
NPRM	06/27/90	55 FR 26344
NPRM Comment Period End	08/27/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE06

4335. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-37)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to include quality as a criteria in determining contract performance and to make other editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	07/26/90	55 FR 30670
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE09

4336. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-38)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 12; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to allow the contracting officer to include the clauses at 52.212-1, Time of Delivery, and 52.212-2, Desired and Required Time of Delivery, in all contracts and solicitation types except for construction and architect-engineering procurements.

Timetable:

Action	Date	FR Cite
NPRM	07/26/90	55 FR 30670
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE10

4337. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-39)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 7; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require the Government to provide a list of employees, displaced as a result of conversion to contract performance, to the successful contractor within 10 days of contract award.

Timetable:

Action	Date	FR Cite
NPRM	08/17/90	55 FR 38234
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE11

4338. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-41)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to clarify policy regarding fee or profit on the acquisition of general purpose components of special tooling and special test equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/09/90	55 FR 32587
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE13

4339. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-51)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 2.201; 48 CFR 3.404; 48 CFR 52.202-1; 48 CFR 52.203-5

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to:(1) FAR 2.201 to require the clause at FAR 52.202-1 in fixed-price research and development contracts in excess of $25,000; (2) FAR 3.404 to revise the prescription; and (3) the clauses at FAR 52.202-1 and 52.203-5 to make editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	09/20/90	55 FR 38788
NPRM Comment Period End	11/20/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE20

4340. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-52)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.605

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering a change to FAR 15.605 to state that quality must be an evaluation factor in solicitations for services but must only be considered in the planning of other acquisitions. This change will better implement the requirements of Pub. L. 99-661, sec. 924(a).

Timetable:

Action	Date	FR Cite
NPRM	11/07/90	55 FR 46930
NPRM Comment Period End	01/07/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE21

4341. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-53)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 44.302; 48 CFR 44.304

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing changes to FAR 44.302(b) and 44.304(a) and (b) concerning contractors' purchasing systems reviews (CPSR's). This revision continues the current trend to streamline the acquisition process, reduce contractor oversight, and to eliminate or reduce regulatory burdens on both the contracting officers and contractors.

Timetable:

Action	Date	FR Cite
NPRM	10/23/90	55 FR 42810
NPRM Comment Period End	12/24/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE22

4342. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-54)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.804-7

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to revise the policies affecting defective pricing reductions. Review of the Defense Federal Acquisition Regulation Supplement indicated that there were policies which had value beyond use solely within the Department of Defense and which should be made applicable Governmentwide.

Timetable:

Action	Date	FR Cite
NPRM	12/06/90	55 FR 50534
NPRM Comment Period End	02/03/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE23

4343. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-56)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 9.406-1

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to the FAR to provide examples as to remedial measures or mitigating factors that should be considered when evaluating whether a contractor's debarment is warranted. The inclusion of this coverage will assist industry and Government officials involved in debarment actions by formalizing the types of considerations presently being utilized in determining whether a contractor should be debarred.

Timetable:

Action	Date	FR Cite
NPRM	12/04/90	55 FR 50152
NPRM Comment Period End	02/04/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE25

4344. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-57)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 37.112

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a change to FAR Subpart 37.1 to add coverage on Government use of private sector temporaries. This coverage is intended to inform contracting personnel that such contracts are permitted and to cite the appropriate statutory authority for these contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/10/91	56 FR 1076
NPRM Comment Period End	03/11/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE26

4345. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-58)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 52.246-4

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to the Federal Acquisition Regulation (FAR) to amend the clause at 52.246-4, Inspection of Services-Fixed-Price. The proposed changes revise the clause by adding a new paragraph (d), which will allow the Government to inspect or test at the contractor's or subcontractor's facility and require the contractor to furnish, without additional change, all reasonable facilities and assistance for the safe and convenient performance of these duties and will redesignate existing paragraphs (d) and (e) as (e) and (f). The coverage will be useful in contracts for services such as storage, ship repair, and operation and maintenance of Government-owned facilities.

Timetable:

Action	Date	FR Cite
NPRM	12/19/90	55 FR 52158
NPRM Comment Period End	02/19/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE27

4346. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-62)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 36.621 to 36.523; 48 CFR 52.236-21; 48 CFR 52.236-26; 48 CFR 52.236-27

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to FAR 36.5 by revising 36.521 and adding provisions at 36.522 and 36.523. These proposed changes are intended to include in the FAR two clauses and one provision appropriate for use in fixed-price construction contracts, and in contracts for dismantling, demolition, or removal of improvement, which were found to be beneficial to both contractors and the Department of Defense, and which will similarly benefit civilian agencies and their contractors.

Timetable:

Action	Date	FR Cite
NPRM	01/31/91	56 FR 3954
NPRM Comment Period End	04/01/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE30

4347. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-66)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 25.7; 48 CFR 52.225-11

Legal Deadline: None

Abstract: This interim rule revises FAR Subpart 25.7 and the clause at 52.225-11, Certain Communist Areas, to implement the restrictions imposed by the Anti-Apartheid Act of 1986, Public Law 99-440. Existing coverage in Subpart 25.7 is expanding to provide policy and procedures on acquisitions from foreign countries whose supplies or services cannot be lawfully imported into the United States or acquired by United States entities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/91	56 FR 15142
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE33

4348. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 91-7)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 25.7

Legal Deadline: None

Abstract: This interim rule revises FAR Subpart 25.7 and the clause at 52.225-11, Restrictions on Certain Foreign Purchases, to implement the restrictions imposed by Executive Orders 12722, 12723, 12724, and 12725. Existing coverage in Subpart 25.7 is expanded to provide restrictions on acquisitions of supplies or services from Iraq and Kuwait.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/91	56 FR 15142
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE37

4349. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-34, MAKE-OR-BUY PROVISION

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend FAR Subpart 15.7 and Part 52 regarding make or buy plans. The revisions will permit the contracting officer to request additional data, list the factors for evaluation on the make or buy program and provide the dollar threshold for items to be included in the program.

Timetable:

Action	Date	FR Cite
NPRM	07/23/91	56 FR 33826
NPRM Comment Period End	09/23/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE40

4350. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-31, CONTRACT AWARD-SEALED BIDDING

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise the provision 52.214-19 to include the language regarding unbalanced bidding now contained in the provisions at 52.214-10 and 52.215-16. This will make the language in all three provisions consistent.

Timetable:

Action	Date	FR Cite
NPRM	06/27/91	56 FR 29539
NPRM Comment Period End	08/26/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE41

4351. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-26, CONTRACTOR VERSUS GOVERNMENT PERFORMANCE

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 7; 48 CFR 52

Legal Deadline: None

Abstract: To amend FAR Subpart 7.3 and Part 52 to alert contracting officers to the possibility of performing a cost comparison for the specific reason that commercial prices were believed to be unreasonable and to generalize the language so that future changes to the statutes or regulations concerning cost comparisons will not require further FAR changes. Other changes make the FAR more consistent with OMB Circular A-76.

Timetable:

Action	Date	FR Cite
NPRM	06/27/91	56 FR 29556
NPRM Comment Period End	08/26/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE42

4352. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-32, SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 10; 48 CFR 52

Legal Deadline: None

Abstract: To revise FAR Part 10 to clearly reflect the preference for use of voluntary standards commercial item descriptions and functional performance specifications over design-type specifications.

Timetable:

Action	Date	FR Cite
NPRM	07/11/91	56 FR 31844
NPRM Comment Period End	09/09/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE43

4353. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 90-68, THRESHOLDS, PART 22

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: To amend FAR Parts 22 and 52 regarding compensation for professional employees. The Defense Acquisition Regulations and Civilian Agency Acquisition Councils are proposing raising the threshold in 22.1103 from $250,000 to $500,000, deleting unnecessary language at 52.222-45 and combining the coverage with the clause at 52.222-46.

Timetable:

Action	Date	FR Cite
NPRM	03/07/91	56 FR 9832
NPRM Comment Period End	05/08/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE45

4354. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-27, PERFORMANCE AND PAYMENT BONDS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 28; 48 CFR 52

Legal Deadline: None

Abstract: To amend Parts 28 and 52 to standardize policies governing bonding. The principal revisions include: adding standard clauses when performance or payment bonds are required and a standard form, Performance and Payment Bonds - Other Than Construction.

Timetable:

Action	Date	FR Cite
NPRM	07/09/91	56 FR 31278
NPRM Comment Period End	09/09/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE47

4355. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-13, ACQUISITION OF UTILITY SERVICES

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 6; 48 CFR 8; 48 CFR 15; 48 CFR 41; 48 CFR 52

Legal Deadline: None

Abstract: To revise FAR coverage currently in Subpart 8.3 dealing with acquisition of utility services.

Timetable:

Action	Date	FR Cite
NPRM	05/22/91	56 FR 23982
NPRM Comment Period End	07/23/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE48

4356. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 90-47, PREAWARD SURVEY FOR THE BLIND AND OTHER SEVERELY HANDICAPPED

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend FAR 9.107 to add coverage dealing with preaward surveys for workshops under the Javits Wagner O'Day Act.

Timetable:

Action	Date	FR Cite
NPRM	10/11/90	55 FR 41434
NPRM Comment Period End	12/10/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE49

4357. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-29, AWARD WITHOUT DISCUSSIONS

Legal Authority: PL 101-510, Sec 802

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: Other, Statutory, May 5, 1991.
The effective date for Section 802 of PL 101-510 was the end of the 120-day period beginning on the date of the enactment of the Act (November 5, 1990).

Abstract: To amend the FAR to require solicitations to state significant evaluation factors and subfactors and to require Department of Defense, National Aeronautics and Space Administration and Coast Guard solicitations for competitive proposals to indicate whether award will be made with or without discussions with offerors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/91	56 FR 41728
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE51

4358. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-28, INDIAN-OWNED ENTERPRISES

Legal Authority: PL 100-442, Sec 7

CFR Citation: 48 CFR 26; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to allow contractors to recover certain costs of subcontracting with Indian organizations and Indian-owned economic enterprises.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/91	56 FR 41728
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE52

4359. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-19, SMALL PURCHASE LIMITATION

Legal Authority: PL 101-510, Sec 806

CFR Citation: 48 CFR 5; 48 CFR 13; 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to provide uniform small purchase threshold for Federal-wide use.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/91	56 FR 41728
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE53

4360. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-36, CONTRACT AIR FARES

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31; 48 CFR 51; 48 CFR 52

Legal Deadline: Final, Statutory, September 1991.

Abstract: In accordance with section 833 of the Department of Defense Authorization Act for Fiscal Year 1989 (Pub. L. 100-456), the Councils are considering an amendment to the FAR, which will add Subpart 51.3, Contractor Use of Government Discount Air Passenger Transportation Fares, and a new clause at 52.251-XX, Government Discount Air Passenger Transportation Fares. The coverage permits contractor personnel traveling under certain Government contracts to use the same discount airfares available to Federal employees traveling at Government expense. The change to 31.205-46, Travel Costs, limits the contractor's recovery of travel costs to the discount air fare provided for in the new subpart.

Timetable:

Action	Date	FR Cite
NPRM	07/23/91	56 FR 33822
NPRM Comment Period End	09/23/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE54

4361. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-15, EXTRAORDINARY CONTRACTUAL ACTIONS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 50.203(b)(4)

Legal Deadline: Final, Statutory, November 5, 1990.

Abstract: With respect to extraordinary contractual actions, paragraph (b)(4) of 48 CFR 50.203, Limitations on exercise of authority, has been revised by deleting from the first sentence, the words, "...and neither House of Congress has adopted a resolution

disapproving the obligation." The revised text states that no contract, amendment, or modification shall be made under the Act's authority that will obligate the Government for any amount over $25 million, unless the Senate and the House Committees on Armed Services are notified in writing of the proposed obligation and 60 days of continuous session of Congress have passed since the transmittal of such notification. However, this subparagraph (4) does not apply to indemnification agreements authorized under 48 CFR 50.403.

The revision is based on amendments to Public Law 85-804 (50 USC 1431) by Public Law 101-510 (Title XIII, Section 1313) and Public Law 102-25 (Title VII, Section 705(f)).

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE56

4362. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-11, SHIPMENTS TO PORTS AND AIR TERMINALS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: The Defense Acquisition Regulations and Civilian Agency Acquisition Councils are proposing revisions to coverage at 47.305-6, 52.247-51, and Alternate I of 52.247-51 of the FAR to require contracting officers to publish with the solicitation any available information on port handling and ocean charges.

Timetable:

Action	Date	FR Cite
NPRM	05/06/91	56 FR 20573
NPRM Comment Period End	07/05/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE57

4363. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-9, ACQUISITION OF HELIUM

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 8; 48 CFR 52

Legal Deadline: None

Abstract: The Defense Acquisition Regulations and Civilian Agency Acquisition Councils are considering amending FAR Parts 8 and 52 to provide guidance in the procurement of helium. Pub. L. 86-777, the Helium Act, requires that all major helium requirements be purchased from the Secretary of the Interior. This includes the procurement of helium by Federal agencies as well as by contractors for use in Government contracts. The proposed coverage will assist Government agencies and contractors in complying with the Helium Act (PL 86-777) by ensuring that contracting officers and contractors are aware of the requirement for using Bureau of Mines Helium in Government contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/09/91	56 FR 21532
NPRM Comment Period End	07/08/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE58

4364. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 90-65, NOVATION CHANGE OF NAME AGREEMENTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 42.1205(a)(3)(iii) and (iv)

Legal Deadline: None

Abstract: The Defense Acquisition Regulations and Civilian Agency Acquisition Councils are considering revising 42.1205(a)(3) by making the current submission requirements listed in (a)(3)(iii) and (iv) for an agreement to recognize a contractor's change of name required only if requested by the contracting officer. It is felt that information concerning the "total dollar value as amended" and the "remaining unpaid balance" is not needed in all cases, and in most if not all cases it is out of date shortly after receipt.

Timetable:

Action	Date	FR Cite
NPRM	03/07/91	56 FR 9832
NPRM Comment Period End	05/06/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE59

4365. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-43, TERMINATION OF CONTRACTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 49

Legal Deadline: None

Abstract: Federal Acquisition Regulation (FAR) 49.101(f) is added to clearly establish that the release of excess funds after termination is the responsibility of the contracting officer unless specifically designated to the technical contracting officer. A corresponding change is made to FAR 49.105-2. FAR 49.110 is revised to rename "Negotiation Memorandum" to "Settlement Negotiation Memorandum" to differentiate from the memorandum developed under 15.800, Price Negotiation.

Timetable:

Action	Date	FR Cite
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE62

4366. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 90-45, REVISION OF THE PRESCRIPTION'S IN FAR 25.109(A) & (D)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend FAR 25.109 (a) and (d) to eliminate the unnecessary use of the provision at FAR 52.225-1, Buy American Certificate, and the clause at 52.225-3, Buy American Act-Supplies. These proposed changes are intended to streamline the FAR by requiring the use of the Buy American Certificate and the clause at 52.225-3, Buy American Act-Supplies, only under applicable circumstances.

Timetable:

Action	Date	FR Cite
NPRM	09/28/90	55 FR 39856
NPRM Comment Period End	11/27/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE63

4367. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-18, MULTIYEAR CONTRACTING

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 52

Legal Deadline: None

Abstract: To revise FAR Part 17 and corresponding coverage in Part 52 to provide special provisions for use in multiyear contracts whereas the FAR now requires contracting officers to develop provisions for use in multiyear solicitations and contracts on an as needed basis. The intent of these changes is to reduce the administrative burden on contracting officers by supplying needed provisions and clauses that were required but not provided.

Timetable:

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20507
NPRM Comment Period End	07/02/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE65

4368. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-10, RETURNABLE CYLINDERS AND OTHER CONTAINERS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend FAR Parts 47 and 52 to establish policy for the Government use and accountability of contractor-owned cylinders and other containers.

Timetable:

Action	Date	FR Cite
NPRM	04/08/91	56 FR 14298
NPRM Comment Period End	06/07/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE66

4369. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-42, POST-RETIREMENT BENEFITS TRANSITION COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31.205-6

Legal Deadline: None

Abstract: To amend in the FAR the cost principle on compensation cost to cover transition costs regarding accounting for Post Retirement Benefits, other than pensions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/91	56 FR 41728
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE69

4370. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-38, AUDITS OF INSTITUTIONS OF HIGHER LEARNING AND OTHER NONPROFIT ORGANIZATIONS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.106; 48 CFR 52.215-1; 48 CFR 52.215-2

Legal Deadline: None

Abstract: To provide guidance to implement OMB Circular A-133, Audits of Institutions of Higher Learning and Other Nonprofit Organizations

Timetable:

Action	Date	FR Cite
NPRM	07/19/91	56 FR 33330
NPRM Comment Period End	09/17/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE70

4371. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-25, COMMERCIAL PRICING CERTIFICATES

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise policies to reflect repeal of statutory requirements such that DOD, NASA, and Coast Guard will no longer be required to obtain certificates of commercial pricing.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/91	56 FR 41728
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE71

4372. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-20, NOTIFICATION OF OWNERSHIP CHANGES

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to establish requirement for certain contractors to notify the Government when ownership of the contractor changes.

Timetable:

Action	Date	FR Cite
NPRM	05/23/91	56 FR 23762
NPRM Comment Period End	07/22/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE72

4373. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-17, CONTRACTOR ACQUISITION OF ADPE

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to raise the thresholds in the cost principle at 31.205-2, Automatic data processing equipment leasing costs, from $500,000 to $1,000,000.

Timetable:

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20507
NPRM Comment Period End	07/02/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE73

4374. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-12, PRECONTRACT COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31.205-32; 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to establish requirements for prior agreement on allowability of precontract costs.

Timetable:

Action	Date	FR Cite
NPRM	04/08/91	56 FR 14302
NPRM Comment Period End	06/07/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no

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statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE74

4375. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 90-67, PREPRODUCTION STARTUP COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.804-6; 48 CFR 15.804-8; 48 CFR 52.215

Legal Deadline: None

Abstract: To amend the FAR to provide additional guidance on review and negotiation of costs for preproduction, startup, and other nonrecurring activities.

Timetable:

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20506
NPRM Comment Period End	07/02/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE75

4376. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-16, DISCLOSURE REQUIREMENTS FOR SUBCONTRACTORS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: The Civilian Agency Acquisition and Defense Acquisition Regulations Councils are amending the FAR to revise the clause at 52.209-6 to require subcontractors to notify prime contractors of their debarment, suspension, or ineligibility.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/91	56 FR 29124
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE76

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

4377. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-31)

Legal Authority: 19 USC 2511 to 2518

CFR Citation: 48 CFR 5; 48 CFR 14; 48 CFR 15; 48 CFR 17; 48 CFR 25

Legal Deadline: Final, Statutory, February 14, 1988.

Abstract: To amend the FAR to incorporate changes necessitated by a major renegotiation of the Government Procurement Code by the U.S. Trade Representative.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/88	53 FR 27460
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AC43

4378. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-14)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to emphasize responsibilities regarding certification of final indirect cost rate proposals.

Timetable:

Action	Date	FR Cite
NPRM	03/09/89	54 FR 10133
Withdrawn	06/19/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AC92

4379. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-24)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR pertaining to Architect-Engineer performance evaluations.

Timetable:

Action	Date	FR Cite
NPRM	04/14/89	54 FR 15132
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD02

4380. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-25)

Legal Authority: PL 100-679

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR to clarify the definitions of Architect-Engineer services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/89	54 FR 13332
Final Action	06/25/91	56 FR 29124
Final Action Effective	07/25/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD03

4381. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-30)

Legal Authority: 50 USC app 2410a

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add coverage pertaining to sanctions (Toshiba/Kongsberg) for violations of export controls.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/89	54 FR 19812
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD08

4382. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-43)

Legal Authority: PL 100-590, Sec 133

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to authorize participation of public or private organizations for the handicapped in small business set-asides during fiscal years 1989 through 1993.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/89	54 FR 25060
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD21

4383. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-54)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 43; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to permit contracting officers to include the clause at FAR 52.243-6, Change Order Accounting, in construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29296
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD32

4384. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-55)

Legal Authority: PL 100-590, Sec 124; PL 100-656, Sec 503

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise the SF 295 to add the requirement for contractors to report subcontract awards to women-owned businesses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/21/90	55 FR 25522
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD33

4385. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-61)

Legal Authority: PL 99-145; PL 100-180; PL 100-456; PL 100-700

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to add coverage on the allowability of costs incurred under Federal contracts with educational institutions, state and local governments, Federally recognized Indian tribal governments, and nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	07/28/89	54 FR 31480
Withdrawn	10/10/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD43

4386. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-70)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 31; 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to set forth a new rule on the allowability of postretirement benefits other than pensions on U.S. Government contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/09/89	54 FR 47182
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD53

4387. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-74)

Legal Authority: PL 100-656, Sec 407

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require that contracting officers terminate a section 8(a) contract for convenience when requested to do so by the Small Business Administration as a result of a transfer of ownership or control of the 8(a) concerns. The contracting officer actually may request a waiver if the termination of the contract could severely impair attainment of the agency's program objectives.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/05/90	55 FR 3878
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD57

4388. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-83)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 16; 48 CFR 17

Legal Deadline: None

Abstract: To amend the FAR to remove the implied proscription on the use of requirements contracts and indefinite quantity contracts for other than commercial or commercial-type products, and to clarify policy concerning options for items available on the open market.

Timetable:

Action	Date	FR Cite
NPRM	01/23/90	55 FR 2356
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD66

4389. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-90)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to set forth new rules regarding the allowability of foreign selling costs on U.S. Government contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1554
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD73

4390. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-94)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to increase the threshold level from $10,000 or five percent to $25,000 or five percent for withholding payment amounts when production progress reports are delayed.

Timetable:

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3798
NPRM Comment Period End	04/06/90	
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD77

4391. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-6)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide guidance concerning the treatment of contractors who enter into bankruptcy. The purpose of such guidance is to enable the Government to deal with potentially significant events in a contractor's operation that could impact on the Government's ability to obtain the requisite contract performance and to provide procedural guidance for addressing such situations.

Timetable:

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3794
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD78

4392. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-9)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 44; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to increase certain thresholds from $25,000 to $100,000 for the contracting officer's prior review of certain subcontracts under fixed-price contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7870
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD81

4393. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-13)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to clarify the definition of "contractor" to make it clear that the definition includes persons or entities that contract with the Government or indirectly through others or who may reasonably be expected to act as agents or representatives for another contractor.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	55 FR 18296
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD85

4394. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-26)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to clarify the maximum allowable contractor per diem travel costs.

Timetable:

Action	Date	FR Cite
NPRM	06/16/90	55 FR 24068
Final Action	08/22/91	56 FR 41728

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD98

4395. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-27)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to provide procedural guidance for contracting officers to follow when they receive a bid from a firm on the List of Parties Excluded from Procurement Programs.

Timetable:

Action	Date	FR Cite
NPRM	05/31/90	55 FR 22284
Final Action	06/25/91	56 FR 29124
Final Action Effective	07/25/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AD99

4396. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-28)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to include provisions and prescriptions for the submission of offers in the English language and to require offers in terms of U.S. dollars.

Timetable:

Action	Date	FR Cite
NPRM	06/14/90	55 FR 24208
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE00

4397. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-29)

Legal Authority: PL 98-577, Sec 501

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to exclude the clause at 52.215-26, Integrity of Unit Prices, from solicitations and contracts, and expand a DoD and NASA exemption to allow all Federal agencies to exempt catalog or market priced items from the requirement to ensure unit prices are in proportion to an item's base cost.

Timetable:

Action	Date	FR Cite
NPRM	06/28/90	55 FR 26600
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE01

4398. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-33)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 27; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to raise the threshold from $5,000 to $25,000 in Alternate III of the clause at 52.227-3, Patent Indemnity, and remove the clause at 52.227-8, Reporting of Royalties (Foreign).

Timetable:

Action	Date	FR Cite
NPRM	06/27/90	55 FR 26343
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE05

4399. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-40)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: To amend the FAR to revise the number of schedule price lists to be reviewed prior to placing an order, and adjust the threshold for file documentation concerning orders placed with other than the lowest priced item reviewed to the price reasonableness threshold at 13.106.

Timetable:

Action	Date	FR Cite
NPRM	07/26/90	55 FR 30671
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE12

4400. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-60)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 10.002

Legal Deadline: None

Abstract: A new paragraph (c) is added to FAR 10.002 to encourage the use of the metric system of measurement in formulating Government requirements.

Timetable:

Action	Date	FR Cite
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE28

4401. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-61)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 49.402-7

Legal Deadline: None

Abstract: Paragraph (c) of 49.402-7, Other damages, is being revised to specifically include administrative costs in the damages which the Government may demand as a result of termination for default.

Timetable:

Action	Date	FR Cite
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE29

4402. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-63)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 25.108

Legal Deadline: None

Abstract: The Federal Acquisition Regulation is revised to incorporate the addition of hand file sets (Swiss pattern) to the Buy American List of Exempt Items in FAR 25.108(d) (1).

Timetable:

Action	Date	FR Cite
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE31

4403. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-64)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 42.302

Legal Deadline: None

Abstract: An additional contract administration function is added to the list at FAR 42.302(a) pertaining to program support responsibilities. Currently, the listed functions do not adequately describe technical responsibilities associated with supporting critical programs. The additional program support function will provide assistance to program offices as a significant objective of contract administration.

Timetable:

Action	Date	FR Cite
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F

Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE32

4404. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-69)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 45.606-1

Legal Deadline: None

Abstract: FAR 45.606-1(b) is revised to require the contractor's inventory schedule certificate be signed by a representative having the authority to commit the contractor in contractual matters. This will ensure that contractual obligations implied by the schedules are understood and accepted by the contractor's management and that the data provided is accurate.

Timetable:

Action	Date	FR Cite
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE34

4405. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 91-4)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 35.015

Legal Deadline: None

Abstract: This final rule deletes from the FAR the requirement for each agency to furnish to the FAR Secretariat a list of its basic agreements pertaining to research and development. The FAR Secretariat will no longer be responsible for preparing and publishing a list of all these agreements.

Timetable:

Action	Date	FR Cite
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE35

4406. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 91-5)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 1.404

Legal Deadline: None

Abstract: Section 1.404 is amended to remove the requirement for class deviations from the FAR, processed by the Department of Defense (DOD), to be controlled and approved by the Deputy Under Secretary of Defense, Research and Engineering (Acquisition Management) (DUSDRE (AM)). Instead, class deviations will be controlled, processed, and approved in accordance with the Defense FAR Supplement. Similarly, the requirement for the National Aeronautics and Space Administration to consult with the DUSDRE (AM) on class deviations is deleted.

Timetable:

Action	Date	FR Cite
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE36

4407. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 91-8)

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 8.001; 48 CFR 8.602; 48 CFR 8.603; 48 CFR 8.605

Legal Deadline: None

Abstract: The Federal Acquisition Regulation is amended to provide consistency between the FAR coverage in 8.001(a) (1) and (2), 8.602(b), and 8.603(a)(2) and the Federal Prison Industries' (FPI) enabling statute by clarifying that FPI does not have a priority status over commercial sources in the acquisition of services. FAR 8.602(c) is revised to clarify the language concerning possible addition of items to the FPI Schedule. FAR 8.605(c) is revised to change "Director of the Office of Management and Budget" to "President" and reflect the current language of 18 U.S.C. 4124.

Timetable:

Action	Date	FR Cite
Final Action	04/15/91	56 FR 15142
Final Action Effective	05/15/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE38

4408. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-44, PUBLICIZING PROCUREMENT ACTIONS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend FAR 5.207(b)(4) to provide contracting officers with notice that 200 character spaces are available for a descriptive summary of the award in Item 8. Item 17 is also revised to advise the contracting officer that this item is to be used for solicitations only.

Timetable:

Action	Date	FR Cite
Final Action	08/22/91	56 FR 41728
Final Action Effective	09/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE39

4409. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-24, BRAND NAME DESCRIPTION PROCUREMENTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 6; 48 CFR 10

Legal Deadline: None

Abstract: To amend FAR 6.302-1(b) to make clear that Brand Name Description procurements are less than full and open competition and require justification and approval in accordance with FAR 6.302-1. (Brand Name or Equal descriptions do provide for full and open competition and do not require justifications and approvals to support their use.)

Timetable:

Action	Date	FR Cite
Final Action	06/25/91	56 FR 29124
Final Action Effective	07/25/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE44

4410. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-33, DD FORM 254

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: The revised version of the DD 254 form is being published in the FAR.

Timetable:

Action	Date	FR Cite
Final Action	08/22/91	56 FR 41728
Final Action Effective	09/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE46

4411. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 90-44, UTILIZATION OF LSA CONCERNS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 20

Legal Deadline: None

Abstract: To amend the FAR to clarify that the use of labor surplus area clauses is not appropriate in acquisitions for petroleum or petroleum products.

Timetable:

Action	Date	FR Cite
NPRM	09/20/90	55 FR 38790
NPRM Comment Period End	11/20/90	
Final Action	06/25/91	56 FR 29124
Final Action Effective	07/25/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE50

4412. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-22, EXTRAORDINARY CONTRACTUAL ACTIONS - DEVIATIONS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 50

Legal Deadline: None

Abstract: This final rule revises the FAR by deleting the coverage in 50.103, Deviations, and placing the section in "reserve" status. The Councils have determined that the coverage in Subpart 1.4--Deviations to the FAR, provides adequate policies and procedures for authorizing deviations from the FAR.

Timetable:

Action	Date	FR Cite
Final Action	08/22/91	56 FR 41740
Final Action Effective	09/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE55

4413. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-41, GENERAL ACCOUNTING OFFICE PROTEST COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 33

Legal Deadline: None

Abstract: FAR Part 33 is being revised to clarify the General Accounting Office's (GAO) authority to award bid protest costs and attorney fees. FAR 33.104(g) is amended to provide that GAO awards of bid protest costs and attorney fees are to be treated as recommendations to the agency. FAR 33.104(h) is revised to provide that any agency may pay protest costs as a result of a GAO recommendation, but such payments may be subject to recoupment if 31 U.S.C. 3554(c) is judicially determined to be unconstitutional. The final rule applies to any payments which have not been made as of the effective date thereof.

Timetable:

Action	Date	FR Cite
NPRM	06/21/91	56 FR 33892
NPRM Comment Period End	07/22/91	
Final Action	08/05/91	56 FR 37260
Final Action Effective	08/05/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4225

RIN: 9000–AE60

4414. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-23, NONAVAILABILITY —EXCEPTION TO THE BUY AMERICAN ACT

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To revise FAR 25.102(b) to allow contracting officers to make determinations in certain circumstances when domestic materials and supplies are not available.

Timetable:

Action	Date	FR Cite
Final Action	08/22/91	56 FR 41728
Final Action Effective	09/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE61

4415. ● FEDERAL ACQUISITION REGULATION (FAR) CASE 91-21, SCREENING OF CONTRACTOR INVENTORY

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: FAR sections 45.606-5, 45.608-1, 45.608-2, 45.608-5, and 45.608-8 of Subpart 45.6, Reporting, Redistribution, and Disposal of Contractor Inventory, are updated to conform with changes in the Federal Property Management Regulations (FPMR) and the Federal Information Resources Management Regulation (FIRMR).

Timetable:

Action	Date	FR Cite
Final Action	08/22/91	56 FR 41728
Final Action Effective	09/23/91	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 501-4755

RIN: 9000–AE64

[FR Doc. 91-22948 Filed 10-18-91; 8:45 am]

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Monday
October 21, 1991

Part XLVI

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules, which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

ADDRESSES: Comments should be sent to: Gerry Smith, Special Assistant to the Executive Director, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, (202) 254-6090.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules, which it presently expects may be considered during the course of the next year, irrespective of their potential impact on small entities.[1]

The Commission's agenda represents its best estimate of significant rules, which will be considered over the next 12 months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its October 1991 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's October 1991 regulatory flexibility agenda is set forth below.

Issued in Washington, DC, on August 30, 1991, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4416	Orders From Another Exchange Member on the Floor	3038-AA69
4417	Opening and Closing Procedures	3038-AA72

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4418	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10
4419	Distribution of "Risk Disclosure Statement" by Futures Commission Merchants and Introducing Brokers	3038-AA64
4420	Review of Commission Disclosure Requirements Concerning Commodity Pool Operators	3038-AA74
4421	Registration Requirements	3038-AA75

[1] The Commission has published its definition of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (April 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an event in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda, which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar and, on a weekly basis, an advisory which lists rules that the Commission is considering or will consider in the near future.

CFTC

Proposed Rule Stage—Continued

Sequence Number		Regulation Identifier Number
4422	Procedures for Involuntary Bulk Transfers or Liquidations of Customer Accounts	3038-AA77
4423	Arbitration or Other Dispute Settlement Procedures	3038-AA78
4424	Trade Options on Agricultural Commodities	3038-AA80

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4425	Broker Associations	3038-AA71
4426	Proposed Rule Concerning Restriction on Dual Trading by Floor Brokers	3038-AA73

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4427	Exemptions From Speculative Position Limits for Positions Which Have a Common Owner, but Which Are Independently Controlled	3038-AA79

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Prerule Stage

4416. ORDERS FROM ANOTHER EXCHANGE MEMBER ON THE FLOOR

Legal Authority: 7 USC 6; 7 USC 6g; 7 USC 7; 7 USC 7a; 7 USC 12a

CFR Citation: 17 CFR 1.35

Legal Deadline: None

Abstract: Currently, regulation 1.35 (a-1) (3) exempts a member receiving an order from another member on the floor from the requirement that an order ticket be prepared and time stamped upon receipt, if the member receiving such order notes on his trading card or other record the time of execution to the nearest minute. The anticipated proposed regulation will amend existing regulation 1.35 to require that an order ticket be prepared for orders placed by members on the floor of an exchange with another member for execution (CTI 3 trades) as is presently required for all other orders. Alternatively, the proposed regulation may require other audit trail improvements for such orders. The proposed amendment is intended to improve the available audit trail for such orders so that trading activity may be better monitored. The proposed regulation will contain an exemption for certain inter-commodity or futures/option spread transactions to preserve the efficient execution of such orders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: De'Ana Hamilton, Special Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA69

4417. OPENING AND CLOSING PROCEDURES

Legal Authority: 7 USC 6b; 7 USC 6c; 7 USC 12a

CFR Citation: 17 CFR 1.64

Legal Deadline: None

Abstract: The anticipated proposed regulation may require exchanges to implement special procedures for the execution of customer orders on the open and close, such as an average price order procedure, to improve quality of execution during those time periods.

Timetable:

Action	Date	FR Cite
ANPRM	12/02/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John C. Lawton, Associate Director, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA72

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Proposed Rule Stage

4418. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6c; 7 USC 6f; 7 USC 6g; 7 USC 12a

CFR Citation: 17 CFR 1.12; 17 CFR 1.17

Legal Deadline: None

Abstract: The Commission adopted two amendments to its minimum financial and related requirements for futures commission merchants (FCMs). One amendment preserves the one-day grace period for debit/deficit accounts unless the account had been in debit/deficit status on the previous business day and the previous day's debit or deficit was not timely satisfied in its entirety by the deposit of new funds. The second amendment is an enhancement of the financial early warning system which requires an FCM to notify its designated self-regulatory organization and the Commission immediately when it determines that an account it is carrying is undermargined by an amount which exceeds its adjusted net capital. The Commission also reproposed a rule to clarify the requirements for and treatment of a guaranteed account.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612
NPRM	07/29/87	52 FR 28281
NPRM Comment Period End	09/28/87	52 FR 28281

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Two final rules published 7/29/87, 52 FR 28246 and 52 FR 28248. Effective date: 8/28/87. Guaranteed account rule reproposed on 7/29/87, 52 FR 28281.

Agency Contact: Lawrence Patent/Gary Miller, Assoc. Chief Counsel/Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA10

4419. DISTRIBUTION OF "RISK DISCLOSURE STATEMENT" BY FUTURES COMMISSION MERCHANTS AND INTRODUCING BROKERS

Legal Authority: 7 USC 6(b); 7 USC 6b; 7 USC 6g(1); 7 USC 6o; 7 USC 12a(5); 7 USC 24

CFR Citation: 17 CFR 1.55; 17 CFR 30.6; 17 CFR 33.7; 17 CFR 190.10

Legal Deadline: None

Abstract: The Commission is considering whether to amend Rule 1.55, its basic rule with respect to risk disclosure by futures commission merchants and introducing brokers. Any such amendments would be designed to further simplify risk disclosure with respect to trading of domestic and foreign futures and options products so as to reduce the number of separate risk disclosure documents required by the Commission, the National Futures Association and other self-regulatory organizations (SROs), including foreign SROs. The CFTC will also review its disclosure requirements concerning futures and options transactions to identify potential means by which new trading systems can be accommodated without creating undue disclosure burdens.

Timetable:

Action	Date	FR Cite
NPRM	11/13/91	
NPRM Comment Period End	01/12/92	
Final Action	05/13/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA64

4420. REVIEW OF COMMISSION DISCLOSURE REQUIREMENTS CONCERNING COMMODITY POOL OPERATORS

Legal Authority: 7 USC 2; 7 USC 6b; 7 USC 6c; 7 USC 6l; 7 USC 6m; 7 USC 6n; 7 USC 6o; 7 USC 12a

CFR Citation: 17 CFR 4.12; 17 CFR 4.21; 17 CFR 4.31

Legal Deadline: None

Abstract: The Commission will review its requirements concerning disclosure materials to be provided customers of commodity pool operators with a view toward simplifying the disclosure process, reducing any unnecessary disclosure burdens, and harmonizing the Commission's disclosure requirements with those of other domestic and international regulators. In particular, the Commission is considering whether a bifurcated disclosure format should be permissible for offerings to accredited investors. This would consist of a brief, basic disclosure document provided by the pool operator, with more extensive disclosure materials available upon request. The Commission is also considering whether offerings only to certain categories of accredited investors should be exempt from specific disclosure requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara S. Gold, Assistant Chief Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA74

4421. REGISTRATION REQUIREMENTS

Legal Authority: 7 USC 2; 7 USC 2(a)(1); 7 USC 4; 7 USC 6a; 7 USC 6b; 7 USC 6c; 7 USC 6d; 7 USC 6e; 7 USC 6f; 7 USC 6g; 7 USC 6h; 7 USC 6i; 7 USC 6k; 7 USC 6n; 7 USC 6o

CFR Citation: 17 CFR 3

Legal Deadline: None

Abstract: The Commission will undertake a rulemaking proceeding to revise its rules relating to procedures concerning the denial, conditioning, suspension, restriction or revocation of registration of industry professionals and firms subject to a statutory disqualification. The purpose of these rule amendments is to provide all persons subject to a statutory disqualification, whether the person is an applicant for registration or a registrant, with the same procedural rights, in line with the recent Commission decision -- In the Matter of

Elizabeth A. Kangles and In the Matter of Mark W. Chamberlain -- CFTC Docket No. SD-88-4 and SD-88-6 (June 6, 1990). The Commission may also revise certain other of its rules relating to registration of industry professionals.

Timetable:

Action	Date	FR Cite
NPRM	08/02/91	56 FR 37026
NPRM Comment Period End	10/02/91	
Final Action	01/28/92	
Final Action Effective	04/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, Associate Chief Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA75

4422. PROCEDURES FOR INVOLUNTARY BULK TRANSFERS OR LIQUIDATIONS OF CUSTOMER ACCOUNTS

Legal Authority: 7 USC 6d; 7 USC 6f; 7 USC 6g; 7 USC 6k; 7 USC 12a

CFR Citation: 17 CFR 1.64

Legal Deadline: None

Abstract: The CFTC will undertake a rulemaking proceeding to establish requirements concerning procedures to be followed by futures commission merchants and introducing brokers when bulk transfers or liquidations of customer accounts are made due to cessation or suspension of business or other special circumstances affecting the registrant. Such requirements may address such matters as what constitutes appropriate notice to affected customers, commission arrangements in connection with account transfers, the necessity for new account documentation in connection with bulk transfers, transfers of associated persons, the effect of cessation of business upon guarantee arrangements, and required notices to the Commission.

Timetable:

Action	Date	FR Cite
NPRM	12/31/91	
NPRM Comment Period End	06/02/92	
Final Action	09/30/92	
Final Action Effective	01/01/93	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, Associate Chief Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA77

4423. ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 7 USC 6c; 7 USC 6d; 7 USC 6f; 7 USC 6k; 7 USC 7a; 7 USC 12a; 7 USC 21

CFR Citation: 17 CFR 180.2(d)(1); 17 CFR 180.26(d)(1)

Legal Deadline: None

Abstract: The National Futures Association has requested the Commodity Futures Trading Commission to amend Commission Regulation 180.2(d)(1), 17 CFR 180.2(d)(1) with respect to arbitration. The proposal would raise the monetary limitation on claims that may be subject to summary arbitration proceedings.

Timetable:

Action	Date	FR Cite
NPRM	11/04/91	
NPRM Comment Period End	12/10/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This will be a combined Notice of Petition for Rulemaking and Notice of Proposed Rulemaking.

Agency Contact: Linda Kurjan, Special Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA78

4424. ● TRADE OPTIONS ON AGRICULTURAL COMMODITIES

Legal Authority: 7 USC 2; 7 USC 6c; 7 USC 12a

CFR Citation: 17 CFR 32.4

Legal Deadline: None

Abstract: The Commission is proposing to amend the trade option exemption to permit trade options on agricultural commodities to the same extent as other commodities. Agricultural trade options would generally be transactions specifically tailored to the commercial needs of the parties involved and consummated on an off-exchange basis. The only options involving agricultural commodities which can currently be traded lawfully are standardized exchange-traded products involving options on futures contracts. The Commission's proposal would therefore permit a greater variety of products to be available to agricultural producers, processors and merchants.

Timetable:

Action	Date	FR Cite
NPRM	09/01/91	
NPRM Comment Period End	11/02/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan C. Ervin, Chief Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA80

COMMODITY FUTURES TRADING COMMISSION (CFTC) Final Rule Stage

4425. BROKER ASSOCIATIONS

Legal Authority: 7 USC 6b; 7 USC 6c; 7 USC 7(b); 7 USC 12(a)(5)

CFR Citation: 17 CFR 1; 17 CFR 156

Legal Deadline: None

Abstract: The Commission proposes to develop regulations to assure the availability of adequate information to monitor the trading activity among members of a broker association which may include a definition of such associations and a requirement that exchanges implement registration procedures for such entities.

CFTC **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/11/90	55 FR 13545
NPRM Comment Period End	06/11/90	
Final Action	01/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Christopher Bowen, Staff Attorney, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA71

4426. PROPOSED RULE CONCERNING RESTRICTION ON DUAL TRADING BY FLOOR BROKERS

Legal Authority: 7 USC 6; 7 USC 6b; 7 USC 6c; 7 USC 6e; 7 USC 6g; 7 USC 6j; 7 USC 7; 7 USC 7a; 7 USC 12a

CFR Citation: 17 CFR 155.5

Legal Deadline: None

Abstract: The proposed regulation would restrict, on a phased-in-basis, beginning with an implementation plan, dual trading by floor members in certain markets, subject to stated exceptions. Specifically, a floor broker would be prohibited from (i) trading or placing an order for a futures or option contract for his own account, an account over which he had trading discretion, or an account in which he had a significant interest and (ii) holding or executing an order for a futures or option contract in the same commodity for a customer, during the same trading session, except to the extent permitted by contract market rules. The proposed regulation is intended to promote integrity of futures markets by limiting potential illegal conduct resulting from the ability to trade in two capacities.

Timetable:

Action	Date	FR Cite
NPRM	01/11/90	55 FR 1047
NPRM Comment Period End	07/09/90	55 FR 13288
Final Action	12/20/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: De'Ana J. Hamilton, Special Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA73

COMMODITY FUTURES TRADING COMMISSION (CFTC) Completed Actions

4427. EXEMPTIONS FROM SPECULATIVE POSITION LIMITS FOR POSITIONS WHICH HAVE A COMMON OWNER, BUT WHICH ARE INDEPENDENTLY CONTROLLED

CFR Citation: 17 CFR 1.46; 17 CFR 150.1; 17 CFR 150.3

Completed:

Reason	Date	FR Cite
Final Action	04/09/91	56 FR 14309
Final Action Effective	05/09/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul M. Architzel, 202 254-6990

RIN: 3038–AA79

[FR Doc. 91-21609 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XLVII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish, twice each year, a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 1991.

ADDRESSES: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6980. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The regulatory flexibility agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with the agenda published in accordance with the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: August 19, 1991.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4428	Petition HP 90-2 for Amendments to Regulations on Clacker Balls	3041-AB02
4429	Petition CP 90-2 Requesting Development of Safety Standards for Hot Tubs and Spas	3041-AB07
4430	Petition HP 91-1 Requesting Amendment of Labeling Requirements for Charcoal	3041-AB16

CPSC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4431	Proposed Rule to Exempt Electronic Video Games from Electrical Toy Regulations	3041-AA41
4432	Requirements to Make Cigarette Lighters Child-Resistant	3041-AA73
4433	Choking Hazards Associated with Balloons	3041-AA96
4434	Choking Hazards Associated with Small Balls	3041-AA97
4435	Choking Hazards Associated with Marbles	3041-AA98
4436	Choking Hazards Associated with Toys and Articles Intended for Children Three to Six Years of Age	3041-AA99
4437	Proposed Rules to Require Child-Resistant Packaging for Certain Topical Prescription and Non-Prescription Preparations Containing Lidocaine or Dibucaine	3041-AB03
4438	Labeling of Hazardous Art Materials, Proposed Rules	3041-AB05
4439	Rule to Ban Certain Crib Toys	3041-AB06
4440	Amendment of Rules Interpreting Section 15 of the Consumer Product Safety Act	3041-AB11
4441	Reporting Requirements of Section 37 of the Consumer Product Safety Act	3041-AB13
4442	Safety Standard for Automatic Residential Garage Door Operators; Certification and Recordkeeping Requirements	3041-AB15

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4443	Requirements for the Special Packaging of Household Substances; Revision of Test Protocol for Child-Resistant Packaging	3041-AA22
4444	Household Substances Containing Methylene Chloride; Status as Hazardous Substances; Proposed Rule	3041-AA59
4445	Proposed Rule to Require Child-Resistant Packaging for Oral Drug Preparations Containing Ibuprofen	3041-AB04
4446	Rule to Ban Infant "Bean Bag" Cushions	3041-AB08

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4447	All-Terrain Vehicles	3041-AA53
4448	Petition HP 90-1 Requesting Issuance of a Rule to Ban Cribs with Corner Post Extensions	3041-AA92
4449	Protection of Human Subjects	3041-AA95
4450	Reloadable Tube Aerial Shell Fireworks Devices	3041-AB00
4451	Petition CP 90-1 for a Rule to Set Safety Standards for Bicycle Helmets	3041-AB01
4452	Requirements for Automatic Residential Garage Door Openers	3041-AB12

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Prerule Stage

4428. PETITION HP 90-2 FOR AMENDMENTS TO REGULATIONS ON CLACKER BALLS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(d) Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18(a)(7); 16 CFR 1500.86(a)(5)

Legal Deadline: None

Abstract: On August 8, 1989, William G. Hones petitioned the Commission to amend regulations codified at 16 CFR 1500.18(a)(7) and 1500.86 (a)(5) which ban certain toys called "clacker balls." The petition requests that the Commission modify the definition of the term "clacker balls" in the regulations to specifically exclude certain products which are similar to clacker balls but do not present the same risk of injury.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package on Petition to Commission	11/00/91	
Commission Decision	12/00/91	

Small Entities Affected: Undetermine

Government Levels Affected: Undetermined

CPSC

Prerule Stage

Agency Contact: John Preston, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207, 301 492-6494

RIN: 3041–AB02

4429. PETITION CP 90-2 REQUESTING DEVELOPMENT OF SAFETY STANDARDS FOR HOT TUBS AND SPAS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2056 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On July 23, 1990, correspondence from Dr. Edward Press requesting development of mandatory safety standards for hot tubs and spas was docketed as a petition for rulemaking. The petition requests the Commission to issue safety standards to address the following risks of injury: drowning of children younger than five years of age, drowning of persons five years of age and older, electrocution, scalds, and infection from microbiological agents. In October 1991, the Commission staff is scheduled to send a briefing package to the Commission concerning the issue of whether to grant or deny the petition.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	10/00/91	
Commission Decision	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan B. Kyle, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6994

RIN: 3041–AB07

4430. ● PETITION HP 91-1 REQUESTING AMENDMENT OF LABELING REQUIREMENTS FOR CHARCOAL

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1262(b) Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500

Legal Deadline: None

Abstract: On October 12, 1990, Barbara Mauk petitioned the Commission to request amendment of the regulations requiring labeling of charcoal intended for household use. The petition requests amendment of the rule codified at 16 C.F.R. 1500.14(b)(6) to include warnings that burning charcoal produces carbon monoxide and other toxic gases until it is completely extinguished, and that carbon monoxide has no odor. The Commission staff is developing information, regulatory options and recommendations for consideration by the Commissioners of the agency when they decide whether to grant or deny the petition.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	01/00/92	
Commission Decision	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan E. Womble, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6994

RIN: 3041–AB16

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

4431. PROPOSED RULE TO EXEMPT ELECTRONIC VIDEO GAMES FROM ELECTRICAL TOY REGULATIONS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1505

Legal Deadline: None

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to amend the regulation on electrical toys to exempt electronic video games from its coverage. The Commission granted the petition on September 27, 1988, and expects to publish a proposed exemption in 1991.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Thome, Program Manager, Consumer Product Safety Commission, Office of Hazard Identification and Reduction, Washington, DC 20207, 301 492-6554

RIN: 3041–AA41

4432. REQUIREMENTS TO MAKE CIGARETTE LIGHTERS CHILD-RESISTANT

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1261 et seq Federal Hazardous Substances Act; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: None

Legal Deadline: None

Abstract: On March 3, 1988, the Commission published an advance notice of proposed rulemaking (ANPRM) to announce its preliminary determination that unreasonable risks of death and injury may be associated with cigarette lighters because they are not sufficiently resistant to operation by children. The Commission staff has developed a test protocol to measure the resistance of lighters to operation by children. That test protocol has been used to determine the child-resistance of some lighters currently on the market. On December 19, 1990, the staff sent a briefing package concerning a proposed standard for child-resistant

lighters to the Commission. The Commission is expected to decide later in calendar year 1991 whether to publish a proposed standard for public comment.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/88	53 FR 6833
ANPRM Comment Period End	05/02/88	53 FR 6833
Staff Sends Briefing Package on NPRM to Commission	12/19/90	
Staff Sends Second Briefing Package to Commission	02/19/91	
Staff Sends Third Briefing Package to Commission	04/19/91	
Commission Decision on NPRM	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Barbara Jacobson, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AA73

4433. CHOKING HAZARDS ASSOCIATED WITH BALLOONS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: In the Federal Register of June 26, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding to address choking hazards associated with balloons. This proceeding could result in labeling or other requirements designed to reduce the risk of death to children from choking on deflated balloons or balloon fragments. The Commission has reports of 63 children who choked to death on deflated balloons or balloon fragments between 1980 and 1989. In October, 1991, the Commission staff is scheduled to send a briefing package to the Commission concerning the issue of whether to publish a notice of proposed rulemaking. A decision by the Commission is expected in November, 1991.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 26077
ANPRM Comment Period End	09/10/90	55 FR 26077
Staff Sends Briefing Package on Proposed Rule to Commission	10/00/91	
Commission Decision	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This RIN was previously reported as part of RIN 3041-AA94.

Agency Contact: Marilyn L. Wind, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AA96

4434. CHOKING HAZARDS ASSOCIATED WITH SMALL BALLS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In the Federal Register of June 26, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding to address choking hazards associated with small balls. This proceeding could result in labeling or other requirements designed to reduce the risk of death to children from choking on small balls. The Commission has reports of 32 children who choked to death on small balls between 1980 and 1989. In October, 1991, the Commission staff is scheduled to send a briefing package to the Commission concerning the issue of whether to publish a notice of proposed rulemaking. A decision by the Commission is expected in November, 1991.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 26080
ANPRM Comment Period End	09/10/90	55 FR 26080
Staff Sends Briefing Package on Proposed Rule to Commission	10/00/91	
Commission Decision	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This RIN was previously reported as part of RIN 3041-AA94.

Agency Contact: Marilyn L. Wind, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AA97

4435. CHOKING HAZARDS ASSOCIATED WITH MARBLES

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In the Federal Register of June 26, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding to address choking hazards associated with marbles. This proceeding could result in labeling or other requirements designed to reduce the risk of death to children from choking on marbles. The Commission has reports of 8 children who choked to death on marbles between 1980 and 1989. In October, 1991, the Commission staff is scheduled to send a briefing package to the Commission on the issue of whether to publish a notice of proposed rulemaking. A decision by the Commission is expected in November, 1991.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 26084
ANPRM Comment Period End	09/10/90	55 FR 26084

Action	Date	FR Cite
Staff Sends Briefing Package on Proposed Rule to Commission	10/00/91	
Commission Decision	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This RIN was previously reported as part of RIN 3041-AA94.

Agency Contact: Marilyn L. Wind, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AA98

4436. CHOKING HAZARDS ASSOCIATED WITH TOYS AND ARTICLES INTENDED FOR CHILDREN THREE TO SIX YEARS OF AGE

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In the Federal Register of June 26, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding to address choking hazards associated with toys and other articles intended for children three to six years of age which contain small parts. This proceeding could result in labeling or other requirements designed to reduce the risk of death to children younger than three years of age from choking on toys and other products intended for children over three. Choking hazards associated with products intended for children under three are already covered by requirements issued under the Federal Hazardous Substances Act. In October, 1991, the Commission staff is scheduled to send a briefing package to the Commission concerning the issue of whether to publish a notice of proposed rulemaking. A decision by the Commission is expected in November, 1991.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 26082
ANPRM Comment Period End	09/10/90	55 FR 26082
Staff Sends Briefing Package on Proposed Rule to Commission	10/00/91	
Commission Decision	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This RIN was previously reported as part of RIN 3041-AA94.

Agency Contact: Marilyn L. Wind, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AA99

4437. PROPOSED RULES TO REQUIRE CHILD-RESISTANT PACKAGING FOR CERTAIN TOPICAL PRESCRIPTION AND NON-PRESCRIPTION PREPARATIONS CONTAINING LIDOCAINE OR DIBUCAINE

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In November, 1991, the staff is scheduled to send a briefing package to the Commission concerning the issue of whether to propose rules to require child-resistant packaging for certain prescription and non-prescription topical preparations containing lidocaine or dibucaine.

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
NPRM Comment Period End	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AB03

4438. LABELING OF HAZARDOUS ART MATERIALS, PROPOSED RULES

Legal Authority: 15 USC 1269 Federal Hazardous Substances Act; 15 USC 1277 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500

Legal Deadline: Final, Statutory, November 18, 1989.

Abstract: In 1988, Congress enacted the Labeling of Hazardous Art Materials Act (LHAMA). This legislation amended the Federal Hazardous Substances Act (FHSA) by providing that the voluntary standard for labeling art materials of the American Society for Testing and Materials designated D-4236 shall be deemed to be a regulation issued by the Commission under provisions of the FHSA. The LHAMA also directed the Commission to issue guidelines to specify criteria for determining when any customary or reasonably foreseeable use of an art material can result in a chronic hazard. On April 17, 1991, the Commission published a proposal to to codify the provisions of the LHAMA and the standard designated ASTM D-4236. The Commission also published proposed rules to explain the principles to be used by the Commission staff in making those determinations and to specify conditions under which an art material would be determined to contain a carcinogen, a developmental or reproductive toxicant, or a neurotoxin. The proposed rules also explain certain principles to be used in evaluating the risk resulting from hazardous art materials. The proposed rules also provide a supplemental definition (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15672
NPRM Comment Period End	09/30/91	56 FR 15672
Public Hearing	10/17/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: of "toxic" to specify the meaning of chronic toxicity as discussed in the proposed guidelines.

Because the substance of the guidelines specified by the 1988 amendment of the FHSA applies not only to art materials, but also to other materials regulated under the FHSA, the guidelines and supplemental definition are proposed for all materials subject to the FHSA, not exclusively for art materials. The supplemental definition of "toxic" is proposed as a rule to aid in the enforcement of the FHSA in general under the authority of section 10 of the FHSA (15 USC 1269). On July 10, 1991, the Commission published a notice in the Federal Register to extend the comment period until September 30, 1991, and to schedule a public hearing to receive oral presentations on the proposed rules on October 17, 1991.

Agency Contact: Murray Cohn, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6994

RIN: 3041–AB05

4439. RULE TO BAN CERTAIN CRIB TOYS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18

Legal Deadline: None

Abstract: In the Federal Register of October 19, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding which may result in the issuance of rules banning certain crib toys associated with risks of strangulation deaths and injuries. Crib toys are toys which are intended to be attached to or near a crib or playpen for use by children younger than two years of age. Since 1973, the Commission has received reports of 51 strangulation or near strangulation incidents associated with crib toys. The Commission staff will prepare a briefing package discussing regulatory options to address risks of strangulation death and injury for consideration by the Commission.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/90	55 FR 42402
ANPRM Comment Period End	12/18/90	55 FR 42402
Staff Sends Briefing Package to Commission	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles A. Nicholls, Project Manager, Consumer Product Safety Commission, Directorate for Epidemiology, Washington, DC 20207, 301 492-6470

RIN: 3041–AB06

4440. AMENDMENT OF RULES INTERPRETING SECTION 15 OF THE CONSUMER PRODUCT SAFETY ACT

Legal Authority: PL 101-608 Consumer Product Safety Improvement Act of 1990; 15 USC 2064 Consumer Product Safety Act; 5 USC 553 Administrative Procedure Act

CFR Citation: 16 CFR 1115

Legal Deadline: None

Abstract: The Consumer Product Safety Improvement Act of 1990 (Pub. L. 101-608; 104 Stat. 3110) amended section 15 of the Consumer Product Safety Act (CPSA) (15 USC 2064) by adding new requirements for reporting information about the safety of consumer products to the Commission. Before enactment of the Improvement Act of 1990, section 15 of the CPSA provided that every manufacturer, distributor, and retailer of a product who obtains information which reasonably supports the conclusion that the product fails to comply with an applicable consumer product safety rule or contains a defect which could create a "substantial product hazard," as that term is defined by section 15 of the CPSA, shall immediately inform the Commission. The Improvement Act of 1990 added requirements for immediate notification of the Commission by every manufacturer, distributor, and retailer of a consumer product who obtains information which reasonably supports the conclusion that the product fails to comply with a voluntary standard on which the Commission relied in accordance with section 9 of the CPSA (15 USC 2058), or that the product "creates an unreasonable (cont)

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	03/21/91	
Staff Sends Briefing Package to Commission	04/16/91	
Staff Presents Oral Briefing to Comm.	07/18/91	
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: risk of serious injury or death." Rules codified at 16 CFR Part 1115 interpret those provisions of section 15 of the CPSA which were in effect before the enactment of the Improvement Act of 1990, and set forth procedures for providing the notification required by section 15. On March 21, 1991, the staff sent a briefing package to the Commission concerning proposal of amendments to those rules to interpret provisions added to section 15 of the CPSA by the Improvement Act of 1990. The staff sent a second briefing package on that topic to the Commission on April 16, 1991. The Commission is considering whether to propose amendments of the section 15 rules to interpret provisions added to section 15 by the Improvement Act of 1990.

Agency Contact: Eric L. Stone, Attorney, Consumer Product Safety Commission, Office of Compliance and Enforcement, Washington, DC 20207, 301 492-6626

RIN: 3041–AB11

4441. REPORTING REQUIREMENTS OF SECTION 37 OF THE CONSUMER PRODUCT SAFETY ACT

Legal Authority: PL 101-608 Consumer Product Safety Improvement Act of 1990; 15 USC 2084 Consumer Product Safety Act; 5 USC 553 Administrative Procedure Act

CFR Citation: 16 CFR 1116

Legal Deadline: None

CPSC — Proposed Rule Stage

Abstract: The Consumer Product Safety Improvement Act of 1990 (Pub. L. 101-608; 104 Stat. 3110) added new reporting requirements to the Consumer Product Safety Act (CPSA) to be codified as section 37 of the CPSA (15 USC 2084). Section 37 of the CPSA requires the manufacturer or importer of a consumer product to report to the Commission if "a particular model of a consumer product" is the subject of three or more civil actions filed in a state or Federal court "for death or grievous bodily injury" which, within a 24-month period, result in a final settlement involving the manufacturer or a judgment for the plaintiff. The reporting requirements of section 37 became effective on January 1, 1991. Since the enactment of the Improvement Act of 1990, the Commission staff has received many inquiries about the interpretation and implementation of the requirements of section 37. In the Federal Register of February 14, 1991, the Commission published a notice which sets forth the reporting requirements of section 37 of the CPSA, and specifies the address to which reports should be sent. On March 19, 1991, the staff (cont)

Timetable:

Action	Date	FR Cite
Publication of Notice of Reporting Requirements	02/14/91	56 FR 5984
Staff Sends Briefing Package on Proposed Rule	03/19/91	
NPRM	10/00/91	
NPRM Comment Period End	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: sent a briefing package concerning proposal of a rule interpreting section 37 of the CPSA to the Commission. The Commission is considering whether to publish a proposed rule to interpret several provisions of section 37.

Agency Contact: Michael Gidding, Attorney, Consumer Product Safety Commission, Office of Compliance and Enforcement, Washington, DC 20207, **301 492-6626**

RIN: 3041–AB13

4442. ● SAFETY STANDARD FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPERATORS; CERTIFICATION AND RECORDKEEPING REQUIREMENTS

Legal Authority: 15 USC 2063 Consumer Product Safety Act; 15 USC 2065 Consumer Product Safety Act

CFR Citation: 16 CFR 1211

Legal Deadline: None

Abstract: On June 19, 1990, the Commission issued the Safety Standard for Automatic Garage Door Operators in accordance with provisions of section 203 of the Consumer Product Safety Improvement Act of 1990 (Pub. L. 101-608; 104 Stat. 3110). This standard requires that every automatic residential garage door operator manufactured on and after January 1, 1991 must reverse within two seconds of contacting a two-inch test object, the top of which is capable of being compressed. The standard also requires that the door must reopen if the bottom limit switch is not activated within 30 seconds after the control is pressed to start the closing cycle. The Commission staff is preparing drafts of proposed rules to implement the standard by specifying requirements for recordkeeping and certification of products subject to the standard by manufacturers of garage door operators. The staff expects to send a briefing package which includes drafts of the proposed rules to the Commission in November, 1991.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: George Sushinsky, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207, **301 492-6494**

RIN: 3041–AB15

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Final Rule Stage

4443. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; REVISION OF TEST PROTOCOL FOR CHILD-RESISTANT PACKAGING

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.20

Legal Deadline: None

Abstract: On January 19, 1983, the Commission published an advance notice of proposed rulemaking (ANPRM) soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve the effectiveness and efficiency of these requirements. On October 5, 1990, the Commission proposed specific revisions of the child test protocol and the adult test protocol. On March 5, 1991, the Commission published a notice in the Federal Register to extend the period for receipt of written comments on the proposed amendments of the test protocols until July, 1, 1991. This notice also solicited comments on additional changes to the adult test protocol. In January, 1992, the staff expects to transmit a briefing package to the Commission on the issue of whether to issue final amendments of the test protocols.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	48 FR 2389
NPRM	10/05/90	55 FR 40856
NPRM Comment Period End	07/01/91	56 FR 9181
Staff Briefing Package on Final Amendments	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AA22

4444. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.12(a)(2)

Legal Deadline: None

Abstract: On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. The initiation of this rulemaking proceeding granted one part of a petition (HP 85-1) from the Consumer Federation of America. The staff provided an analysis of the comments on the proposed rule to the Commission in June 1987. In August 1987, the Commission determined that there was insufficient controversy over the status of methylene chloride as a hazardous substance; therefore, the Commission suspended the rulemaking and issued a statement of enforcement policy stating the Commission's view that household products that contain methylene chloride and that expose consumers to significant levels of methylene chloride are (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778
Policy Published	09/14/87	52 FR 34698

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: subject to the FHSA's labeling requirements. The rulemaking proceeding is suspended pending a determination of the extent of compliance with the enforcement policy, and the effects of labeling on consumer exposure to methylene chloride.

Agency Contact: Charles Smith, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, Washington, DC 20207, 301 492-6962

RIN: 3041–AA59

4445. PROPOSED RULE TO REQUIRE CHILD-RESISTANT PACKAGING FOR ORAL DRUG PREPARATIONS CONTAINING IBUPROFEN

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: On July 2, 1991, the Commission proposed a rule to require child-resistant packaging for certain over-the-counter drug preparations containing ibuprofen. The Commission staff is evaluating comments received in response to the notice of proposed rulemaking. The staff plans to send a briefing package to the Commission in February, 1992, concerning the issue of whether to issue a final rule in this proceeding.

Timetable:

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30355
NPRM Comment Period End	09/16/91	56 FR 30355
Staff sends Briefing Package on Final Rule to Commission	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AB04

4446. RULE TO BAN INFANT "BEAN BAG" CUSHIONS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500

Legal Deadline: None

Abstract: On October 18, 1990, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding which could result in a rule to ban infant "bean bag" cushions. These cushions are made from a flexible fabric cover that encloses loose granular material such as polystyrene foam beads. They are promoted for use by children younger than one year of age. These cushions can be flattened so that an infant can lie prone on the cushion, and are capable of conforming to the body or face of an infant. The Commission has received reports of thirty-two deaths and one injury associated with these products. In April 1991, the staff transmitted a briefing package to the Commission forwarding a draft notice of proposed rulemaking to address risks of death and injury associated with infant cushions. On July 16, 1991, the Commission published a proposed rule to ban infant cushions. In December, 1991, the staff is scheduled to transmit briefing package to the Commission on the issue of whether to issue a final banning rule.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/90	55 FR 42202
ANPRM Comment Period End	11/19/90	55 FR 42202
NPRM	07/16/91	56 FR 32352
NPRM Comment Period End	09/30/91	56 FR 32352
Staff Sends Briefing Package on Final Rule to Commission	12/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Marilyn Wind, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6477

RIN: 3041–AB08

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

4447. ALL-TERRAIN VEHICLES

CFR Citation: 16 CFR 00

Completed:

Reason	Date	FR Cite
Proceeding Terminated	09/18/91	56 FR 47166

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Frye, 301 492-6470

RIN: 3041–AA53

4448. PETITION HP 90-1 REQUESTING ISSUANCE OF A RULE TO BAN CRIBS WITH CORNER POST EXTENSIONS

CFR Citation: 16 CFR 1508; 16 CFR 1509

Completed:

Reason	Date	FR Cite
Final Action - Petition Denied	04/03/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Preston, 301 492-6494

RIN: 3041–AA92

4449. PROTECTION OF HUMAN SUBJECTS

Significance: Regulatory Program

CFR Citation: 16 CFR 1028

Completed:

Reason	Date	FR Cite
Final Action	06/18/91	56 FR 28003
Final Action Effective	08/19/91	56 FR 28003

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Robert G. Hazard, MD, 301 492-6477

RIN: 3041–AA95

4450. RELOADABLE TUBE AERIAL SHELL FIREWORKS DEVICES

CFR Citation: 16 CFR 1500.17

Completed:

Reason	Date	FR Cite
Final Action	08/09/91	56 FR 37831
Final Action Effective	10/08/91	56 FR 37831

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan B. Kyle, 301 492-6994

RIN: 3041–AB00

4451. PETITION CP 90-1 FOR A RULE TO SET SAFETY STANDARDS FOR BICYCLE HELMETS

CFR Citation: 16 CFR 1500.18

Completed:

Reason	Date	FR Cite
Final Action Petition Denied	07/31/91	
Final Action Effective	07/31/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judith M. Pitcher, 301 492-6962

RIN: 3041–AB01

4452. REQUIREMENTS FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPENERS

CFR Citation: 16 CFR 1211

Completed:

Reason	Date	FR Cite
Final Action	06/19/91	56 FR 28050
Final Action Effective	06/19/91	56 FR 28050

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: George Sushinsky, 301 492-6494

RIN: 3041–AB12

[FR Doc. 91-20888 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part XLVIII

Farm Credit Administration

Semiannual Regulatory Agenda

FARM CREDIT ADMINISTRATION (FCA)

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Regulations

AGENCY: Farm Credit Administration.

ACTION: Department unified agenda of regulations and review list.

SUMMARY: The Farm Credit Administration (FCA), as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations, which it will have under development and review during the period of October 1991 through April 1992.

FOR FURTHER INFORMATION CONTACT: Cindy R. Nicholson, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. The FCA is an independent regulatory agency that is exempt from the provisions of Executive Order 12291. Additionally, FCA regulations, which apply to Farm Credit banks and associations and certain other federally chartered entities, generally do not and will not have a substantial impact on "small entities" as that term is defined in the Regulatory Flexibility Act.

While FCA is an independent agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Dated: August 23, 1991.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4453	Organization; Director Compensation	3052-AA09
4454	Organization; Conservatorships and Receiverships	3052-AA92
4455	Debt Collection Act	3052-AB02
4456	Personnel Administration; Human Resources Management	3052-AB08
4457	Loan Policies and Operations	3052-AB09
4458	Eligibility and Scope of Financing	3052-AB10
4459	Application Procedures for Awarding of Costs in Administrative Proceedings	3052-AB11
4460	Organization; Service Corporations	3052-AB14
4461	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations	3052-AB18
4462	Assessments and Apportionment of Operating Expenses	3052-AB19
4463	Organization; Reorganization Authorities for System Institutions	3052-AB22
4464	Disclosure to Investors	3052-AB23
4465	Indemnification	3052-AB24
4466	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investments and Other Funding	3052-AB25
4467	Rules of Practice and Procedure; Procedures for Issuance and Enforcement of Directives	3052-AB27
4468	Eligibility and Scope of Financing; General Provisions; Financing of Basic Processing and Marketing Activities; Authorized Insurance Services	3052-AB28
4469	Eligibility and Scope of Financing; Nondiscrimination in Lending	3052-AB29

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4470	Loan Policies and Operations; Definitions; Lending Authorities, Appraisal Standards, Participations, and Lending Limits	3052-AB13

FCA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4471	Releasing Information; Privacy Act Regulations; Fees Imposed on Information Requests	3052-AA05
4472	Organization; Disclosure to Shareholders; Accounting and Reporting Requirements	3052-AB20
4473	Personnel Administration	3052-AB21

FARM CREDIT ADMINISTRATION (FCA) — Proposed Rule Stage

4453. ORGANIZATION; DIRECTOR COMPENSATION

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Revision of FCA regulations to ensure the rights of shareholders to obtain a copy of the district board policy regarding compensation of district directors and also to inspect and copy the supporting records.

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43081
NPRM Comment Period End	01/08/88	52 FR 43081

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Linda C. Sherman, Senior Credit Specialist, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AA09

4454. ORGANIZATION; CONSERVATORSHIPS AND RECEIVERSHIPS

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; PL 100-233, Sec 411; PL 100-233, Sec 412

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Resolicitation of comments on a proposed amendment to the definition of insolvency.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43897
NPRM Comment Period End	11/21/88	53 FR 43897

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Rebecca S. Orlich, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4020

RIN: 3052–AA92

4455. DEBT COLLECTION ACT

Legal Authority: 12 USC 2252(a)(10)

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: Regulations are needed to implement authorities of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: John J. Hays, FCA Examiner, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AB02

4456. PERSONNEL ADMINISTRATION; HUMAN RESOURCES MANAGEMENT

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 612

Legal Deadline: None

Abstract: Establishes a broader description of the responsibilities and requirements for human resources management and thrift retirement programs in the Farm Credit System.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Linda C. Sherman, Senior Credit Specialist, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive,

McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB08

4457. LOAN POLICIES AND OPERATIONS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Clarify existing policies and procedures for the establishment of a funding relationship between the Farm Credit Banks and their affiliated direct lending institutions. Provide uniform guidelines upon which the general financing agreements associated with such lending relationships shall be developed and executed.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB09

4458. ELIGIBILITY AND SCOPE OF FINANCING

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 613

Legal Deadline: None

Abstract: Clarify existing policies and procedures with respect to borrower eligibility and scope of financing as provided for in the Farm Credit Act of 1971, as amended.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: John J. Hays, FCA Examiner, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB10

4459. APPLICATION PROCEDURES FOR AWARDING OF COSTS IN ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 12 CFR 625

Legal Deadline: None

Abstract: Would establish procedures for the submission and consideration of applications for an award of fees and other expenses incurred in adversary adjudications before the Farm Credit Administration pursuant to the Equal Access to Justice Act of 1980, as amended.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: William L. Larsen, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052–AB11

4460. ORGANIZATION; SERVICE CORPORATIONS

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2096; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; 12 USC 2279aa to 5(e); PL 100-233, Sec 411

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Would accommodate the organization of service corporations under section 4.25 to exercise authority granted under Title VIII of the Farm Credit Act of 1971 to act as a certified mortgage facility to pool and securitize agricultural real estate loans and to exempt such corporations from the requirement of existing regulations that corporation stock be owned only by System banks.

Timetable:

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9138
NPRM Comment Period End	03/31/90	55 FR 9138

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: John J. Hays, FCA Examiner, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB14

4461. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

Legal Authority: PL 92-181

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Would clarify capital regulations relative to permanence of capital and computation of minimum permanent capital ratio and to address changing conditions, and make other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Robert S. Child, Senior Credit Specialist, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AB18

4462. ASSESSMENTS AND APPORTIONMENT OF OPERATING EXPENSES

Legal Authority: 12 USC 2250; 12 USC 2252

CFR Citation: 12 CFR 607

Legal Deadline: None

Abstract: FCA is required to determine annual administrative costs and apportion such costs by assessment among Farm Credit System institutions on an equitable basis.

Timetable:

Action	Date	FR Cite
NPRM	04/02/91	56 FR 13424
NPRM Comment Period End	05/02/91	56 FR 13424

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Robert S. Child, Senior Credit Specialist, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AB19

4463. ORGANIZATION; REORGANIZATION AUTHORITIES FOR SYSTEM INSTITUTIONS

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; PL 100-233, Sec 411; PL 100-233, Sec 412

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Establish regulations under which a Farm Credit institution which is a bank or large association can terminate its charter as provided for in the Farm Credit Act of 1971, as amended.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/89	54 FR 51763
ANPRM Comment Period End	01/31/90	54 FR 51763

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Robert S. Child, Senior Credit Specialist, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AB22

4464. DISCLOSURE TO INVESTORS

Legal Authority: 12 USC 2252

CFR Citation: 12 CFR 620

Legal Deadline: None

Abstract: Establishes disclosure requirements for the Farm Credit System's Reports to Investors.

Timetable:

Action	Date	FR Cite
NPRM	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Tong-Ching Chang, Staff Accountant, Accounting and Reporting,, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4461

RIN: 3052–AB23

4465. INDEMNIFICATION

Legal Authority: 12 USC 2013; 12 USC 2073; 12 USC 2091; 12 USC 2093; 12 USC 2122; 12 USC 2160; 12 USC 2209; 12 USC 2211; 12 USC 2212; 12 USC 2213; 12 USC 2214; 12 USC 2264; 12 USC 2266; 12 USC 2268; 12 USC 2278B-4

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: New regulations addressing indemnification practices of Farm Credit institutions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: John J. Hays, FCA Examiner, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AB24

4466. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; INVESTMENTS AND OTHER FUNDING

Legal Authority: 12 USC 2013; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2160; 12 USC 2202b

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Revise regulations defining eligible investment types and purposes for a Farm Credit institution.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Michael LaVerghetta, Financial Analyst, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4231**

RIN: 3052–AB25

4467. RULES OF PRACTICE AND PROCEDURE; PROCEDURES FOR ISSUANCE AND ENFORCEMENT OF DIRECTIVES

Legal Authority: 12 USC 2154; 12 USC 2154a; 12 USC 2202a; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2261 to 2273

CFR Citation: 12 CFR 622

Legal Deadline: None

Abstract: Would establish procedures for FCA to issue directives to (a) a System institution in order to require the institution to achieve and maintain the minimum level of capital as established under section 4.3(a); (b) the board of directors of a System institution in order to require compliance with section 4.3A(d); and (c) a qualified lender in order to require compliance with section 4.14A.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Rebecca S. Orlich, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052–AB27

4468. ● ELIGIBILITY AND SCOPE OF FINANCING; GENERAL PROVISIONS; FINANCING OF BASIC PROCESSING AND MARKETING ACTIVITIES; AUTHORIZED INSURANCE SERVICES

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2183; ...

CFR Citation: 12 CFR 613; 12 CFR 618

Legal Deadline: None

Abstract: Amendments to regulations dealing with processing and marketing loans and insurance services to reflect statutory changes to the Act made by the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Farm Bill) passed on November 28, 1990.

Timetable:

Action	Date	FR Cite
NPRM	09/09/91	56 FR 45902
NPRM Comment Period End	10/09/91	56 FR 45902

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: Linda C. Sherman, Senior Credit Specialist, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB28

4469. ● ELIGIBILITY AND SCOPE OF FINANCING; NONDISCRIMINATION IN LENDING

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2243; 12 USC 2252; PL 100-430

CFR Citation: 12 CFR 613

Legal Deadline: None

Abstract: Amendments to regulations governing nondiscrimination in lending to conform agency regulations to current law and regulations promulgated by the Department of Housing and Urban Development.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: John J. Hays, FCA Examiner, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB29

FARM CREDIT ADMINISTRATION (FCA)

Final Rule Stage

4470. LOAN POLICIES AND OPERATIONS; DEFINITIONS; LENDING AUTHORITIES, APPRAISAL STANDARDS, PARTICIPATIONS, AND LENDING LIMITS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121

CFR Citation: 12 CFR 614; 12 CFR 619

Legal Deadline: None

Abstract: Revisions to various regulations addressing Farm Credit institution loan collateral appraisal requirements, loan purchase and sale requirements including existing participation authorities, and revised lending limit provisions for existing and newly created Farm Credit institutions.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438
NPRM Lending Authorities	01/23/91	56 FR 2452
NPRM Lending Authorities Correction	02/15/91	56 FR 6422
NPRM Lending Authorities Comment Period End	03/25/91	56 FR 2452
NPRM Lending Authorities Public Hearings	05/10/91	56 FR 21637
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: **Dennis Carpenter,** Senior Credit Specialist, Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB13

FARM CREDIT ADMINISTRATION (FCA)

Completed Actions

4471. RELEASING INFORMATION; PRIVACY ACT REGULATIONS; FEES IMPOSED ON INFORMATION REQUESTS

Legal Authority: 12 USC 2243; 12 USC 2252; 5 USC 552; EO 12600

CFR Citation: 12 CFR 602; 12 CFR 603

Legal Deadline: None

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	01/05/90	55 FR 440
NPRM Comment Period End	02/05/90	55 FR 440
Final Action	06/21/91	56 FR 28474
Final Action Effective	07/29/91	56 FR 35808

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: **Ronald H. Erickson,** Freedom of Information Officer, Office of Congressional and Public Affairs, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4113**

RIN: 3052–AA05

4472. ORGANIZATION; DISCLOSURE TO SHAREHOLDERS; ACCOUNTING AND REPORTING REQUIREMENTS

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; PL 100-233, Sec 411; PL 100-233, Sec 412

CFR Citation: 12 CFR 611; 12 CFR 620; 12 CFR 621

Legal Deadline: None

Abstract: Amend the existing disclosure regulations regarding annual and quarterly reports to shareholders to reflect amendments to the Farm Credit Act of 1971 by Agricultural Credit Act of 1987 and to make technical and clarifying changes.

Timetable:

Action	Date	FR Cite
NPRM	01/24/91	56 FR 2715
NPRM Comment Period End	02/25/91	56 FR 2715
NPRM Correction	02/25/91	56 FR 7747
Final Action	06/27/91	56 FR 29412
Final Correction	08/28/91	56 FR 42649
Final Action Effective	09/10/91	56 FR 46111

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: **Tong-Ching Chang,** Staff Accountant, Accounting and Reporting Policy and Risk Analysis Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4461**

RIN: 3052–AB20

4473. PERSONNEL ADMINISTRATION

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 612

Legal Deadline: None

Abstract: Amends regulations to delete requirements for FCA prior approval of Farm Credit System chief executive officer compensation actions and FCA prior approval for bank employee salary scales.

Timetable:

Action	Date	FR Cite
NPRM	04/16/91	56 FR 15311
NPRM Comment Period End	05/16/91	56 FR 15311
Final Action	07/18/91	56 FR 32956
Final Action Effective	09/24/91	56 FR 48097

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Corporate and Regulatory Law Division, Office of General Counsel, 703-883-4020.

Agency Contact: James T. Judge, Assistant Chief, Office of Resources Management, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4135**

RIN: 3052–AB21

[FR Doc. 91-20889 Filed 10-18-91; 8:45 am]

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Monday
October 21, 1991

Federal Register

Part XLIX

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; October 1991

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: Twice a year, the Commission publishes a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The Agenda also provides the CFR citations and legal authorities which govern these proceedings. The Regulatory Flexibility Act (94 Stat. 1167: 5 U.S.C. 605) includes notations on the applicability of the Regulatory Flexibility Act to each item. The Unified Agenda will be published in the **Federal Register** in April and October of each year.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tom Sullivan, Office of Managing Director, (202) 632-0923.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB will publish the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "MM Docket 79-164," which indicates that the responsible Bureau is the Mass Media Bureau. When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Further Notice of Inquiry (FNOI)

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Further Notice of Proposed Rulemaking (FNPRM)

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking but before the Commission has taken action on the petition.

Report and Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

Donna R. Searcy,
Secretary,
Federal Communications Commission.

COMMON CARRIER BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4474	Telephone Company Cable Television Cross-Ownership Rules Sections 63.54-63.56	3060-AE40
4475	Cellular Resale Policies	3060-AE57
4476	Expanded interconnection with Local Company Facilities	3060-AF04
4477	MTS and WATS Market Structure	3060-AF06
4478	Uniform National Caller ID Standards (RM 7397)	3060-AF07

COMMON CARRIER BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4479	Satellite Communications	3060-AD70
4480	Access to Telecommunications Equipment and Services by the Hearing Impaired and Other Disabled Persons	3060-AE39
4481	Operator Service Access and Pay Telephone Compensation	3060-AE92
4482	900 Services Providers	3060-AE94

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COMMON CARRIER BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4483	Jurisdictional Separations Procedures: Central Office Equipment Category 3, Local Switching Equipment	3060-AE06
4484	Jurisdictional Separations Procedures: Reconsideration of the Decision to Exclude Access Revenues From the Allocation of Marketing Expenses	3060-AE07
4485	Jurisdictional Separation Procedures: Central Office Equipment (Circuit Equipment) and Cable and Wire Facilities	3060-AE14
4486	Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313	3060-AE38
4487	In the Matter of Regulation of the Interstate, Long-Distance Market	3060-AE69
4488	Operator Service Providers	3060-AE93

OFFICE OF ENGINEERING AND TECHNOLOGY—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4489	General Satellite Service	3060-AE96
4490	Standards for ISM Equipment	3060-AE97
4491	Laboratory Accreditation Program	3060-AF00

OFFICE OF ENGINEERING AND TECHNOLOGY—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4492	Alternative Type Acceptance Procedure	3060-AD99
4493	Part 15 Measurement Procedures	3060-AE54
4494	Personal Communications Technology and Services	3060-AE65
4495	Digital LMSS in L-Band Spectrum	3060-AE68
4496	Authorization of Plug-in CPU Cards	3060-AE80
4497	Digital Audio Broadcasting	3060-AE81
4498	Low Earth Orbiting Satellites	3060-AE82

OFFICE OF ENGINEERING AND TECHNOLOGY—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4499	900 MHZ G/NG Fixed Service	3060-AD55
4500	Part 15 Revision	3060-AD68
4501	Cordless Telephones	3060-AD95
4502	Proposal to Create a New Air-to-Ground Public Switched Telephone Network (PSTN) Interconnected Service	3060-AE36
4503	Part 15 Measurement Procedures	3060-AE37
4504	Cordless Phone Channel Split	3060-AE61
4505	Preference Rules to Foster New Technology	3060-AE67
4506	Phonic Ear	3060-AE79
4507	TV Decoder Circuitry	3060-AE95
4508	TV Viewer Response System	3060-AE98
4509	EIA and Smart House Petitions	3060-AE99

FCC

OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4510	Verification of Parts 73, 74, and Devices	3060-AE00
4511	Lo-Jack Vehicle Recovery System	3060-AE56
4512	Emergency Position Indicating Radio Beacons (EPIRB) Test Procedure	3060-AE83

FIELD OPERATIONS BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4513	In the Matter of an Automatic Transmitter Identification System (ATIS) for Radio Transmitting Equipment (Gen. Doc. #86-337)	3060-AE25

MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4514	Broadcast EEO: Reconsideration	3060-AD73
4515	AM Improvement: Expanded Band	3060-AD92
4516	Satellite Signal Delivery to Noncommercial Educational FM Translators	3060-AE11
4517	FM Directional Antennas: Reconsideration	3060-AE12
4518	Channels 14/69 Interference	3060-AE13
4519	Advanced Television Systems	3060-AE24
4520	Comparative Renewal Criteria	3060-AE27
4521	FM Zone Consolidation	3060-AE30
4522	Transfer of Control of Non-stock Entities	3060-AE31
4523	Transmitter Remote Control Rule Clarification	3060-AE72
4524	MMDS: Amend Rules Re MMDS, OFS and ITFS	3060-AE73
4525	Radio Regulation Reform	3060-AF01
4526	Cable Technical Standards: NPRM	3060-AF02

MASS MEDIA BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4527	Cable Television Effective Competition	3060-AE71

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4528	Satellite Television Stations	3060-AD79
4529	Class A Power Increase: Reconsideration	3060-AE85
4530	Financial Interest and Syndication Rules	3060-AE86

FCC

PRIVATE RADIO BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4531	Amendment of Part 87 to Establish Technical Standards and Licensing for Aircraft Earth Stations	3060-AE91

PRIVATE RADIO BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4532	Frequency Coordination-Alternatives and Options to the Present Frequency Coordination System	3060-AE60
4533	Use of 200 Channels Outside of DFAs	3060-AE62
4534	Finders Preference	3060-AE89
4535	EMRS From SERS	3060-AF03

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4536	PR Docket 89-45, Private Carrier Eligibility-Expansion of Eligibility to Permit Licensing of Private Carriers Below 800MHz	3060-AE59
4537	Use of 220-222 MHz Band	3060-AE63
4538	Personal Emergency Locator Transmitter Service (PELTS)	3060-AE64
4539	SMR Mileage	3060-AE74
4540	Todd Petition-Distribution of Video Entertainment Material	3060-AE75
4541	MAS Grandfathering	3060-AE76

FEDERAL COMMUNICATIONS COMMISSION (FCC)

COMMON CARRIER BUREAU

Proposed Rule Stage

4474. TELEPHONE COMPANY CABLE TELEVISION CROSS-OWNERSHIP RULES SECTIONS 63.54-63.56

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 215; 47 USC 218; 47 USC 220; 47 USC 309(e) to 309(h); 47 USC 313; 47 USC 405; 47 USC 412; 47 USC 522

CFR Citation: 47 CFR 63.54; 47 CFR 63.55; 47 CFR 63.56; 47 CFR 63.57; 47 CFR 63.58

Legal Deadline: None

Abstract: This proceeding addresses the statutory restrictions which prohibit telephone companies from providing cable television service within their telephone service areas. The FCC has tentatively concluded that the statutory restrictions should be repealed. The Commission solicited comments and will decide whether to recommend to Congress whether the restrictions should be repealed. The Commission also issued an NPRM to modify the standards of affiliation between cable companies and telephone companies.

Timetable:

Action	Date	FR Cite
FNOI and NPRM	09/22/88	53 FR 38042
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Greg Lipscomb, Federal Communications Commission, **202 634-1860**

RIN: 3060–AE40

4475. CELLULAR RESALE POLICIES

Significance: Agency Priority

Legal Authority: 47 USC 201(a); 47 USC 201(b)

CFR Citation: 47 CFR 00

Legal Deadline: None

Abstract: The Commission will determine whether to continue to apply its previous resale policies to resale by cellular entities.

Timetable:

Action	Date	FR Cite
NPRM	02/13/91	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dan Abeyta, Federal Communications Commission, **202 632-6450**

RIN: 3060–AE57

FCC—CCB — Proposed Rule Stage

4476. ● EXPANDED INTERCONNECTION WITH LOCAL COMPANY FACILITIES

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 403

CFR Citation: 47 CFR 69; 47 CFR 61

Legal Deadline: None

Abstract: Initiates an investigation into the provision of interstate switched transport service of local telephone company. Proposed unbundling larger local telephone company provisioning of special access service through the adoption of central office interconnection standards and the pricing of the associated services.

Timetable:

Action	Date	FR Cite
NOI/NPRM	06/06/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Schlicting, Division Chief, Federal Communications Commission, 202 632-9342

RIN: 3060–AF04

4477. ● MTS AND WATS MARKET STRUCTURE

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154 (i); 47 USC 154 (j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 403

CFR Citation: 47 CFR 61; 47 CFR 69

Legal Deadline: None

Abstract: The Commission is requiring that local exchange carriers continue their current rate structure for transport, pending further agency action. The Commission is also instituting further proceedings on transport rate structure and pricing options, and seeks comment on various transport pricing options under that rate structure.

Timetable:

Action	Date	FR Cite
NPRM	08/01/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melissa Newman, Attorney, Federal Communications Commission, Room 544, 202 632-9342

RIN: 3060–AF06

4478. ● UNIFORM NATIONAL CALLER ID STANDARDS (RM 7397)

Significance: Agency Priority

Legal Authority: 47 USC 154(f); 47 USC 201

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission will consider the establishment of uniform national standards for the delivery of interstate caller ID and automatic number identification service.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Olga Madruga-Forti, Attorney, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 634-1832

RIN: 3060–AF07

FEDERAL COMMUNICATIONS COMMISSION (FCC) COMMON CARRIER BUREAU

Final Rule Stage

4479. SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 553

CFR Citation: 47 CFR 25

Legal Deadline: None

Abstract: The Commission seeks to develop a record and to solicit comments on the proposed rules. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2 degree satellite spacing; and they will codify basic applications requirements for satellite services. The proposed rules would apply to all entities including small entities who seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The proposed rules would establish operational and technical procedures designed to alleviate adjacent satellite interference and may increase the reporting and cost burdens on all satellite licensees. The rules codifying basic applications requirements are codifications of existing policies, will impose no additional burdens, and may, in fact, reduce the burden by eliminating several current requirements. In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	52 FR 6175
ANPRM Comment Period End	11/01/87	
R&O	05/26/91	56 FR 24014
Second R&O	06/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: First Report and Order (R&O) completed between Agendas. Second Report and Order anticipated within the next year.

Agency Contact: Rosalee Gorman or Fern Jarmulnek, Staff Attorneys, Federal Communications Commission, 2025 M Street, NW., Room 6324, Washington, DC 20554, 202 634-1624

RIN: 3060–AD70

4480. ACCESS TO TELECOMMUNICATIONS EQUIPMENT AND SERVICES BY THE HEARING IMPAIRED AND OTHER DISABLED PERSONS

Significance: Agency Priority

FCC—CCB

Final Rule Stage

Legal Authority: 47 USC 154; 47 USC 155; 47 USC 303

CFR Citation: 47 CFR 68.4; 47 CFR 68.112

Legal Deadline: Final, Statutory, May 16, 1989. Other, Statutory, July 27, 1989. Hearing Aid Compatibility Act of 1988. Telecommunications Accessibility Enhancement Act of 1988

Abstract: In response to a petition for partial reconsideration of its Order adopted May 4, 1989 dealing with hearing aid compatibility the FCC on April 12, 1990, issued a combined MO&O and FNPRM. The MO&O amends Secs. 68.4 and 68.112 of the rules to require that telephones in common areas of the workplace and all credit card telephones be hearing aid compatible by May 1, 1991. The FNPRM proposes that all workplace, hotel and motel, hospital, and other telephones in "confined areas" not already hearing aid compatible be made so by May 1, 1992.

Timetable:

Action	Date	FR Cite
FNPRM	02/28/89	
R&O Phase One - Effective 8/16/89	05/04/89	
FNPRM Phase Two	07/27/89	
MO&O FNPRM - 55 FR 28781	04/12/90	55 FR 28762
R&O	08/07/91	
Second R&O	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Phil Cheilik, Electronics Engineer, Federal Communications Commission, 202 634-1837

RIN: 3060–AE39

4481. OPERATOR SERVICE ACCESS AND PAY TELEPHONE COMPENSATION

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 303(r)

CFR Citation: 47 CFR 64.704

Legal Deadline: Final, Statutory, July 17, 1991.

Abstract: The Telephone Operator Consumer Services Improvement Act of 1990, Pub. L. No. 101-435, 104 Stat. 986 (1990) (to be codified at 47 USC 226), requires the Commission to conduct a separate rulemaking proceeding on operator service access and pay telephone compensation issues. In the access portion of this proceeding, the Commission must determine whether (a) call aggregators must unblock 10XXX access, or (b) operator service providers (OSPs) must establish an 800 or 950 access method, or (c) both (a) and (b). In the compensation portion of the proceeding, the Commission must decide whether to prescribe compensation for owners of competitive public payphones for calls not routed through their presubscribed OSPs.

Timetable:

Action	Date	FR Cite
NPRM	02/13/91	56 FR 11136
NPRM Comment Period End	04/26/91	
R&O	07/11/91	
FNPRM	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kurt Schroeder, Attorney, Federal Communications Commission, 202 632-4887

RIN: 3060–AE92

4482. 900 SERVICES PROVIDERS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154 (j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 303(r)

CFR Citation: 47 CFR 64.710; 47 CFR 64.711; 47 CFR 64.712; 47 CFR 64.713; 47 CFR 64.714

Legal Deadline: None

Abstract: The Commission is considering the adoption of new regulations involving interstate 900 services which are typically offered to consumers by information providers or service bureaus utilizing the telephone transmission services of interexchange carriers and billing and collection services from local exchange or interchange carriers. Despite existing reforms and enforcement actions, the Commission has continued to receive numerous complaints from consumers regarding such problems as excessive rates, deceptive rate information, poor service quality, child- oriented programming and unauthorized use. The House of Representative Subcommittee on Telecomm. and Finance conducted an oversight hearing on the 900 services industry and, separately, asked the Commission to assess the state of the industry, identify the type of abuses and recommend a course of action to address industry problems. Thus, this rulemaking proceeding will address concerns regarding fraud, consumer protection and privacy and propose appropriate corrective regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/14/91	56 FR 14049
NPRM Comment Period End	05/24/91	
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas David, Attorney, Federal Communications Commission, 202 632-4887

RIN: 3060–AE94

FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMMON CARRIER BUREAU

Completed Actions

4483. JURISDICTIONAL SEPARATIONS PROCEDURES: CENTRAL OFFICE EQUIPMENT CATEGORY 3, LOCAL SWITCHING EQUIPMENT

Significance: Agency Priority

CFR Citation: 47 CFR 36

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Michael Wilson, 202 632-7500

RIN: 3060–AE06

4484. JURISDICTIONAL SEPARATIONS PROCEDURES: RECONSIDERATION OF THE DECISION TO EXCLUDE ACCESS REVENUES FROM THE ALLOCATION OF MARKETING EXPENSES

Significance: Agency Priority

CFR Citation: 47 CFR 36; 47 CFR 69

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael Wilson, 202 632-7500

RIN: 3060–AE07

4485. JURISDICTIONAL SEPARATION PROCEDURES: CENTRAL OFFICE EQUIPMENT (CIRCUIT EQUIPMENT) AND CABLE AND WIRE FACILITIES

Significance: Agency Priority

CFR Citation: 47 CFR 36; 47 CFR 69

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael Wilson, 202 632-7500

RIN: 3060–AE14

4486. POLICY AND RULES CONCERNING RATES FOR DOMINANT CARRIERS, CC DOCKET NO. 87-313

Significance: Agency Priority

CFR Citation: 47 CFR 1.773; 47 CFR 61.3; 47 CFR 61.32; 47 CFR 61.33; 47 CFR 61.38; 47 CFR 61.49; 47 CFR 61.41; 47 CFR 61.42; 47 CFR 61.43; 47 CFR 61.44; 47 CFR 61.45; 47 CFR 61.47; 47 CFR 61.58; 47 CFR 65.701; 47 CFR 65.1; ...

Completed:

Reason	Date	FR Cite
Final Action - Reconsideration of Second R&O	04/17/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Brown, 202 632-5550

RIN: 3060–AE38

4487. IN THE MATTER OF REGULATION OF THE INTERSTATE, LONG-DISTANCE MARKET

Significance: Agency Priority

CFR Citation: 47 CFR 61; 47 CFR 63

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	08/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James D. Schlichting, 202 632-9342

RIN: 3060–AE69

4488. OPERATOR SERVICE PROVIDERS

Significance: Agency Priority

CFR Citation: 47 CFR 64.703; 47 CFR 64.704; 47 CFR 64.705; 47 CFR 64.706; 47 CFR 64.707; 47 CFR 64.708; 47 CFR 68.318

Completed:

Reason	Date	FR Cite
Final Action	04/09/91	56 FR 18519
Final Action Effective	05/23/91	56 FR 18519

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sally Jane Novak, 202 632-4887

RIN: 3060–AE93

FEDERAL COMMUNICATIONS COMMISSION (FCC)
OFFICE OF ENGINEERING AND TECHNOLOGY

Prerule Stage

4489. GENERAL SATELLITE SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 25

Legal Deadline: None

Abstract: Respond to Petition from Norris Satellite Communications, Inc. to reallocated 20-30 GHz for a General Satellite Service. Petitioner also request pioneer's preference.

Timetable:

Action	Date	FR Cite
NOI	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: RM-7511

Agency Contact: Carl Huie, Federal Communications Commission, 202 653-8112

RIN: 3060–AE96

4490. STANDARDS FOR ISM EQUIPMENT

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 18

FCC—OET Prerule Stage

Legal Deadline: None

Abstract: Solicitation of public comments in determining appropriate revisions of the current FCC rules for Part 18 devices in order to conform with recently adopted international standards.

Timetable:

Action	Date	FR Cite
NOI	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Rick Engelman, Federal Communications Commission, 202 653-6288

RIN: 3060–AE97

4491. ● LABORATORY ACCREDITATION PROGRAM

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 15

Legal Deadline: None

Abstract: Petition from American Council of Independent Laboratories (ACIL) requesting FCC to establish a laboratory accreditation program for testing digital devices.

Timetable:

Action	Date	FR Cite
NOI/NPRM	05/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Art Wall, Federal Communications Commission, 301 725-1585

RIN: 3060–AF00

FEDERAL COMMUNICATIONS COMMISSION (FCC) Proposed Rule Stage
OFFICE OF ENGINEERING AND TECHNOLOGY

4492. ALTERNATIVE TYPE ACCEPTANCE PROCEDURE

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: That proceeding in Docket No. 85-171 proposed a new technique that would allow maximum flexibility in getting innovative new equipment designs into the marketplace. This proposal will be a new approach to solve some of the technical and administrative problems identified in Docket 85-171.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	
NPRM Comment Period End	02/25/88	
R&O	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 85-171

Agency Contact: Hector Davis, Federal Communications Commission, 7435 Oakland Mills Road, Guilford, MD 21045, 301 725-1585

RIN: 3060–AD99

4493. PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: In support of the revision of Part 15, MP-12 (intentional radiators above 30 MHz); MP-14 (unintentional radiators above 30 MHz); and MPs 1 and 11 (remote control and security devices) will be revised to conform with the new format and prepared as separate NPRMs.

Timetable:

Action	Date	FR Cite
NPRM	06/29/89	
R&O	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 89-116,89-117,89-118

Agency Contact: Art Wall, Federal Communications Commission, 202 725-1585

RIN: 3060–AE54

4494. PERSONAL COMMUNICATIONS TECHNOLOGY AND SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: Cellular 21, Inc. and PCN America, Inc. petitions, seeking changes to the rules to provide allocations and operating rules for new personal communications technologies and services. Cellular 21 requests allocation of 940-941 MHz for CT-2 services and PCN America (Millicom) requests allocations in the 1700-2300 MHz band for personal communications network operations.

Timetable:

Action	Date	FR Cite
NOI	06/28/90	
Policy Statement	10/00/91	
FNOI	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 90-314

Agency Contact: Fred Thomas, Federal Communications Commission, 202 653-8112

RIN: 3060–AE65

4495. DIGITAL LMSS IN L-BAND SPECTRUM

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Geostar Messaging Corp. petition to establish a Digital Land Mobile Satellite Service in the L-Band maritime-mobile-satellite spectrum. Geostar proposes an exclusively digital LMSS in the 1530-1544/1626.5-1645.5 MHz bands.

FCC—OET — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	
R&O	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 90-56

Agency Contact: Damon Ladson, Federal Communications Commission, **202 653-8106**

RIN: 3060–AE68

4496. AUTHORIZATION OF PLUG-IN CPU CARDS

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: IBM/CBEMA petition for reconsideration of the new Part 15 regulations requesting the single authorization of plug-in cards for use in several different computers. Current rules require authorizations for each particular CPU and power supply/enclosure combination.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	
FNPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 90-413

Agency Contact: John Reed, Federal Communications Commission, **202 653-6288**

RIN: 3060–AE80

4497. DIGITAL AUDIO BROADCASTING

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Inquiry into the development and implementation of new digital audio broadcasting in the U.S. The Commission is seeking information that will assist it to develop technical standards and regulatory policies for the possible introduction of such new digital radio services.

Timetable:

Action	Date	FR Cite
NOI	08/21/90	
FNOI	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 90-357, RM 7400

Agency Contact: Damon Ladson, Federal Communications Commission, **202 653-8106**

RIN: 3060–AE81

4498. LOW EARTH ORBITING SATELLITES

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307

CFR Citation: 47 CFR 2; 47 CFR 25

Legal Deadline: None

Abstract: Inquiry or proposal on how best to implement inexpensive communications via low earth orbiting satellite systems.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: RM 7344, RM 7399, RM 7612

Agency Contact: Ray LaForge, Federal Communications Commission, **202 653-8117**

RIN: 3060–AE82

FEDERAL COMMUNICATIONS COMMISSION (FCC)
OFFICE OF ENGINEERING AND TECHNOLOGY

Final Rule Stage

4499. 900 MHZ G/NG FIXED SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 1; 47 CFR 21; 47 CFR 22; 47 CFR 74; 47 CFR 94

Legal Deadline: None

Abstract: Development of operating rules and sharing arrangement for use of the 932-935 and 941-944 MHz bands for G/NG fixed services.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	
NPRM Comment Period End	11/02/87	
R&O	02/28/89	
MO&O	03/15/90	
FNPRM	09/28/90	
R&O	07/16/91	
MO&O	02/00/92	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: 82-243

Agency Contact: Tom Mooring, Federal Communications Commission, 2025 M Street, NW., Room 7332, Washington, DC 20554, **202 653-8114**

RIN: 3060–AD55

4500. PART 15 REVISION

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: A comprehensive revision of Part 15 which proposes to allow marketing and use of a greater variety

of devices, and to reduce the regulatory burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	
NPRM Comment Period End	05/09/88	
R&O	04/18/89	
MO&O	02/28/90	
MO&O	03/30/90	
MO&O	06/29/90	
MO&O	07/31/90	
MO&O	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket 87-389

Agency Contact: John Reed, Federal Communications Commission, 2025 M Street, NW., Room 7122, Washington, DC 20554, 202 653-7313

RIN: 3060–AD68

4501. CORDLESS TELEPHONES

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 15; 47 CFR 68

Legal Deadline: None

Abstract: Disposition of proposal made in response to TIA petition to require use of coding to address the problem of false dialing.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	
R&O	01/25/91	
MO&O	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 89-605

Agency Contact: George Harenberg, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 653-7314

RIN: 3060–AD95

4502. PROPOSAL TO CREATE A NEW AIR-TO-GROUND PUBLIC SWITCHED TELEPHONE NETWORK (PSTN) INTERCONNECTED SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: The Commission proposes to amend Parts 2 and 22 and/or Parts 2 and 90 of its rules to permit use of four megahertz of reserve spectrum at 849/851/894-896 MHz for an air-to-ground telephone service. This action also proposes licensing policies and technical guidelines for the air-to-ground service.

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	
NPRM Comment Period End	04/27/88	
R&O	06/15/90	
MO&O	07/11/91	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 88-96

Agency Contact: Rodney Small, Federal Communications Commission, 202 653-8116

RIN: 3060–AE36

4503. PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Proposal to revise the Commission's Measurement Procedure (MP-4) recommended for testing of computing devices, based on the Part 15 revision in Docket No. 87-389, and on a proposal by CBEMA to revise the MP.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	
FNPRM	02/01/91	
R&O	11/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 89-44

Agency Contact: Art Wall, Federal Communications Commission, 202 725-1585

RIN: 3060–AE37

4504. CORDLESS PHONE CHANNEL SPLIT

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Proposal to permit cordless telephone operation on channels that are offset from currently specified channels.

Timetable:

Action	Date	FR Cite
NPRM	01/17/90	
R&O	01/25/91	
MO&O	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 89-626

Agency Contact: Ray LaForge, Federal Communications Commission, 301 653-8117

RIN: 3060–AE61

4505. PREFERENCE RULES TO FOSTER NEW TECHNOLOGY

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Geller/Lampert application for review of Chief Engineer's dismissal of a petition seeking to explore changes in the Commission's Rules that could foster introduction and development of new communications technologies by providing preference in licensing to their developers.

Timetable:

Action	Date	FR Cite
NPRM	03/22/90	
R&O	05/13/91	
MO&O	01/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 90-217

Agency Contact: Rodney Small, Federal Communications Commission, 202 653-8116

RIN: 3060–AE67

FCC—OET

Final Rule Stage

4506. PHONIC EAR

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Petitioner requests revision of the rules to permit the use of auditory assistance devices under Part 15 on frequencies previously precluded for such use. The proposed revision results from a change in the international table of frequency allocations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/91	
R&O	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 91-150, RM 7251

Agency Contact: Dave Wilson, Federal Communications Commission, 202 653-8138

RIN: 3060–AE79

4507. TV DECODER CIRCUITRY

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Requirements for certain TV receivers to have decoder circuitry to display closed captions for the hearing impaired, as mandated by the TV Decoder Circuitry Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	01/04/91	
R&O	04/15/91	
MO&O	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 91-1

Agency Contact: Richard Engelman, Federal Communications Commission, 202 653-6288

RIN: 3060–AE95

4508. ● TV VIEWER RESPONSE SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 94

Legal Deadline: None

Abstract: Disposition of proposal to amend Parts 2 and 94 to provide 500 kHz at 218.0-218.5 MHz for a radio based TV viewer response system to permit interactive applications such as polling and shopping.

Timetable:

Action	Date	FR Cite
NPRM	06/10/91	
R&O	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 91-02

Agency Contact: Damon Ladson, Federal Communications Commission, 202 653-8106

RIN: 3060–AE98

4509. ● EIA AND SMART HOUSE PETITIONS

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Petitions regarding conducted limits for carrier current systems and master antenna systems.

Timetable:

Action	Date	FR Cite
NPRM	07/31/91	
R&O	05/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: RM 7296

Agency Contact: Dave Wilson, Federal Communications Commission, 202 653-6288

RIN: 3060–AE99

FEDERAL COMMUNICATIONS COMMISSION (FCC)
OFFICE OF ENGINEERING AND TECHNOLOGY

Completed Actions

4510. VERIFICATION OF PARTS 73, 74, AND DEVICES

Significance: Agency Priority

CFR Citation: 47 CFR 73; 47 CFR 74; 47 CFR 78

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	04/11/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Harenberg, 202 653-8107

RIN: 3060–AE00

4511. LO-JACK VEHICLE RECOVERY SYSTEM

Significance: Agency Priority

CFR Citation: 47 CFR 2; 47 CFR 90

Completed:

Reason	Date	FR Cite
Final Action - MO&O adopted	02/04/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Fred Thomas, 202 653-8112

RIN: 3060–AE56

4512. EMERGENCY POSITION INDICATING RADIO BEACONS (EPIRB) TEST PROCEDURE

Significance: Agency Priority

CFR Citation: 47 CFR 15

FCC—OET — Completed Actions

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	03/14/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Thomas Phillips, 301 725-1585

RIN: 3060–AE83

FEDERAL COMMUNICATIONS COMMISSION (FCC) — Proposed Rule Stage
FIELD OPERATIONS BUREAU

4513. IN THE MATTER OF AN AUTOMATIC TRANSMITTER IDENTIFICATION SYSTEM (ATIS) FOR RADIO TRANSMITTING EQUIPMENT (GEN. DOC. #86-337)

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 154(j); 47 USC 302; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 83; 47 CFR 87; 47 CFR 90; 47 CFR 95

Legal Deadline: None

Abstract: This proceeding looks to establish a means by which all radio emissions might be encoded with a distinct automatically transmitted identifier. Such a system would benefit the orderly management of the spectrum. It would be especially effective in preventing bogus maydays on VHF marine channels, phantom controllers on aircraft channels and general harassment on police and fire channels. While safety channels offer the most dramatic examples of need for automatic identification, other services, including all the land, mobile, and amateur services, have similar needs.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 32223
FNPRM	07/09/87	52 FR 26538
R&O	05/25/90	55 FR 21550
FNPRM/NOI	12/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John Hudak, Chief, Signal Analysis Branch, Federal Communications Commission, Enforcement Division, Room 744, 1919 M St., NW., Washington, DC 20554, 202 632-6977

RIN: 3060–AE25

FEDERAL COMMUNICATIONS COMMISSION (FCC) — Proposed Rule Stage
MASS MEDIA BUREAU

4514. BROADCAST EEO: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.2080

Legal Deadline: None

Abstract: The Commission has adopted new Equal Employment Opportunity (EEO) rules and reporting requirements for broadcasters that emphasize a licensee's overall EEO efforts rather than the numerical composition of its workforce. Reconsideration requested.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	
R&O	04/16/87	
MO&O	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: mmb-'98 NPRM mm-85-350 FNPRM

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AD73

4515. AM IMPROVEMENT: EXPANDED BAND

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 2.106; 47 CFR 90.17

Legal Deadline: None

Abstract: R&O implementing international aspects of technical rules for the expanded AM Band (1605-1705 kHz).

Timetable:

Action	Date	FR Cite
FNOI	02/25/88	
NPRM	04/12/90	
R&O	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Joe Johnson, Federal Communications Commission, 202 254-3394

RIN: 3060–AD92

4516. SATELLITE SIGNAL DELIVERY TO NONCOMMERCIAL EDUCATIONAL FM TRANSLATORS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 74.1231

Legal Deadline: None

Abstract: This proceeding addresses the possible use of satellite and microwave facilities to deliver signals to noncommercial FM translators that are owned and operated by parties other than their primary station.

Timetable:

Action	Date	FR Cite
FNPRM	03/24/90	
Second R&O	10/00/91	

Small Entities Affected: Organizations

Government Levels Affected: Federal

Additional Information: mmb-311 RM-5219

Agency Contact: Judy Herman, Federal Communications Commission, **202 632-6302**

RIN: 3060–AE11

4517. FM DIRECTIONAL ANTENNAS: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.315; 47 CFR 73.316

Legal Deadline: None

Abstract: The Commission will address concerns expressed in six petitions for reconsideration. Four petitions request minor changes in the technical rules adopted in this proceeding. Two others completely oppose the new rules.

Timetable:

Action	Date	FR Cite
NPRM	03/25/88	
R&O	12/12/88	
MO&O	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: James McNally, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, **202 632-9660**

RIN: 3060–AE12

4518. CHANNELS 14/69 INTERFERENCE

Significance: Agency Priority

Legal Authority: 47 USC 303(e); 47 USC 303(f)

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: Proposes to require a minimum distance between TV stations operating on Channels 14 or 69, and adjacent Private Land Mobile Operations.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	
NPRM Comment Period End	10/20/87	
NOI/NPRM	10/20/87	
R&O/FNPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Gorden Godfrey, Federal Communications Commission, **202 632-9660**

RIN: 3060–AE13

4519. ADVANCED TELEVISION SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(g); 47 USC 303(r)

CFR Citation: 47 CFR 73.610; 47 CFR 73.682; 47 CFR 73.687

Legal Deadline: None

Abstract: FCC will consider whether it should make final the six tentative findings of the 1st FNOI and its decision to mandate a single transmission standard. FCC will also seek comment on the advantages and disadvantages of: protecting existing LPTV/TV translator spectrum allocated for educational TV expansion; reserving spectrum for future advances in ATV if an EDTV system is ultimately selected; setting ATV receiver standards; and restricting eligibility for supplemental ATV spectrum.

Timetable:

Action	Date	FR Cite
Tentative Decision/FNOI	09/01/88	
R&O	08/24/90	
FNPRM	10/00/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: RM-5811 NOI

Agency Contact: David Siddall, Federal Communications Commission, **202 632-7792**

RIN: 3060–AE24

4520. COMPARATIVE RENEWAL CRITERIA

Significance: Agency Priority

Legal Authority: 47 USC 311(d); 47 USC 309(e)

CFR Citation: 47 CFR 73.3525; 47 CFR 73.3584

Legal Deadline: None

Abstract: R&O will consider content-independent standard for renewal expectancy and other comparative criteria for use in comparative hearings for license renewal.

Timetable:

Action	Date	FR Cite
FNOI	06/23/88	
Policy Statement	03/30/89	
FNOI/FNPRM	08/16/90	
R&O	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David Horowitz, Federal Communications Commission, **202 632-7792**

RIN: 3060–AE27

4521. FM ZONE CONSOLIDATION

Significance: Agency Priority

Legal Authority: 47 USC 303(e); 47 USC 303(f)

CFR Citation: 47 CFR 73.207; 47 CFR 73.210; 47 CFR 73.211; 47 CFR 73.506; 47 CFR 73.1690

Legal Deadline: None

Abstract: FCC will consider elimination of zone distinctions between classes of FM station nationwide, thereby providing additional opportunities for incremental upgrades. Class B and B1 station antenna height would be increased. Class A maximum power would be 6kW. Proceeding would restore engineering integrity to the allotment/assignment standards.

Timetable:

Action	Date	FR Cite
NPRM	06/20/88	
NPRM Comment Period End	06/20/88	
R&O	03/30/89	
FNPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Julie Pendergast, Federal Communications Commission, **202 632-9660**

RIN: 3060–AE30

FCC—MMB

Proposed Rule Stage

4522. TRANSFER OF CONTROL OF NON-STOCK ENTITIES

Significance: Agency Priority

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider proposals concerning the treatment of corporations and other organizational structures that are not traditional commercial corporations.

Timetable:

Action	Date	FR Cite
NOI	03/16/89	
Policy Statement	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: David Horowitz, Federal Communications Commission, 202 632-7792

RIN: 3060–AE31

4523. TRANSMITTER REMOTE CONTROL RULE CLARIFICATION

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.1350; 47 CFR 73.1410; 47 CFR 73.1500; 47 CFR 73.1550; 47 CFR 73.1580

Legal Deadline: None

Abstract: Proceeding will clarify transmitter remote control and monitoring responsibilities. The Commission will consider relaxing the rule pertaining to the distance a transmitter must be from the duty operator.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Gorden Godfrey, Federal Communications Commission, 202 632-9660

RIN: 3060–AE72

4524. MMDS: AMEND RULES RE MMDS, OFS AND ITFS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 21; 47 CFR 43; 47 CFR 74; 47 CFR 78; 47 CFR 94

Legal Deadline: None

Abstract: The Commission amended the rules of three separate services (MMDS, OFS and ITFS) that can be collectively used for the provision of "wireless cable."

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	
R&O/FNPRM	10/11/90	
Second R&O	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: Gen 90-113 PR 88-191

Agency Contact: B. Romano, Federal Communications Commission, 202 632-5414

RIN: 3060–AE73

4525. ● RADIO REGULATION REFORM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: This proceeding will reexamine a number of regulations affecting radio service such as national and local ownership restrictions and the duopoly rule.

Timetable:

Action	Date	FR Cite
NPRM	05/09/91	
R&O	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jane Hinckley, Federal Communications Commission, 202 632-7792

RIN: 3060–AF01

4526. ● CABLE TECHNICAL STANDARDS: NPRM

Significance: Agency Priority

Legal Authority: 47 USC Ch 1

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking seeking comment on proposals for updating the Commission's technical standards for cable television systems.

Timetable:

Action	Date	FR Cite
NPRM	06/13/91	
R&O	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gina Harrison, Federal Communications Commission, 202 632-7792

RIN: 3060–AF02

FEDERAL COMMUNICATIONS COMMISSION (FCC)

MASS MEDIA BUREAU

Final Rule Stage

4527. CABLE TELEVISION EFFECTIVE COMPETITION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303; 47 USC 543

CFR Citation: 47 CFR 76.33

Legal Deadline: None

Abstract: Reexamination of the effective competition standard for the regulation of Cable Television basic service rates. Reconsideration requested.

FCC—MMB **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	01/11/90	
FNPRM	12/13/90	
R&O	06/13/91	
MO&O	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AE71

FEDERAL COMMUNICATIONS COMMISSION (FCC) MASS MEDIA BUREAU

Completed Actions

4528. SATELLITE TELEVISION STATIONS

Significance: Agency Priority

CFR Citation: 47 CFR 73.3555

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	06/13/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kathleen Ham, 202 632-7792

RIN: 3060–AD79

4529. CLASS A POWER INCREASE: RECONSIDERATION

Significance: Agency Priority

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
Final Action - MO&O adopted	04/15/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Bernard Gordon, 202 632-9660

RIN: 3060–AE85

4530. FINANCIAL INTEREST AND SYNDICATION RULES

Significance: Agency Priority

CFR Citation: 47 CFR 73.658

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	04/09/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Judith Herman, 202 632-6302

RIN: 3060–AE86

FEDERAL COMMUNICATIONS COMMISSION (FCC) PRIVATE RADIO BUREAU

Proposed Rule Stage

4531. AMENDMENT OF PART 87 TO ESTABLISH TECHNICAL STANDARDS AND LICENSING FOR AIRCRAFT EARTH STATIONS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 87

Legal Deadline: None

Abstract: The FCC is proposing technical standards and licensing procedures for Aircraft Earth Stations to provide for the development of aircraft earth station equipment for aeronautical use in mobile satellite operations. This action will foster the rapid introduction of mobile aircraft earth station terminals for use in the newly approved satellite communications system provided for at L-Band.

Timetable:

Action	Date	FR Cite
NPRM	06/14/90	55 FR 28243
NPRM Comment Period End	07/10/90	
R&O	03/31/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Robert McIntyre, Federal Communications Commission, 202 632-7197

RIN: 3060–AE91

FEDERAL COMMUNICATIONS COMMISSION (FCC) PRIVATE RADIO BUREAU

Final Rule Stage

4532. FREQUENCY COORDINATION-ALTERNATIVES AND OPTIONS TO THE PRESENT FREQUENCY COORDINATION SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 154i

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Proposals or options to change present frequency coordination system.

FCC—PRB

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/02/89	
R&O	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Freda Thyden, Federal Communications Commission, 202 634-2443

RIN: 3060–AE60

4533. USE OF 200 CHANNELS OUTSIDE OF DFAS

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The Commission is proposing to amend the rules to facilitate more flexible use of the 200 channels allocated in the 200 MHz band.

Timetable:

Action	Date	FR Cite
NPRM	11/28/89	55 FR 744
NPRM Comment Period End	01/09/90	
R&O	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Steve Sharkey, Federal Communications Commission, 202 632-6497

RIN: 3060–AE62

4534. FINDERS PREFERENCE

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Proposal to amend private land mobile rules to allow unused frequencies to be given to entity who discovers their non-use.

Timetable:

Action	Date	FR Cite
NPRM	10/11/90	55 FR 46834
R&O	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Maria Strong, Federal Communications Commission, 202 632-7175

RIN: 3060–AE89

4535. ● EMRS FROM SERS

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Amendment of private land mobile rules to create Emergency Medical Radio Service.

Timetable:

Action	Date	FR Cite
NPRM	03/20/91	56 FR 21978
Final Action	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Karen Kincaid, Federal Communications Commission, 202 634-2443

RIN: 3060–AF03

FEDERAL COMMUNICATIONS COMMISSION (FCC)
PRIVATE RADIO BUREAU

Completed Actions

4536. PR DOCKET 89-45, PRIVATE CARRIER ELIGIBILITY-EXPANSION OF ELIGIBILITY TO PERMIT LICENSING OF PRIVATE CARRIERS BELOW 800MHZ

Significance: Agency Priority

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	01/17/91	56 FR 4178

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Irene Bleiweiss, 202 634-2443

RIN: 3060–AE59

4537. USE OF 220-222 MHZ BAND

Significance: Agency Priority

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	05/29/91	56 FR 19598

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: John Borkowski, 202 634-2443

RIN: 3060–AE63

4538. PERSONAL EMERGENCY LOCATOR TRANSMITTER SERVICE (PELTS)

Significance: Agency Priority

CFR Citation: 47 CFR 95

Completed:

Reason	Date	FR Cite
Final Action - MO&O adopted	07/31/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: James Shaffer, 202 632-7197

RIN: 3060–AE64

4539. SMR MILEAGE

Significance: Agency Priority

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	07/19/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Karen Kincaid, 202 634-2443

RIN: 3060–AE74

4540. TODD PETITION-DISTRIBUTION OF VIDEO ENTERTAINMENT MATERIAL

Significance: Agency Priority

CFR Citation: 47 CFR 94

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	04/08/91	56 FR 9900

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Karen Kincaid, 202 634-2443

RIN: 3060–AE75

4541. MAS GRANDFATHERING

Significance: Agency Priority

CFR Citation: 47 CFR 94

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	06/11/91	56 FR 30698

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Maria Strong, 202 634-2443

RIN: 3060–AE76

[FR Doc. 91-20890 Filed 10-18-91; 8:45 am]

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October 21, 1991

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Part L

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the October 1991 regulatory agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), which was enacted on August 9, 1989, contains reforms that significantly restructure Federal deposit insurance and the regulation of financial institutions. As a consequence, many of the regulations included in this agenda are in response to FIRREA.

Interested persons may petition the FDIC for the issuance, amendment, or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Dated: August 15, 1991.
Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

Proposed Rule Stage

Sequence Number	Title		Regulation Identifier Number
4542	12 CFR 323	Appraisals	3064-AB05
4543	12 CFR 332	Powers Inconsistent With Purposes of Federal Deposit Insurance	3064-AA29
4544	12 CFR 328	Advertisement of Membership	3064-AA95
4545	12 CFR 359	Golden Parachute and Indemnification Payments	3064-AB11

Final Rule Stage

Sequence Number	Title		Regulation Identifier Number
4546	12 CFR 334	Contracts Adverse to Safety and Soundness of Insured Depository Institutions	3064-AB06
4547	12 CFR 354	Deposit Liabilities	3064-AA92
4548	12 CFR 356	Insider Transactions—Conflicts of Interest	3064-AA94
4549	12 CFR 303	Change in Senior Executive Officer or Board of Directors	3064-AB02
4550	12 CFR 312	Assessment of Fees Upon Entrance to or Exit From the Bank Insurance Fund or the Savings Association Insurance Fund	3064-AA99
4551	12 CFR 303	Delegations of Authority	3064-AA84

Completed Actions

Sequence Number	Title		Regulation Identifier Number
4552	12 CFR 338	Fair Housing	3064-AA81
4553	12 CFR 303	Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control	3064-AA98
4554	12 CFR 345	Community Reinvestment Act	3064-AB09
4555	12 CFR 333	Extension of Corporate Powers	3064-AA55
4556	12 CFR 327	Assessments	3064-AA96
4557	12 CFR 308	Rules of Practice and Procedures	3064-AA64

FDIC

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
4558	12 CFR 355 Procedures to Offset Salary of Federal Employees Indebted to the United States	3064-AA93

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Proposed Rule Stage

4542. ● APPRAISALS

Legal Authority: 12 USC 1331 to 1551

CFR Citation: 12 CFR 323

Legal Deadline: None

Abstract: The FDIC has established standards for performing appraisals in connection with federally-related transactions within its jurisdiction. This proposed rule would raise the dollar threshold of transactions requiring an appraisal from $50,000 to $100,000.

Timetable:

Action	Date	FR Cite
NPRM	09/17/91	56 FR 47035
NPRM Comment Period End	11/18/91	
Final Action	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James D. Leitner, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6790

RIN: 3064–AB05

4543. ● POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE

Legal Authority: 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1831

CFR Citation: 12 CFR 332

Legal Deadline: None

Abstract: The FDIC is considering an amendment to its regulations that would require insured institutions, with certain exceptions, to obtain the FDIC's prior consent before directly or indirectly engaging in any activity that is not permissible for a national bank.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Vaughn, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6759

RIN: 3064–AA29

4544. ADVERTISEMENT OF MEMBERSHIP

Legal Authority: 12 USC 1819; 12 USC 1828(a); PL 101-73, Sec 221

CFR Citation: 12 CFR 328

Legal Deadline: None

Abstract: The FDIC is considering a proposal to remove the current regulation (12 CFR 328.3) requiring insured banks to include in advertisements a statement that their deposits are insured by the FDIC. The proposal would also prohibit savings associations from using the FDIC symbol in advertising and signage.

Timetable:

Action	Date	FR Cite
ANPRM	08/16/89	54 FR 33716
ANPRM Comment Period End	10/16/89	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Valerie J. Best, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3812

RIN: 3064–AA95

4545. GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS

Legal Authority: 12 USC 1828(k)

CFR Citation: 12 CFR 359

Legal Deadline: None

Abstract: This proposal would limit golden parachute and indemnification payments made to institution-affiliated parties by depository institutions and depository institution holding companies.

Timetable:

Action	Date	FR Cite
NPRM	10/07/91	56 FR 50529
NPRM Comment Period End	12/06/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey M. Kopchik, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, 202 898-3872

RIN: 3064–AB11

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Final Rule Stage

4546. CONTRACTS ADVERSE TO SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 1831g

CFR Citation: 12 CFR 334

Legal Deadline: None

Abstract: The proposed rule would implement section 225 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), which requires the FDIC to prescribe regulations as may be necessary to prevent insured depository institutions from entering into contracts that adversely affect their safety and soundness.

The rule is proposed in two stages. The first stage is a notice of proposed rulemaking on adverse contracts with outside vendors. The second stage is an advance notice of proposed rulemaking with request for comment on how to deal with contracts with non-depository affiliates.

Timetable:

Adverse Contracts With Non-depository Affiliates
ANPRM 04/01/91 (56 FR 13291)
ANPRM Comment Period End 05/31/91
Adverse Contracts With Outside Vendors
NPRM 04/01/91 (56 FR 13291)
NPRM Comment Period End 05/31/91
Both Types of Adverse Contracts
Final Action 11/00/92

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael D. Jenkins, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6896

RIN: 3064–AB06

4547. DEPOSIT LIABILITIES

Legal Authority: 12 USC 1813; 12 USC 1819

CFR Citation: 12 CFR 354

Legal Deadline: None

Abstract: The FDIC issued for public comment a proposed regulation expanding the definition of the term "deposit." The proposed rule would find that a bank's liability on a promissory note, bond, acknowledgement of advance, or similar obligation that is issued or undertaken by the insured bank as a means of obtaining funds is a deposit liability for insurance and assessment purposes.

Timetable:

Action	Date	FR Cite
NPRM	11/25/88	53 FR 47723
NPRM Comment Period End	01/24/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roger A. Hood, Assistant General Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3681

RIN: 3064–AA92

4548. INSIDER TRANSACTIONS—CONFLICTS OF INTEREST

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 1831(g)

CFR Citation: 12 CFR 356

Legal Deadline: None

Abstract: This rule ensures that business dealings (other than extensions of credit) between insured nonmember banks and state licensed insured branches of foreign banks and their "insiders" are conducted in an arms-length fashion so that insiders do not improperly abuse their position for personal gain.

Timetable:

Action	Date	FR Cite
NPRM	08/08/91	56 FR 37673
NPRM Comment Period End	10/07/91	56 FR 37673
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela E.F. LeCren, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington DC 20429, 202 898-3730

RIN: 3064–AA94

4549. CHANGE IN SENIOR EXECUTIVE OFFICER OR BOARD OF DIRECTORS

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607; 12 USC 1831(i); 15 USC 78w; 5 USC 504

CFR Citation: 12 CFR 303; 12 CFR 308

Legal Deadline: None

Abstract: This interim rule implements section 914 of FIRREA by requiring insured nonmember banks which fall within specified categories to file a notice with the FDIC prior to adding or replacing a member of the board of directors or employing or changing the responsibilities of an individual to a position as a senior executive officer.

Timetable:

Action	Date	FR Cite
Interim Rule and Request for Comments	12/27/89	54 FR 53040
Interim Rule Effective	12/27/89	
Interim Rule Comment Period End	02/26/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karl R. Krichbaum, Chief, Special Situations and Applications Section, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6758

RIN: 3064–AB02

4550. ASSESSMENT OF FEES UPON ENTRANCE TO OR EXIT FROM THE BANK INSURANCE FUND OR THE SAVINGS ASSOCIATION INSURANCE FUND

Legal Authority: 12 USC 1815(d); 12 USC 1819

CFR Citation: 12 CFR 312

Legal Deadline: None

Abstract: The FDIC adopted interim rules prescribing entrance and exit fees for insured depository institutions participating in certain "conversion transactions." Conversion transactions involve transfers between the two deposit insurance funds: the Bank Insurance Fund ("BIF") and the Savings Association Insurance Fund ("SAIF"). One rule set entrance fees for "SAIF-to-BIF" conversion transactions. Another rule established the fee structure for "BIF-to-SAIF" conversion transactions. A third rule prescribes the exit fee and amends the previously prescribed entrance fee for "SAIF" to "BIF" conversion transactions. On July 1, 1991, a final rule was published in the Federal Register which partially revised the method for computing entrance fees. The method for computing exit fees was

unaffected by that final rule. It is expected that a final rule prescribing exit fees and incorporating other changes will be issued in the near future.

Timetable:

Action	Date	FR Cite
Interim Rule/Request for Comments for Entrance Fees - "SAIF-to-BIF"	10/02/89	54 FR 40377
Interim Rule/Request for Comments for Entrance/Exit Fees - "BIF-to-SAIF"	12/26/89	54 FR 52923
Interim Rule/Request for Comments for Exit Fees - "SAIF-to-BIF"	03/21/90	55 FR 10406
Final Rule, All Entrance Fees	07/01/91	56 FR 29893
Final Rule, All Exit Fees	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Valerie J. Best, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3812**

RIN: 3064–AA99

4551. ● DELEGATIONS OF AUTHORITY

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815 to 1819; 12 USC 1828; 12 USC 1831; 15 USC 1607

CFR Citation: 12 CFR 303; 12 CFR 305

Legal Deadline: None

Abstract: Currently, the FDIC's delegations of authority, among other Corporation matters, are located in Part 303 of the FDIC's Rules and Regulations (12 CFR 303, "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition and Control"). This rule collects the delegations and places them in their own Part (12 CFR 305).

Timetable:

Action	Date	FR Cite
Final Action	02/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Christine Tullio (Additional Agency Contact), Senior Regional Attorney, (312)715-9783

Agency Contact: Nancy Alper, Legal Division, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3720**

RIN: 3064–AA84

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) Completed Actions

4552. FAIR HOUSING

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820(b); 42 USC 3605; 42 USC 3608; 15 USC 1691; PL 101-73

CFR Citation: 12 CFR 338

Legal Deadline: None

Abstract: This rule amends section 338 of the FDIC's Fair Housing regulations to eliminate overlapping recordkeeping requirements by revising the FDIC's log sheet to conform it to the HMDA loan application register. The loan application register will satisfy the log requirement, provided the register is updated on a timely basis. This removes a duplicative recordkeeping requirement for those banks that currently must maintain both the log and the register.

Timetable:

Action	Date	FR Cite
NPRM	05/08/91	56 FR 21335
NPRM Comment Period End	07/08/91	
Final Action	10/03/91	56 FR 50034
Final Action Effective	11/04/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. McCormick, Fair Lending Analyst, Office of Consumer Affairs, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3538**

RIN: 3064–AA81

4553. ● APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

Legal Authority: 12 USC 387; 12 USC 1813; 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607; PL 101-73

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: The FDIC modified 12 CFR 303.9(i)(3) to reflect the actual practices used in issuing orders of investigation under section 10(c) of the Federal Deposit Insurance Act, and to assure that investigations may be initiated without undue delay.

Timetable:

Action	Date	FR Cite
Final Action	04/24/91	56 FR 18683
Final Action Effective	04/24/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory Taylor, Senior Attorney, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-8522**

RIN: 3064–AA98

4554. COMMUNITY REINVESTMENT ACT

Legal Authority: 12 USC 2901

CFR Citation: 12 CFR 345

Legal Deadline: None

Abstract: This rule requires institutions to place the CRA Performance Evaluation and CRA rating in a public comment file within 30 business days of receipt from the FDIC. The institution is required to make the evaluation and rating available for public inspection, and to provide copies of the evaluation

on request. The institution may charge a reasonable fee for reproduction and mailing costs. This rule implements changes to the Community Reinvestment Act contained in title XII of FIRREA.

Timetable:

Action	Date	FR Cite
Joint Temporary Rule With Request For Comment	06/28/90	55 FR 26624
Comment Period End	08/27/90	
Final Action	06/12/91	56 FR 26903

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. McCormick, Fair Lending Analyst, Office of Consumer Affairs, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3538

RIN: 3064–AB09

4555. EXTENSION OF CORPORATE POWERS

Legal Authority: 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828(m)

CFR Citation: 12 CFR 333

Legal Deadline: None

Abstract: The FDIC amended its regulations to provide that a savings association that has become a State chartered savings bank insured by the SAIF will continue to be subject to the same activity and investment restrictions and loan to one borrower limits that were applicable to it prior to its conversion. The converted savings bank is required to provide the FDIC with the same prior notice before acquiring or establishing a subsidiary. Also, the savings bank's investment in, and extensions of credit to, its subsidiaries is deducted from capital to the same extent as it would have been had the bank not converted. In addition, the regulation requires any undercapitalized savings association that converts to a savings bank to submit a capital plan to the FDIC within thirty days of conversion.

Timetable:

Action	Date	FR Cite
NPRM	12/12/90	55 FR 51117
NPRM Comment Period End	01/11/91	
Final Action	05/06/91	56 FR 20520
Final Action Effective	06/05/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela E.F. LeCren, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, 202 898-3730

RIN: 3064–AA55

4556. ASSESSMENTS

Legal Authority: 12 USC 1441; 12 USC 1817 to 1819

CFR Citation: 12 CFR 327

Legal Deadline: None

Abstract: This rule amends Part 327 by increasing the assessment to be paid by Bank Insurance Fund ("BIF") members.

Timetable:

Action	Date	FR Cite
NPRM	03/06/91	56 FR 9308
NPRM Comment Period End	04/05/91	
Final Action	05/07/91	56 FR 21064
Final Action Effective	06/06/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alvin E. Kitchen, Associate Director, Accounting and Corporate Services, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 625-8344

RIN: 3064–AA96

4557. ® RULES OF PRACTICE AND PROCEDURES

Legal Authority: 12 USC 1815; 12 USC 1817; 12 USC 1818; 12 USC 1820; 12 USC 1828; 12 USC 1829; 12 USC 1831; 15 USC 78; 5 USC 504; 5 USC 554 to 557

CFR Citation: 12 CFR 308

Legal Deadline: Final, Statutory, August 9, 1991.

Abstract: Section 916 of FIRREA requires that the five Federal financial institutions regulatory agencies develop a set of uniform rules and procedures for administrative hearings. Section 916 further requires that the agencies promulgate provisions for summary judgment rulings where there are no disputes as to the material facts of a case. This regulation makes uniform those rules that pertain to at least four of the five agencies. In addition, it sets out "local rules" particular to the FDIC addressing other rules of practice and procedure.

Timetable:

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27790
NPRM Comment Period End	07/17/91	
Final Action	08/09/91	56 FR 37968
Final Action Effective	08/09/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Alper, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3720

RIN: 3064–AA64

4558. PROCEDURES TO OFFSET SALARY OF FEDERAL EMPLOYEES INDEBTED TO THE UNITED STATES

Legal Authority: 5 USC 5514; 12 USC 1819

CFR Citation: 12 CFR 355

Legal Deadline: None

Abstract: The FDIC has tabled indefinitely its planned proposal to implement salary offset procedures for FDIC employees indebted to the United States who refuse to pay voluntarily, and for requesting other agencies to offset the salaries of their employees to satisfy debts owed to the FDIC.

Timetable:

Action	Date	FR Cite
Withdrawn	08/09/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Catherine N. Lundblad, Personnel Management Specialist, Office of Personnel Management, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8857

RIN: 3064–AA93

[FR Doc. 91-20891 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part LI

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semiannual regulatory agenda.

SUMMARY: In accordance with guidance issued by OMB, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. There are 14 rulemakings listed, and all of them are current and projected.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See the various dates listed for each specific rulemaking.

ADDRESSES: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Lois D. Cashell,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Proposed Rule Stage

4559. REVISIONS TO THE CERTIFICATION STATEMENT AND REGULATIONS AND TO THE BASIC FINANCIAL STATEMENTS OF FERC ANNUAL REPORTS FOR ELECTRIC UTILITIES, LICENSEES AND NATURAL GAS COMPANIES

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1988); EO 12009; 3 CFR 142 (1978); 16 USC 791a to 828c (1988); 16 USC 2601 to 2645 (1988); 15 USC 3301 to 3432 (1988)

CFR Citation: 18 CFR 41; 18 CFR 158

Legal Deadline: None

Abstract: This rulemaking will propose revisions to the FERC Annual Report Form Nos. 1, 1-F, 2 and 2-A, by modifying the statements of retained earnings and cash flows to a comparative format, by modifying the balance sheet to be consistent with current reporting conventions, by modifying the notes to the financial statements to require additional disclosures, and by revising the certification statement requirements of the forms and related regulations concerning the timing and format of the certification filings. Docket No. RM91-6-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Daniel L. Larcamp,** Assistant General Counsel, Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-2088**

RIN: 1902–AB20

4560. MODIFICATION OF STEAM-ELECTRIC PLANT SCHEDULES, HYDROELECTRIC PLANT SCHEDULES, AND PUMPED STORAGE PLANT SCHEDULES IN THE FERC FORM NO. 1

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1988); EO 12009; 3 CFR 142 (1978); 16 USC 791a to 828c (1988); 16 USC 2601 to 2645 (1988)

CFR Citation: 18 CFR 41

Legal Deadline: None

Abstract: This rulemaking will propose revisions to the instruction to FERC Form No. 1 to clarify how public utilities report construction costs and production costs for jointly-owned and leased generating facilities. Docket No. RM91-7-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Daniel L. Larcamp,** Assistant General Counsel, Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-2088**

RIN: 1902–AB21

4561. ● ADMINISTRATIVE DISPUTE RESOLUTION

Significance: Agency Priority

Legal Authority: 16 USC 2601 to 2645 (1988) Public Utilities Reg. Policy Act; 15 USC 3301 to 3432 (1988) Natural Gas Policy Act

CFR Citation: 18 CFR 385

Legal Deadline: None

Abstract: The Commission is reviewing its regulations to determine: (1) how best to implement the Administrative Dispute Resolution Act, signed by the President on November 15, 1990, Pub. Law 101-552, codified at 5 USC sec. 581, et seq., (2) whether changes in the Commission's regulations are necessary or appropriate to facilitate the use of dispute resolution techniques, and (3) whether changes in the Commission's regulations governing settlements are necessary or appropriate. (Docket No. RM91-12-000)

Timetable:

Action	Date	FR Cite
Notice of Inquiry	04/17/91	
Notice of Inquiry Comment End	06/24/91	
NPRM	10/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Diane Beaudry Schratwieser,** Attorney-Adviser, Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-1157**

RIN: 1902–AB24

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Final Rule Stage

4562. REGULATIONS GOVERNING BIDDING PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1988); EO 12009; 3 CFR 142 (1978); 31 USC 9701 (1988); 16 USC 7919 to 8252 (1988); 16 USC 2601 to 2645 (1988)

CFR Citation: 18 CFR 35; 18 CFR 293

Legal Deadline: None

Abstract: The Commission proposed to adopt regulations providing guidelines for State regulatory authorities and nonregulated electric utilities to implement bidding procedures as a means of establishing rates for power purchases from qualifying facilities (QFs) under section 210 of PURPA. Docket No. RM88-5-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9323
NPRM Comment Period End	06/14/88	53 FR 9323
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 208-2088

RIN: 1902–AA98

4563. REGULATIONS GOVERNING INDEPENDENT POWER PRODUCERS

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 3401; 42 USC 7101 to 7352 (1988); EO 12009; 3 CFR 142 (1978); 5 USC 551 to 557 (1988); 15 USC 717 to 717w (1988); 16 USC 791a to 828c (1988); 15 USC 3301 to 3432 (1988); 16 USC 2601 to 2645 (1988); 49 USC 1 to 27 (1988)

CFR Citation: 18 CFR 38; 18 CFR 382

Legal Deadline: None

Abstract: The Commission proposed to streamline regulation of a class of non-traditional utility suppliers, called independent power producers (IPPs). The proposed regulations would: (1) authorize rates for IPPs to be determined through competitive bidding or rate negotiation subject to a price cap, thereby freeing IPPs from cost-based ratemaking while ensuring that rates fall within a zone of reasonableness; (2) authorize IPPs to file rate schedules without having to provide extensive cost support; (3) exempt IPPs from cost-related accounting, reporting and recordkeeping requirements; (4) streamline the corporate and financial regulation of IPPs; (5) provide blanket prior authorizations to engage in certain corporate activities; and (6) adopt certification procedures to qualify as an IPP. Docket No. RM88-4-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9327
NPRM Comment Period End	06/16/88	53 FR 9327
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 208-2088

RIN: 1902–AA99

4564. ADMINISTRATIVE DETERMINATION OF FULL AVOIDED COSTS, SALES OF POWER TO QUALIFYING FACILITIES AND INTERCONNECTION FACILITIES

Significance: Agency Priority

Legal Authority: PL 99-495; 42 USC 7101 to 7352 (1988); EO 12009; 3 CFR 142 (1978); 31 USC 9701 (1988); 16 USC 791a to 825r (1988); 16 USC 2601 to 2645 (1988)

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: The Commission proposed to amend its regulations governing purchases and sales of electricity between electric utilities and qualifying cogeneration facilities and qualifying small power production facilities (QFs). Docket No. RM 88-6-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9331
NPRM Comment Period End	06/14/88	53 FR 9331
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 208-2088

RIN: 1902–AB00

4565. REGULATIONS GOVERNING THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1988); EO 12009; 3 CFR 142 (1978); 31 USC 9701 (1988); 16 USC 791a to 825r (1988); 16 USC 2601 to 2645 (1988)

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission proposed to amend its regulations governing the implementation of Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA). This rule addresses problems with the criteria and procedures under Section 201 of PURPA by which qualifying small power production and cogeneration facilities can obtain PURPA benefits. Docket No. RM88-17-000.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 31021
NPRM Comment Period End	10/27/88	53 FR 31021
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 208-2088

RIN: 1902–AB07

4566. REGULATIONS GOVERNING SUBMITTAL OF PROPOSED HYDROPOWER LICENSE CONDITIONS, AND OTHER MATTERS

Significance: Agency Priority

Legal Authority: 16 USC 792a et seq (1988 and Supp. 1987) Federal Power Act; 16 USC 661 et seq (1988) Fish and Wildlife Coordination Act; 42 USC 4321 et seq (1988) National Environmental Policy Act

CFR Citation: 18 CFR 1

Legal Deadline: None

Abstract: This rulemaking made improvements in the coordination between the Commission and the Federal and State fish and wildlife agencies concerning appropriate conditions and other measures to be taken in proceedings on the granting of licenses to applicants for hydroelectric facilities subject to the Commission's jurisdiction. Docket No. RM89-7-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/90	55 FR 9894
NPRM Comment Period Extended	06/28/90	
Final Rule	05/08/91	55 FR 23108

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Merrill Hathaway, Attorney Adviser, Hydroelectric Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-0633**

RIN: 1902–AB12

4567. REVISIONS TO REGULATIONS GOVERNING AUTHORIZATIONS FOR CONSTRUCTION OF NATURAL GAS PIPELINE FACILITIES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act of 1978

CFR Citation: 18 CFR 2; 18 CFR 157; 18 CFR 284; 18 CFR 154; 18 CFR 375; 18 CFR 380

Legal Deadline: None

Abstract: This rulemaking will consider amendments to various Commission regulations that govern authorizations for construction of natural gas pipeline facilities. Docket No. RM90-1-000.

Timetable:

Action	Date	FR Cite
NPRM	08/13/90	55 FR 33027
NPRM Comment Period End	10/31/90	55 FR 33027
Reply Comment Period Ended NPRM	11/30/90	55 FR 33027
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Connie Caldwell, Attorney Adviser, Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-1022**

RIN: 1902–AB15

4568. REVISIONS TO REGULATIONS GOVERNING TRANSPORTATION UNDER SECTION 311 OF THE NATURAL GAS POLICY ACT OF 1978 AND BLANKET TRANSPORTATION CERTIFICATES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1988) Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act of 1978

CFR Citation: 18 CFR 157; 18 CFR 284

Legal Deadline: None

Abstract: This rulemaking proposes to revise the Commission's regulations governing transportation by intrastate pipelines and interstate pipelines under section 311 of the Natural Gas Policy Act of 1978 and transportation by interstate pipelines under blanket certificates issued pursuant to sec. 284.221 of the Commission's regulations. (Docket No. RM90-7-000)

Timetable:

Action	Date	FR Cite
NPRM	08/13/90	55 FR 33017
NPRM Comment Period End	10/31/90	
Reply Comment Period Ended NPRM	11/30/90	55 FR 33017
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack O. Kendall, Supervisory Attorney, Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-0847**

RIN: 1902–AB16

4569. ORDER NO. 525; INTERIM REVISIONS TO REGULATIONS GOVERNING CONSTRUCTION OF FACILITIES PURSUANT TO NGPA SECTION 311 AND REPLACEMENT OF FACILITIES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1988) Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Act of 1978

CFR Citation: 18 CFR 2; 18 CFR 284

Legal Deadline: None

Abstract: This interim rule, issued concurrently with a notice of proposed rulemaking (NOPR) in Docket No. RM90-1-000, requires entities to provide notification to the Commission of construction of facilities pursuant to section 311 or the planned replacement of certain facilities at least 30 days prior to commencement of any construction or replacement activity begun after the issuance of this interim rule. The NOPR addresses, inter alia, the regulations modified by this interim rule. Any final rule in Docket No. RM90-1-000 will consider the appropriateness of adopting these interim procedures, as well as any other proposed procedures, as part of the final rule. Effectiveness of the interim rule will terminate on the effective date of any final rule in Docket No. RM90-1-000. Docket No. RM90-14-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/13/90	55 FR 33011
Order Addressing Request for Clarification	09/13/90	
Order Denying Request for Rehearing on Order No. 525-A	10/31/91	55 FR 47457
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TIMETABLE CONTINUATION - Order No. 525-A also granted requests for clarification

Agency Contact: Connie Caldwell, Attorney-Adviser, Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-1022**

RIN: 1902–AB17

4570. IN RE PIPELINE SERVICE OBLIGATIONS AND REVISIONS TO REGULATIONS GOVERNING SELF-IMPLEMENTING TRANSPORTATION UNDER PART 284 OF THE COMMISSION'S REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1988) Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act of 1978

CFR Citation: 18 CFR 284

Legal Deadline: None

Abstract: This rulemaking proposes to amend Part 284 of the Commission's regulations to require the restructuring of pipeline services and to require that transportation be provided on a basis that is comparable in quality for all gas supplies, whether purchased from the pipeline or elsewhere. The Notice of Proposed Rulemaking also terminated Docket No. RM91-3-000. (Docket No. RM91-11-000)

Timetable:

Action	Date	FR Cite
NPRM	08/13/91	56 FR 38372
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey A. Braunstein, Attorney-Adviser, Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-2114**

RIN: 1902–AB18

4571. ORDER NO. 526; INTERIM REVISIONS TO REGULATIONS GOVERNING TRANSPORTATION UNDER SECTION 311 OF THE NATURAL GAS POLICY ACT OF 1978 AND BLANKET TRANSPORTATION CERTIFICATES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1988) Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act of 1978

CFR Citation: 18 CFR 284

Legal Deadline: None

Abstract: This order adopted an interim rule for transportation services under section 311 of the Natural Gas Policy Act and procedures for the conversion of section 311 transportation services to blanket certificate services. (Docket No. RM90-13-000)

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/02/90	55 FR 33002
Interim Final Rule Effective	08/02/90	
Order on Rehearing	10/31/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack O. Kendall, Supervisory Attorney, Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-0847**

RIN: 1902–AB19

4572. ● QUALIFYING CERTAIN TIGHT FORMATION GAS FOR TAX CREDIT

Significance: Agency Priority

Legal Authority: 15 USC 3301 to 3432 (1988) Natural Gas Policy Act

CFR Citation: 18 CFR 271

Legal Deadline: None

Abstract: This rulemaking will establish maximum allowable production rates for gas from tight formations below 15,000 feet, so that producers from such formations qualify for the tax credit. This rule will also permit jurisdictional agencies to designate as a tight formation a formation that does not meet the permeability standard (but meets the production rate standards) if the tax credit is necessary to provide reasonable incentives to produce the gas. (Docket No. RM91-8-000)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/91	56 FR 13094
ANPRM Comment Period End	04/29/91	56 FR 13094
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrel Blakeway, Supervisory Attorney, Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, **202 208-0224**

RIN: 1902–AB23

[FR Doc. 91-21610 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21, 1991

Part LII

Federal Housing Finance Board

Semiannual Regulatory Agenda

FEDERAL HOUSING FINANCE BOARD (FHFB)

FEDERAL HOUSING FINANCE BOARD

12 CFR Ch. IX

Agenda of Federal Regulations

AGENCY: Federal Housing Finance Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Housing Finance Board (Finance Board) hereby publishes items for the Unified Agenda of Federal Regulations. These items reflect the status of the regulatory agenda of the Finance Board as of August 1, 1991. The Finance Board is an independent agency in the executive branch of Government and is the regulator of the Federal Home Loan Bank System and the Financing Corporation. The Finance Board has an ongoing need to adopt various regulations dealing with its internal administration and the Federal Home Loan Bank System.

ADDRESSES: Executive Secretariat, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, (202) 408-2837.

FOR FURTHER INFORMATION CONTACT: Charles Szlenker, Attorney, Office of General Counsel, Room 324, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, (202) 408-2554.

By the Federal Housing Finance Board.

J. Stephen Britt,

Executive Director.

FEDERAL HOUSING FINANCE BOARD (FHFB) — Prerule Stage

4573. COMMUNITY INVESTMENT PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1422a; 12 USC 1422b; 12 USC 1430(i)

CFR Citation: 12 CFR 961

Legal Deadline: None

Abstract: Pursuant to section 721 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 423, the Federal Home Loan Banks must establish a Community Investment Program ("Program") which will provide funds, through Bank advances (loans) to a Bank's member institutions at interest rates equal to interest rates on Federal Home Loan Bank consolidated bonds or notes having comparable maturity dates with the advances. These advances will be used by the member institutions to provide funding for community-oriented development projects or housing. These regulations will continue the commitment of the Federal Home Loan Banks to community development lending.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local

Agency Contact: Steve Johnson, Attorney-Adviser, Housing Finance Directorate, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2847

RIN: 3069–AA05

4574. ADVANCES TO MEMBERS

Significance: Agency Priority

Legal Authority: 12 USC 1430; 12 USC 1422b

CFR Citation: 12 CFR 935.1; 12 CFR 935.6; 12 CFR 935.7

Legal Deadline: None

Abstract: The Finance Board proposes to amend its regulations pertaining to advances (loans) made by the Federal Home Loan Banks ("Banks") to their member institutions. The proposed regulations will carry forward certain of the prior policy statements and regulations and also, implement new provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), Pub. L. 101-73, 103 Stat. 183 (1989). However, long-term advances may only be made for the purposes of providing funds for residential housing finance. Advances will be secured by eligible collateral consisting of (1) fully disbursed, whole first mortgages on improved residential property, or securities representing such mortgages; (2) securities issued or guaranteed by the United States Government or any agency thereof; (3) deposits in a Federal Home Loan Bank; and (4) certain other real estate-related collateral. Advances available to members that are not Qualified Thrift Lenders, pursuant to FIRREA, are limited to advances for the purpose of residential housing finance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Sheehan, District Bank Directorate, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2870

RIN: 3069–AA08

4575. ● PRIVACY ACT PROCEDURES

Legal Authority: 5 USC 552a; 12 USC 1422b(a)(1)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Finance Board proposes to promulgate a regulation implementing the Privacy Act for records held by the Finance Board.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2554

RIN: 3069–AA15

FHFB Prerule Stage

4576. ● MINORITY CONTRACTORS OUTREACH PROGRAM

Legal Authority: 12 USC 1422b(a)(1); 12 USC 1833e

CFR Citation: 12 CFR 902.5

Legal Deadline: None

Abstract: The Finance Board proposes to promulgate a regulation to encourage the maximum participation of minority-owned businesses and women-owned businesses in the contracts issued by the Finance Board for the procurement of goods or services. This regulation would implement section 1216 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 183, 529-30 (1989).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ernest Roane, Contracting Officer, Office of Administration, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2582

RIN: 3069–AA17

4577. ● OFFICE OF FINANCE

Legal Authority: 12 USC 1422b(a)(1)

CFR Citation: 12 CFR 932.55; 12 CFR 932.56; 12 CFR 932.57

Legal Deadline: None

Abstract: The Finance Board proposes to amend its regulations describing the Federal Home Loan Bank System's Office of Finance. The Finance Board is reevaluating the structure and functional organization of the Office of Finance. These proposed regulations will clarify the role of the Office of Finance, the System's Fiscal Agent.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Sheehan, District Bank Directorate, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2870

RIN: 3069–AA18

4578. ● ASSESSMENTS

Legal Authority: 12 USC 1422b(a)(1); 12 USC 1438(b)

CFR Citation: 12 CFR 902.2

Legal Deadline: None

Abstract: The Finance Board proposes to promulgate a regulation governing the procedures by which it will levy a semiannual assessment on the Federal Home Loan Bank System for its administrative expenses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mildred Daniels, Office of Administration, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2592

RIN: 3069–AA19

4579. ● SCHEDULE OF CHARGES FOR AGENCY SERVICES

Legal Authority: 12 USC 1422b(a)(1); 31 USC 9701

CFR Citation: 12 CFR 902.4

Legal Deadline: None

Abstract: The Finance Board proposes to promulgate a regulation to permit it to give a schedule of charges for nongovernment users of certain agency services. The Finance Board is also promulgating a specific schedule of charges in connection with a FAX broadcast service of its Mortgage Interest Rate Survey.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joseph McKenzie, Housing Finance Directorate, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2845

RIN: 3069–AA20

4580. ● MORTGAGE INTEREST RATE SURVEYS

Legal Authority: 12 USC 1422b(a)(1); 12 USC 1454(a)(2); 12 USC 1717(b)(2)

CFR Citation: 12 CFR 902.3

Legal Deadline: None

Abstract: The Finance Board proposes to promulgate a regulation governing the method by which it will conduct a monthly survey of the rates and terms on conventional one-family, nonfarm mortgage loans. The survey is used to adjust the limitations on maximum original principal obligations of conventional mortgages purchased by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph McKenzie, Housing Finance Directorate, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2845

RIN: 3069–AA21

FEDERAL HOUSING FINANCE BOARD (FHFB)

Proposed Rule Stage

4581. ● FEDERAL HOME LOAN BANK SYSTEM—DEFINITIONS

Legal Authority: 12 USC 1422b(a)(1); 12 USC 1426 to 1427

CFR Citation: 12 CFR 931.14; 12 CFR 931.15; 12 CFR 931.16; 12 CFR 931.17; 12 CFR 931.18; 12 CFR 931.19; 12 CFR 931.20; 12 CFR 931.21; 12 CFR 931.23; 12 CFR 931.26; 12 CFR 931.28; 12 CFR 931.30; 12 CFR 931.32; 12 CFR 931.34; 12 CFR 931.36; ...

Legal Deadline: None

Abstract: The Finance Board proposes to amend its regulations defining the terms used in subchapter B of its general regulations, entitled the "Federal Home Loan Bank System." This amendment is made necessary by the proposed regulation amending the eligibility and financial disclosure requirements for appointed members of the boards of directors of the Federal Home Loan Banks.

Timetable:

Action	Date	FR Cite
ANPRM	08/06/91	56 FR 37303
ANPRM Comment Period End	09/05/91	56 FR 37303

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Like, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2930

RIN: 3069–AA14

4582. ● BOARD OF DIRECTORS RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 1422a(b)(2)(C); 12 USC 1422b(a)(1)

CFR Citation: 12 CFR 922.1; 12 CFR 922.2; 12 CFR 922.3; 12 CFR 922.4; 12 CFR 922.5; 12 CFR 922.6; 12 CFR 922.7

Legal Deadline: None

Abstract: The Finance Board proposes to promulgate a regulation describing the eligibility requirements for the appointed members of its governing Board of Directors. The regulation would also address permitted or prohibited financial interests or relationships in order to avoid a conflict of interest by an appointed Board Director. The regulation would implement section 2A of the Federal Home Loan Bank Act.

Timetable:

Action	Date	FR Cite
ANPRM	08/06/91	56 FR 37303
ANPRM Comment Period End	09/05/91	56 FR 37303

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Like, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2930

RIN: 3069–AA16

FEDERAL HOUSING FINANCE BOARD (FHFB)

Final Rule Stage

4583. ELECTION OF DIRECTORS OF THE FEDERAL HOME LOAN BANKS: ELIGIBILITY AND FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1422b; 12 USC 1427

CFR Citation: 12 CFR 932.14 to 932.23

Legal Deadline: None

Abstract: The Finance Board is undertaking a comprehensive revision to its interim rule governing the eligibility requirements and financial disclosure requirements for persons appointed to the boards of directors of the Federal Home Loan Banks ("FHLBanks"), mandated by the Federal Home Loan Bank Act, as amended. This proposed rule is designed to prevent a conflict of interest by an appointed director. This revision to the interim final rule results from public comments to the Finance Board's interim final rule, promulgated on January 16, 1990 (55 FR 1393), and would clarify selected provisions of the interim final rule, including the requirements for community interest directors and certain provisions applicable to both appointed and elected members of the board of directors of a FHLBank.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/05/90	
Interim Final Rule	01/16/90	55 FR 1393
Interim Final Rule Comment Period End	03/15/90	
NPRM	08/06/91	56 FR 37303
NPRM Comment Period End	09/05/91	56 FR 37303
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Amy Maxwell, Deputy Director, District Bank Directorate, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2882

RIN: 3069–AA03

4584. BANK REQUEST FOR INFORMATION

Significance: Agency Priority

Legal Authority: 12 USC 1422a; 12 USC 1422b; 12 USC 1442

CFR Citation: 12 CFR 931.15

Legal Deadline: None

Abstract: Section 719 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 422, amended Section 22 of the Federal Home Loan Bank Act (12 USC 1442) and mandates that the Federal Deposit Insurance Corporation, Board of Governors of the Federal Reserve System, Office of Thrift Supervision, Comptroller of the Currency, National Credit Union Administration, and the Treasury Department share examination reports or other records or data, in confidence, with the Federal

Home Loan Banks at their request. The agency is proposing to promulgate regulations which will establish a procedure regarding the confidentiality of these examination reports and other records or data while in the possession of a Federal Home Loan Bank.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/07/90	55 FR 50545
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2554

RIN: 3069–AA06

4585. AVAILABILITY AND CHARACTER OF RECORDS

Significance: Agency Priority

Legal Authority: 5 USC 552; 12 USC 1422b

CFR Citation: 12 CFR 904

Legal Deadline: None

Abstract: The Finance Board proposes to issue regulations governing disclosure of documents or records of the Finance Board to the public. The regulations will implement the Finance Board's responsibilities under the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2554

RIN: 3069–AA10

4586. ORGANIZATION AND CHANNELING OF FUNCTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1422b

CFR Citation: 12 CFR 900

Legal Deadline: None

Abstract: The Finance Board proposes to promulgate regulations describing its internal organization and describing the duties and functions of its administrative units. These regulations will also state the statutory duties and responsibilities of the FHFB and the Federal Home Loan Bank System, as well as a general statement regarding procedures and forms.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2554

RIN: 3069–AA11

4587. PUBLIC INFORMATION REGARDING MEETINGS OF THE BOARD OF DIRECTORS OF THE FEDERAL HOUSING FINANCE BOARD

Significance: Agency Priority

Legal Authority: 12 USC 1422b; 5 USC 552b

CFR Citation: 12 CFR 906

Legal Deadline: None

Abstract: The Finance Board proposes to promulgate regulations governing public meetings and notice of meetings for its governing Board of Directors. These regulations are issued pursuant to the requirements of the Government in the Sunshine Act.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2554

RIN: 3069–AA12

4588. COMMUNITY SUPPORT REQUIREMENTS FOR MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

Significance: Agency Priority

Legal Authority: 12 USC 1430(g)

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, August 8, 1991.

Abstract: The Finance Board adopted regulations establishing standards of community investment or service for member institutions of the Federal Home Loan Bank System, required of the member institution in order to maintain continued access to a Federal Home Loan Bank's long-term advances. The regulations will take into account a member institution's performance under the Community Reinvestment Act of 1977 and the member institution's record of lending to first-time homebuyers.

Timetable:

Action	Date	FR Cite
ANPRM	01/04/91	56 FR 387
ANPRM Comment Period End	03/05/91	56 FR 387
NPRM	06/07/91	56 FR 26346
NPRM Comment Period End	07/22/91	56 FR 26346
Final Action	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sylvia Martinez, Director, Housing Finance Directorate, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2825

RIN: 3069–AA13

[FR Doc. 91-21611 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21, 1991

Part LIII

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration during the period from October 1, 1991, to September 30, 1992, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary, 1100 L Street NW., Washington, DC 20573; (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section.

The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's unified regulatory agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission maintains a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda. This will be made available to the public, including the press and interested persons.

Joseph C. Polking,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4589	User Fees To Recover Agency Costs	3072-AA70
4590	Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades	3072-AA93
4591	Rates, Charges, and Services Provided at Marine Terminal Facilities - Docket Nos. 90-6 and 91-20	3072-AB17
4592	Notice of Inquiry Concerning Use and Effect of Surcharges by Common Carriers and Conferences - Docket No. 91-14	3072-AB30

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4593	Tariffs and Service Contracts - Docket No. 90-23	3072-AA61
4594	Actions To Adjust or Meet Conditions Unfavorable to Shipping in the United States/Korea Trade - Docket No. 91-24	3072-AB36
4595	Actions To Adjust or Meet Conditions Unfavorable to Shipping in the United States/Venezuela Trade - Docket No. 91-22	3072-AB40

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4596	Electronic Filing of Agreement Reports and Minutes - Docket No. 91-2	3072-AB32
4597	Interest in Reparation Proceedings - Docket No. 90-29	3072-AB33
4598	Bonding of Non-Vessel-Operating Common Carriers - Docket No. 91-1	3072-AB35
4599	Passenger Vessel Financial Responsibility Requirements - Docket No. 91-32	3072-AB37
4600	Procedures for Environmental Policy Analysis - Docket No. 91-28	3072-AB38

FMC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4601	Publication and Filing of Payments Made by Common Carriers to Foreign Freight Forwarders and Ocean Freight Brokers in Tariffs and Service Contracts - Docket No. 90-25	3072-AB34
4602	Application of Tropical Shipping & Construction Co., Ltd., Under Section 35 of the Shipping Act, 1916 - Docket No. 91-21	3072-AB39

FEDERAL MARITIME COMMISSION (FMC)

Prerule Stage

4589. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA70

4590. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 522

Legal Deadline: None

Abstract: Current rule providing for domestic rate-making and justification methodology is being reviewed to determine if requirements can be made less stringent.

Timetable:

Action	Date	FR Cite
Begin Review	01/09/86	
End Review	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA93

4591. RATES, CHARGES, AND SERVICES PROVIDED AT MARINE TERMINAL FACILITIES - DOCKET NOS. 90-6 AND 91-20

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 814; 46 USC app 816; 46 USC app 817(a); 46 USC app 820; 46 USC app 821; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 515; 46 CFR 525; 46 CFR 530; 46 CFR 560; 46 CFR 572

Legal Deadline: None

Abstract: Action would adopt certain recommendations of the report in Fact Finding No. 17 and solicits public comment on a potential restructuring of marine terminal operator regulations.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/90	55 FR 5626
Fact Finding Investigation No. 17 Discontinued	02/16/90	55 FR 5656
Notice of Inquiry	05/15/91	56 FR 22365
ANPRM Comment Period End	08/31/91	56 FR 35846

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB17

4592. NOTICE OF INQUIRY CONCERNING USE AND EFFECT OF SURCHARGES BY COMMON CARRIERS AND CONFERENCES - DOCKET NO. 91-14

Legal Authority: 5 USC 553

CFR Citation: 46 CFR 580; 46 CFR 581

Legal Deadline: None

Abstract: Action would define "surcharge" and prohibit carriers from imposing a surcharge in excess of carrier's actual cost.

Timetable:

Action	Date	FR Cite
Notice of Petition (Comments by 09/07/90)	07/13/90	55 FR 28828
ANPRM	05/22/91	56 FR 12143
ANPRM Comment Period End	08/07/91	56 FR 37505

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

FMC — Prerule Stage

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB30

FEDERAL MARITIME COMMISSION (FMC) — Proposed Rule Stage

4593. TARIFFS AND SERVICE CONTRACTS - DOCKET NO. 90-23

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 553; 31 USC 9701; 46 USC app 804; 46 USC app 812; 46 USC app 814 to 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 845b; 46 USC app 847; 46 USC app 1702 et seq; PL 101-92

CFR Citation: 46 CFR 514 (New); 46 CFR 515; 46 CFR 520; 46 CFR 550; 46 CFR 580; 46 CFR 581

Legal Deadline: None

Abstract: The Commission is implementing an automated tariff filing and information system ("ATFI"), whereby tariff data can be filed, processed, and retrieved electronically. This action proposes regulations: adapting the Commission's current CFR parts regarding filing to the electronic system; implementing policy decisions made in interim reports in the proceeding; and prescribing user charges.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent To Form Advisory Committee	04/12/85	50 FR 14453
Notice of Second Meeting	05/19/86	51 FR 18376
Notice of Third Meeting	10/21/86	51 FR 37347
Notice of Inquiry on System Functionality	12/22/87	52 FR 48504
Further Notice	06/13/88	53 FR 22048
Second Report on System Functionality	12/29/88	53 FR 52785
ANPRM	08/01/90	55 FR 31199
ANPRM Comment Period End	10/29/90	55 FR 42416
Interim Report and Batch Filing Guide	12/26/90	
Notice of Availability of Interim Report and Batch Filing Guide	01/08/91	56 FR 668
End Review	03/26/91	
Notice of Availability of Second Interim Report	03/29/91	56 FR 7316
Notice of Availability of Third Interim Report	07/29/91	56 FR 35847
Notice of Availability of Supp. #3 to Batch Filing Guide	08/02/91	56 FR 37069
NPRM	10/00/91	
NPRM Comment Period End	10/00/91	
Final Action	12/00/91	
Final Action Effective	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA61

4594. ● ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE UNITED STATES/KOREA TRADE - DOCKET NO. 91-24

Significance: Agency Priority

Legal Authority: 46 USC app 876; 46 USC app 1710a; 46 CFR 585; Reorg Plan 7 of 1961

CFR Citation: 46 CFR 586.5

Legal Deadline: None

Abstract: Proposed action would impose fees on Korean-flag vessels calling at U.S. ports in response to Korean law and regulations restricting U.S. carriers' trucking and rail sources.

Timetable:

Action	Date	FR Cite
Notice of Petition	03/16/88	53 FR 8679
Notice of Petition	08/26/88	53 FR 32663
NPRM	06/07/91	56 FR 26361
NPRM Comment Period End	08/02/91	56 FR 26361

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5740

RIN: 3072–AB36

4595. ● ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE UNITED STATES/VENEZUELA TRADE - DOCKET NO. 91-22

Significance: Agency Priority

Legal Authority: 46 USC app 876(1)(b); 46 USC app 876(5) to (12); 46 USC app 1710a; 46 CFR 585; Reorg Plan 7 of 1961

CFR Citation: 46 CFR 586.4

Legal Deadline: None

Abstract: Action would impose fees on certain Venezuelan-flag carriers in response to laws, policies, and practices of the Government of Venezuela reserving a substantial portion of cargo to national-flag lines to the exclusion of third-flag operators.

Timetable:

Action	Date	FR Cite
NPRM	05/16/91	56 FR 22685
NPRM Comment Period End	07/31/91	56 FR 30373

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime

FMC — Proposed Rule Stage

Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5740

RIN: 3072–AB40

FEDERAL MARITIME COMMISSION (FMC) — Final Rule Stage

4596. ELECTRONIC FILING OF AGREEMENT REPORTS AND MINUTES - DOCKET NO. 91-2

Legal Authority: 5 USC 553; 46 USC app 814; 46 USC 817(a); 46 USC app 820; 46 USC app 821; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701; 46 USC app 1707; 46 USC app 1709; 46 USC app 1710; 46 USC app 1712; 46 USC app 1714; 46 USC app 1717

CFR Citation: 46 CFR 560.701; 46 CFR 572.701

Legal Deadline: None

Abstract: Action will permit direct electronic transmission of reports and minutes by parties to agreements.

Timetable:

Action	Date	FR Cite
NPRM	01/18/91	56 FR 1966
NPRM Comment Period End	03/15/91	56 FR 1966
Final Action	10/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB32

4597. INTEREST IN REPARATION PROCEEDINGS - DOCKET NO. 90-29

Legal Authority: 5 USC 504; 5 USC 551; 5 USC 552; 5 USC 553; 5 USC 559; 12 USC 1141j(a); 18 USC 207; 26 USC 501(c)(3); 28 USC 2112(a); 46 USC app 817 and 1716; EO 11222; 21 USC 853a

CFR Citation: 46 CFR 502.523

Legal Deadline: None

Abstract: Action amends FMC Rules of Practice and Procedure to provide for interest on awards of reparation for any violation of the Shipping Act of 1984 or the Shipping Act, 1916, computed on the basis of the average monthly rate on six-month U.S. Treasury bills. For refunds and reparation awards under the Intercoastal Shipping Act, 1933, interest will be computed on the basis of the prime rate charged by major banks, as published by the Federal Reserve System.

Timetable:

Action	Date	FR Cite
NPRM	10/29/90	55 FR 43386
NPRM Comment Period End	05/17/91	56 FR 15580
Final Action	10/00/91	
Final Action Effective	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5740

RIN: 3072–AB33

4598. BONDING OF NON-VESSEL-OPERATING COMMON CARRIERS - DOCKET NO. 91-1

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702 and 1707; 46 USC app 1709 and 1712; 46 USC app 1714 and 1716; 46 USC app 1718; 46 USC app 1722

CFR Citation: 46 CFR 580; 46 CFR 581; 46 CFR 583

Legal Deadline: Other, Statutory, February 14, 1991.
Interim Rule effective on the same date as effectiveness on the statute.

Abstract: Action implements Non-Vessel-Operating Common Carrier Amendments of 1990 by establishing procedures for the filing of bonds by non-vessel-operating common carriers, the form and amount of such bonds, procedures for designation of resident agents, and a means for notification to the public of the requirements and availability of the bonds for its protection.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/15/91	56 FR 1493
Comments on Interim Rule by 04/15/91	01/15/91	56 FR 1493
Interim Rule Effective 04/15/91	02/20/91	56 FR 6809
Clarify and Stay	04/08/91	56 FR 14207
Extend One-Day Effectiveness of Tariffs	05/24/91	56 FR 19953
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB35

4599. ● PASSENGER VESSEL FINANCIAL RESPONSIBILITY REQUIREMENTS - DOCKET NO. 91-32

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 553; 46 USC app 817d; 46 USC app 817e

CFR Citation: 46 CFR 540

Legal Deadline: None

Abstract: Notice of Inquiry would obtain public comments on various issues on passenger vessel financial responsibility.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/91	56 FR 40586
ANPRM Comment Period End	09/30/91	56 FR 40586
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime

FMC — Final Rule Stage

Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB37

4600. ● PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS - DOCKET NO. 91-28

Legal Authority: 5 USC 552 to 553; 42 USC 4332(2)(b); 42 USC 6362; 46 USC app 820; 46 USC app 841a; 46 USC app 1712; 46 USC app 1716

CFR Citation: 46 CFR 504.4

Legal Deadline: None

Abstract: Action would categorically exclude from environmental analysis requirements filings of surety bonds and designations of resident agents for service of process by non-vessel-operating common carriers.

Timetable:

Action	Date	FR Cite
NPRM	06/19/91	56 FR 28128
NPRM Comment Period End	07/19/91	56 FR 28128
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Norman W. Littlejohn, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5866

RIN: 3072–AB38

FEDERAL MARITIME COMMISSION (FMC) — Completed Actions

4601. PUBLICATION AND FILING OF PAYMENTS MADE BY COMMON CARRIERS TO FOREIGN FREIGHT FORWARDERS AND OCEAN FREIGHT BROKERS IN TARIFFS AND SERVICE CONTRACTS - DOCKET NO. 90-25

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702 and 1709; 46 USC app 1712; 46 USC app 1714 and 1716; 46 USC app 1718

CFR Citation: 46 CFR 580.2; 46 CFR 580.5; 46 CFR 581.5

Legal Deadline: None

Abstract: Action amends tariff and service contract filing regulations to require common carriers and conferences to state the amount of payments made, and a description of services for which the payments are made, to foreign freight forwarders and ocean freight brokers.

Timetable:

Action	Date	FR Cite
NPRM	09/25/90	55 FR 39181
NPRM Comment Period End	01/09/91	55 FR 53315
Withdrawn	06/20/91	56 FR 28361

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Austin L. Schmitt, Director, Bureau of Trade Monitoring, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5787

RIN: 3072–AB34

4602. ● APPLICATION OF TROPICAL SHIPPING & CONSTRUCTION CO., LTD., UNDER SECTION 35 OF THE SHIPPING ACT, 1916 - DOCKET NO. 91-21

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814; 46 USC app 815; 46 USC app 817; 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 5501

Legal Deadline: None

Abstract: Action adds an exemption for carriers providing port-to-port service in the U.S. Virgin Islands domestic offshore trade whereby carriers are permitted to publish on one day's notice reductions in existing individual commodity sales, and notes on new tariff items.

Timetable:

Action	Date	FR Cite
Notice of Petition	11/06/90	55 FR 46720
Final Action	05/16/91	56 FR 22659
Final Action Effective	05/16/91	56 FR 22659

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB39

[FR Doc. 91-20892 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21, 1991

Part LIV

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from October 1, 1991, through April 1, 1992. The next semiannual agenda will be published in April 1992.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its October 1991 agenda as part of the October 1991 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4603	Regulation: E - Electronic Fund Transfers	7100-AA77
4604	Regulation: Z - Truth in Lending	7100-AB24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4605	Regulation: D - Reserve Requirements of Depository Institutions (Docket Number: R-0729)	7100-AB25
4606	Regulation: G - Securities Credit by Persons Other Than Banks, Brokers, or Dealers; and Regulation: T - Credit by Brokers and Dealers (Docket Number: R-0732)	7100-AB26
4607	Regulation: G - Securities Credit by Persons Other Than Banks, Brokers, or Dealers; and Regulation: U - Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks	7100-AA99
4608	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0711)	7100-AB20
4609	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0720)	7100-AB27
4610	Regulation: J - Collection of Checks and Other Items and Wire Transfers of Funds by Federal Reserve Banks (Docket Number: R-0722)	7100-AB21
4611	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0652)	7100-AA41
4612	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0664)	7100-AB03
4613	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0686)	7100-AB07
4614	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0706)	7100-AB09
4615	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0694)	7100-AB12
4616	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0698)	7100-AB13
4617	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0723)	7100-AB22
4618	Proposals To Modify the Payments System Risk Reduction Program (Docket Numbers: R-0661, R-0668)	7100-AA76
4619	Proposals To Modify the Payments System Risk Reduction Program (Docket Number: R-0693)	7100-AB17
4620	Proposal To Modify the Payments System Risk Reduction Program (Docket Number: R-0721)	7100-AB18

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Completed Actions

Sequence Number	Title	Regulation Identifier Number
4621	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0709)	7100-AB19
4622	Regulation: K - International Banking Operations (Docket Number: R-0703)	7100-AA98
4623	Regulation: P - Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks (Docket Number: R-0688)	7100-AA69
4624	Regulation: BB - Community Reinvestment (Docket Number: R-0691)	7100-AB16
4625	Rules of Practice for Hearings (Docket Number: R-0733)	7100-AB23

FEDERAL RESERVE SYSTEM (FRS) — Proposed Rule Stage

4603. REGULATION: E - ELECTRONIC FUND TRANSFERS

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Legal Deadline: None

Abstract: The Board is conducting a review of Regulation E, which implements the Electronic Fund Transfer Act, and establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services (whether or not these institutions hold the consumer's account). The review will consider whether any provisions of the regulation are in need of updating, whether any substantive changes are necessary because of technological and other developments, and whether special rules to govern the electronic delivery of government benefits to recipients should be proposed. The Board will also consider whether to make any legislative recommendations for statutory changes.

Public comment will be requested on any regulatory proposals that may be developed following the review. It is not anticipated that the revisions would have a significant economic impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board may consider revisions to Regulation E	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dolores S. Smith, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA77

4604. ● REGULATION: Z - TRUTH IN LENDING

Legal Authority: 12 USC 1604 Truth in Lending Act, as Amended

CFR Citation: 12 CFR 226

Legal Deadline: None

Abstract: During the next three months the Board will consider issuing for public comment revisions to Regulation Z relating to home equity lines of credit. In July 1991, the U.S. Court of Appeals for the District of Columbia issued a decision in Consumers Union v. Federal Reserve Board. The Court remanded to the Board for further consideration two issues dealing with disclosure of the discounted rate and payment examples for a creditor's home equity line of credit. It is not anticipated that any revisions will have a significant impact on a substantial number of small institutions.

Timetable:

Action	Date	FR Cite
Board is expected to consider requesting comment by	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard Chanin, Senior Attorney, Board of Governors, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100–AB24

FEDERAL RESERVE SYSTEM (FRS) — Final Rule Stage

4605. ● REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (DOCKET NUMBER: R-0729)

Legal Authority: 12 USC 465

CFR Citation: 12 CFR 204

Legal Deadline: None

Abstract: In April 1991, the Board published for comment several proposed amendments to Regulation D, as well as a number of proposed interpretations concerning reserve requirements (56 FR 15522, April 17, 1991). The proposed amendments and

interpretations are intended primarily to close loopholes in reserve requirements on transaction accounts, and concern the following types of transactions or accounts: (1) teller's checks; (2) time deposit open accounts; (3) certain sweep arrangements involving transaction accounts and commingled time deposits; (4) multiple or linked money market deposit accounts ("MMDAs"); (5) netting of trust balances in commingled transaction accounts; and (6) certain uses of "due from" or "cash items in the process of collection" deductions.

It is not expected that the proposals will have a significant economic impact on a substantial number of small institutions. Following review of the public comments, the Board is expected to take further action within the next two months.

Timetable:

Action	Date	FR Cite
Board requested public comment	04/17/91	56 FR 15522
Further Board action by	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Oliver Ireland, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3625

RIN: 7100–AB25

4606. ● REGULATION: G - SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS; AND REGULATION: T - CREDIT BY BROKERS AND DEALERS (DOCKET NUMBER: R-0732)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78h Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 207; 12 CFR 220

Legal Deadline: None

Abstract: In May 1991, the Board issued for public comment amendments to Regulations G and T to accommodate deposits of margin stock at clearing agencies for futures markets regulated by the Commodity Futures Trading Commission or the Securities and Exchange Commission (56 FR 25641, June 5, 1991). The amendments will allow a clearing agency to accept margin stock from its clearing members to meet margin obligations in connection with financial and nonfinancial futures and options positions without requiring the clearing agency to register with the Board under Regulation G. Such treatment has already been permitted in the securities area for The Options Clearing Corporation.

Following review of the public comments, the Board is expected to take further action within the next two months It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board requested public comment	06/05/91	56 FR 25641
Further Board action by	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AB26

4607. REGULATION: G - SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS; AND REGULATION: U - CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78h Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 207; 12 CFR 221

Legal Deadline: None

Abstract: In May 1991, the Board issued for public comment amendments to Regulations G and U to permit lenders subject to these regulations to transfer a margin loan between them without treating the transaction as creating a new extension of credit (56 FR 23252, May 21, 1991). The regulations currently permit a transfer only between lenders subject to the same regulation. Following review of the public comments, the Board is expected to take further action within the next two months. It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board requested comment	05/21/91	56 FR 23252
Further Board action by	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Holz, Attorney, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA99

4608. REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0711)

Legal Authority: 12 USC 3331 et seq

CFR Citation: 12 CFR 225, Subpart G

Legal Deadline: None

Abstract: In November 1990, the Board issued for public comment a proposed amendment to its real estate appraisal rule that would lower the dollar amount of transactions below which a certified or licensed appraiser would not be required (55 FR 49057, November 26, 1990). Currently, this amount is $100,000; the Board sought comment on a proposal to lower it to $50,000.

This change, if adopted, would be expected to increase the costs of federally related transactions having a transaction value between $50,000 and $100,000. These costs would either have to be absorbed by the regulated institutions or be passed on to their customers. Following review of the public comments, the Board is expected to take further action on this proposal within the next six months.

Timetable:

Action	Date	FR Cite
Board requested comment	11/26/90	55 FR 49057

FRS

Final Rule Stage

Action	Date	FR Cite
Further Board action expected by	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3288

RIN: 7100–AB20

4609. ● REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0720)

Legal Authority: 12 USC 3331 et seq

CFR Citation: 12 CFR 225, Subpart G

Legal Deadline: None

Abstract: In December 1990, the Board, along with the other Federal financial institutions regulatory agencies, issued an interim common rule and request for public comment regarding those applicable provisions of the Uniform Standards of Professional Appraisal Practice ("USPAP") that are required to be incorporated into each agency's real estate appraisal rules (55 FR 53609, December 31, 1990). The provisions were published as an interim rule because the agencies' existing appraisal regulations already require compliance with the USPAP, as mandated by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The USPAP was undergoing revision when the agencies initially promulgated their appraisal regulations. This proposal will permit the agencies to consider and receive comment on the revisions to USPAP. It is not expected that the proposal will have a significant economic impact on a substantial number of small entities. Following review of the public comments, the Board is expected to take further action on this proposal within the next six months.

Timetable:

Action	Date	FR Cite
Board requested public comment	12/31/90	55 FR 53609
Further Board action expected by	02/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3288

RIN: 7100–AB27

4610. REGULATION: J - COLLECTION OF CHECKS AND OTHER ITEMS AND WIRE TRANSFERS OF FUNDS BY FEDERAL RESERVE BANKS (DOCKET NUMBER: R-0722)

Legal Authority: 12 USC 248(i); 12 USC 248(j); 12 USC 248(o); 12 USC 342; 12 USC 360; 12 USC 464; 12 USC 4008

CFR Citation: 12 CFR 210

Legal Deadline: None

Abstract: In January 1991, the Board requested comment on a proposed amendment to Regulation J to require paying banks that receive presentment of checks from a Federal Reserve Bank to make the proceeds of settlement for those checks available to the Reserve Bank by as early as one hour after receipt of the checks (56 FR 3047, January 28, 1991). This amendment would be necessary to implement the proposed daylight overdraft measurement procedure under the Board's payments system risk reduction program. (See Docket Number: R-0721.)

It is not expected that this proposal would have a significant economic impact on a substantial number of small entities because small entities do not usually incur large daylight overdrafts, and many small entities are exempt from filing for an overdraft cap and would be exempt from pricing under the Board's proposed pricing program.

Following review of the public comments, the Board is expected to take further action by year-end.

Timetable:

Action	Date	FR Cite
Board requested comment	01/28/91	56 FR 3047
Further Board action by	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie Martin, Attorney, Federal Reserve System, Legal Division, 202 452-3198

RIN: 7100–AB21

4611. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0652)

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: A provision of Regulation Y permits a State bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under State law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under Federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

In December 1988, the Board requested public comment regarding whether this rule, as it applies to nonbanking companies owned by State banks in a holding company system, continues to be valid and appropriate in light of enactment of the (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board requested comments	12/05/88	53 FR 48915
Further Board action to be determined	04/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Garn-St Germain Act and certain recent court decisions (53 FR 48915, December 5, 1988). The Board also held an informal public hearing on this matter on April 7, 1989. The Board has not proposed revising its current rule regarding subsidiaries of national banks in a holding company. A determination to reverse the Board's State bank rule could have an adverse impact on small banks that are subsidiaries of holding companies because they might be required to restructure their nonbanking activities or to take other action.

The issue of the validity of the Board's State bank rule was recently raised in litigation involving the permissibility of insurance activities of a nonbank subsidiary of Citicorp's Delaware bank. In that case, the U.S. Court of Appeals for the Second Circuit found that the Bank Holding Company Act does not apply to nonbank companies owned by holding company banks. That decision is currently the subject of an appeal to the U.S. Supreme Court.

The Board has not determined what further action is appropriate.

Agency Contact: Scott G. Alvarez, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AA41

4612. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0664)

Legal Authority: 12 USC 1843(c)(8)

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In December 1988, the Board requested public comment on an application by a bank holding company to provide armored car transportation services to nonaffiliated customers and on whether the proposed armored car activities may be deemed to be closely related to banking and a proper incident thereto for purposes of section 4(c)(8) of the Bank Holding Company Act (53 FR 50292, December 14, 1988).

The National Armored Car Association submitted comments in opposition to the application and requested a hearing on whether the proposal would meet section 4(c)(8) of the Bank Holding Company Act. A formal, public hearing before a hearing officer was held on June 16 and July 11, 1989, at the offices of the Board in Washington, D.C. On January 23, 1990, the hearing officer recommended that the application be denied, based on his determination that the proposed armored car services were not closely related to banking under section 4(c)(8). On June 18, 1990, the Board reversed this finding and remanded the case to the hearing officer for a recommended decision on whether the proposed services were a "proper incident" to banking and (cont)

Timetable:

Action	Date	FR Cite
Board issued proposal for comment	12/14/88	53 FR 50292
Board will review further	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: whether they constitute illegal branch banking. The hearing officer held two additional days of hearings on December 5 and 6, 1990, and is expected to make his recommendations to the Board in the next several months. Once the recommended decision is submitted, the matter will again be presented to the Board for a final determination. The application, if approved, would permit a small bank holding company that currently operates an armored car for internal automatic teller machine servicing to utilize excess capacity in the armored car to serve non-affiliated financial institutions and other customers in the East Moline, Illinois, trading area, an activity not currently permitted under 12 CFR 225.

Agency Contact: Katherine H. Wheatley, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3779

RIN: 7100–AB03

4613. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0686)

Legal Authority: PL 101-73, 103 Stat 183

CFR Citation: 12 CFR 225, Subpart H

Legal Deadline: None

Abstract: In February 1990, the Board approved issuing for public comment a proposed regulation, which implements section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, requiring banks and bank holding companies to provide notice to the Federal Reserve System 30 days before adding any individual to the institution's board of directors or employing any individual as a senior executive officer under certain circumstances (55 FR 6787, February 27, 1990). Notice would be required if the institution is failing to meet minimum capital standards or is otherwise in a troubled condition, has undergone a change in control within the past two years, or has received a bank charter within the past two years. The regulation defines "senior executive officer," "troubled condition," and "change in control."

The proposal is not expected to have a significant economic impact on a substantial number of small business entities. State member banks and bank holding companies will be affected if they meet one of the criteria that triggers the notice requirements. Following review of public comments, the Board is expected (cont)

Timetable:

Action	Date	FR Cite
Board approved proposal for comment	02/27/90	55 FR 6787
Further Board action by	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: to take further action within the next two months.

Agency Contact: Scott G. Alvarez, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AB07

4614. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0706)

Legal Authority: 12 USC 1843; 12 USC 1844(b)

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In September 1990, the Board issued for public comment a proposal to add full service brokerage and financial advisory activities to the laundry list in Regulation Y (55 FR 36282, September 5, 1990). The Board has previously determined by order that bank holding companies may provide these activities.

Adoption of the proposal would not result in any significant economic impact on bank holding companies. Following review of public comments, the Board is expected to adopt the revisions within the next three months.

Timetable:

Action	Date	FR Cite
Board issued proposal for comment	09/05/90	55 FR 36282
Final Board action by	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott G. Alvarez, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AB09

4615. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0694)

Legal Authority: 12 USC 1843(c)(8)

CFR Citation: 12 CFR 225, Subpart C

Legal Deadline: None

Abstract: In May 1990, the Board approved issuing for comment a proposal to amend the provision in Regulation Y governing leasing transactions by bank holding companies to relax the limitation on reliance on the residual value of leasing property (55 FR 22348, June 1, 1990). The Board is proposing to raise the maximum estimated residual value of leased personal property on which bank holding companies may rely for their compensation in recovering the full cost of leasing transactions from 20 percent to up to 100 percent of the acquisition cost of the leased property. Section 108 of the Competitive Equality Banking Act of 1987 granted similar authority to national banks subject to a volume limitation. These higher residual value leasing transactions by bank holding companies would also be subject to certain volume limitations and would remain subject to the prudential limitations currently set forth in Regulation Y. The proposal is not expected to have a significant economic impact on a substantial number of small business entities. Following review of public comments, the Board is expected to take further action by year-end 1991.

Timetable:

Action	Date	FR Cite
Board requested comment	06/01/90	55 FR 22348
Further Board action by	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Corsi, Attorney, Federal Reserve System, Legal Division, 202 452-3275

RIN: 7100–AB12

4616. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0698)

Legal Authority: 12 USC 1841 et seq

CFR Citation: 12 CFR 225.125

Legal Deadline: None

Abstract: In June 1990, the Board approved issuing for comment a proposed revision to a Board interpretation of the Glass-Steagall Act and the Bank Holding Company Act that would permit bank holding companies to broker and recommend shares of investment companies that are advised by a bank holding company or its subsidiaries (55 FR 25849, June 25, 1990). The revision would permit bank holding companies the authority to perform greater services for investment companies and brokerage customers. The proposal would enable bank holding companies to enhance competition in the brokerage industry by clarifying permissible activities for bank holding companies.

The proposal is not expected to have a significant economic impact on a substantial number of small business entities. Following review of the public comments, the Board is expected to take further action within the next three months.

Timetable:

Action	Date	FR Cite
Board approved proposal for comment	06/25/90	55 FR 25849
Further Board action by	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Corsi, Attorney, Federal Reserve System, Legal Division, 202 452-3275

RIN: 7100–AB13

4617. REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0723)

Legal Authority: 12 USC 4008

CFR Citation: 12 CFR 229

Legal Deadline: None

Abstract: In February 1991, the Board published for comment a proposed amendment to Regulation CC to require paying banks to provide same-day settlement for checks presented by 8:00 a.m. local time at specified locations (56 FR 4743, February 6, 1991). The proposal would eliminate presentment fees for these checks and thereby facilitate their collection, consistent with the provisions of the Expedited Funds Availability Act.

As a secondary effect of the proposal, small banks may experience increased check collection fees, over the long run, as volume shifts from the Federal Reserve to the private sector. However, because the primary purpose of the proposal is to increase the efficiency of the check collection process, to exclude small banks from the requirement of making same-day settlement would be counter to the chief objective of the proposal.

Following review of the public comments, the Board is expected to take further action by year-end.

Timetable:

Action	Date	FR Cite
Board requested comment	02/06/91	56 FR 4743
Further Board action by	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Division of Reserve Bank Operations and Payment Systems, **202 452-3874**

RIN: 7100–AB22

4618. PROPOSALS TO MODIFY THE PAYMENTS SYSTEM RISK REDUCTION PROGRAM (DOCKET NUMBERS: R-0661, R-0668)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In June 1989, the Board requested comment on several proposals that would modify its payments system risk reduction program (54 FR 26090, June 21, 1989). The proposals concerned pricing and measurement of daylight overdrafts, net debit caps, measures of capital (R-0668), book-entry securities transactions (R-0669), and foreign bank agencies and branches (R-0670).

In May 1990, the Board adopted in final form those elements of its risk reduction policy concerning net debit caps, measures of capital, book-entry securities transactions, and foreign bank agencies and branches (55 FR 22087, May 31, 1990).

In January 1991, the Board issued a revised proposal on measuring daylight overdrafts (see Docket Number: R-0721). The Board expects to implement pricing when the measurement rules are finalized.

In addition, in March 1989, the Board requested comment on changes in the way the Federal Reserve Banks treat automated clearing house transactions (Docket R-0661, 54 FR 8822, March 2, 1989). The Board expects to take further action on this proposal when other aspects of its risk reduction program (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	06/21/89	54 FR 26090
Adoption of policies (R-0669, R-0670, and part of R-0668)	05/31/90	55 FR 22087
Further Board action by	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: are finalized. It is not expected that these actions will have a significant economic impact on a substantial number of small entities because small entities do not usually incur large daylight overdrafts, and many small entities are exempt from filing for an overdraft cap and would be exempt from pricing under the Board's proposed pricing program.

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**

RIN: 7100–AA76

4619. PROPOSALS TO MODIFY THE PAYMENTS SYSTEM RISK REDUCTION PROGRAM (DOCKET NUMBER: R-0693)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In May 1990, as part of its payments system risk reduction program, the Board requested comment on a proposed risk reduction policy that would prohibit bankers' banks and Edge corporations from incurring funds or book-entry overdrafts on Fedwire (55 FR 22086, May 31, 1990). The Board proposed that Reserve Banks assess a penalty fee when these or other institutions with imposed zero caps incur inadvertent daylight or overnight overdrafts on Fedwire.

It is not expected that these proposals would have a significant economic impact on a substantial number of small entities because they do not usually participate in large-dollar wire transfer systems. Furthermore, this proposal is limited to a small subset of Fedwire participants.

Following review of the public comments, the Board is expected to take further action by year-end.

Timetable:

Action	Date	FR Cite
Board requested comment	05/31/90	55 FR 22086
Further Board action by	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**

RIN: 7100–AB17

4620. PROPOSAL TO MODIFY THE PAYMENTS SYSTEM RISK REDUCTION PROGRAM (DOCKET NUMBER: R-0721)

Legal Authority: 12 USC 21 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In January 1991, the Board requested comment on a proposed method for posting debits and credits to depository institutions' accounts at Federal Reserve Banks in order to measure daylight overdrafts accurately under the Board's payments system risk reduction program (56 FR 3098, January 28, 1991). Accurate measurement of daylight overdrafts will be necessary in order to assess fees for daylight overdrafts, which the Board anticipates implementing in the future. The overdraft measurement proposal is a revision of the proposal issued for comment in June 1989 (54 FR 26090, June 21, 1989).

It is not expected that this proposal would have a significant economic impact on a substantial number of small entities because small entities do not usually incur large daylight overdrafts, and many small entities are exempt from filing for an overdraft cap and would be exempt from pricing under the Board's proposed pricing program.

Following review of the public comments, the Board is expected to take further action by year-end.

Timetable:

Action	Date	FR Cite
Board requested comment	01/28/91	56 FR 3098
Further Board action by	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Florence Young, Assistant Director, Federal Reserve System, Division of Reserve Bank Operations and Payment Systems, **202 452-3926**

RIN: 7100–AB18

FEDERAL RESERVE SYSTEM (FRS)

Completed Actions

4621. REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0709)

Legal Authority: 12 USC 1844(b); 12 USC 3909

CFR Citation: 12 CFR 208; 12 CFR 225

Legal Deadline: None

Abstract: In October 1990, the Board approved issuing for comment proposed modifications and clarifications to its risk-based capital guidelines which will: (1) ensure that certain off-balance sheet credit exposures, particularly sales of residential mortgages with recourse, are adequately captured in the risk-based capital framework; (2) clarify certain provisions of the guidelines that call for Board approval before any redemption of perpetual preferred stock; (3) ensure consistency with the Federal Reserve's general treatment of goodwill and with provisions contained in the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989; and (4) assign claims on a country's central bank to the same risk weight category as claims on the country's central government.

On August 21, 1991, following review of the public comments, the Board adopted the revisions in substantially the form proposed, and directed the staff to coordinate with the other banking regulatory agencies to obtain identical requirements (no Federal Register cite available). The revisions are not expected to have a significant economic impact on a substantial (cont)

Timetable:

Action	Date	FR Cite
Board requested public comment	10/17/90	55 FR 42022
Board approved proposals	08/21/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: number of small business entities.

Agency Contact: Roger Cole, Assistant Director, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2618

RIN: 7100–AB19

4622. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0703)

Legal Authority: 12 USC 221 et seq; 12 USC 1841 et seq; 12 USC 3101 et seq

CFR Citation: 12 CFR 211

Legal Deadline: Other, Statutory, December 1989.
Section 3(b) of the International Banking Act of 1978 requires that Board review and revise Subpart A of Regulation K every five years, beginning in 1979.

Abstract: In July 1990, the Board approved issuing for comment revisions to Regulation K in a number of areas dealing with the U.S. and foreign operations of Edge and Agreement corporations, member banks, bank holding companies, and foreign banking organizations. In June 1991, following review of the public comments, the Board adopted revisions to expand the existing authority of U.S. banking organizations to engage in underwriting and dealing in equity securities outside the United States; increase the current dollar limits under which U.S. banking organizations may make investments abroad without prior notice to the Board; clarify the portfolio investment authority under which U.S. banking organizations may make limited equity investments in any type of company outside the United States; permit Edge corporations to provide domestic banking services, including loans, to foreign persons and governments; expand the range of permissible activities for U.S. banking organizations abroad to include futures commission merchant activities and life insurance underwriting; modify the authority for debt-for-equity investments, including permitting a cash component to (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions	08/09/90	55 FR 32424
Board adopted revisions	04/29/91	56 FR 19549

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: such investments without prior notice to the Board and providing for retention of such investments in companies that engage in a small level of business activities in the United States: authorize case-by-case exemptions from the standard for qualifying foreign banking organizations; and require Edge corporations to maintain a minimum risk-based capital level of 10 percent (56 FR 19549, April 29, 1991).

Agency Contact: Kathleen O'Day, Assistant General Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA98

4623. REGULATION: P - MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS (DOCKET NUMBER: R-0688)

Legal Authority: 12 USC 1881 to 1884

CFR Citation: 12 CFR 216

Legal Deadline: None

Abstract: In December 1989, the Board issued for public comment revisions to Regulation P, the regulation which implements the Bank Protection Act of 1968, and establishes minimum security standards for Federal Reserve Banks and for State member banks. Following review of public comments, the Board, in March 1991, approved revisions to the regulation (56 FR 13069, March 29, 1991). The revisions remove sections outdated by technological changes and reorganize and shorten the regulation for simplicity and clarity. It is not anticipated that the revised regulation will have a significant impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board approved issuing revisions for comment	12/15/89	55 FR 12850
Board adopted proposals	03/29/91	56 FR 13069

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A. Durkin, Regulatory Planning and Review Director, Federal Reserve System, Office of the Secretary, 202 452-2326

RIN: 7100–AA69

FRS

Completed Actions

4624. REGULATION: BB - COMMUNITY REINVESTMENT (DOCKET NUMBER: R-0691)

Legal Authority: 12 USC 2901 et seq

CFR Citation: 12 CFR 228

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: In June 1990, the Board (along with the Department of the Treasury, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, and the Office of Thrift Supervision) issued a temporary rule amending Regulation BB (and the other agencies' respective regulations) to implement changes in the Community Reinvestment Act contained in Title XII of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Following review of public comments, the Board, in June 1991, adopted a final rule establishing procedures applicable to State member banks governing public access to CRA Performance Evaluations and CRA ratings assigned by the Federal Reserve during the examination process (56 FR 26901, June 12, 1991). It requires State member banks to place their CRA Performance Evaluation and CRA ratings in their public comment file (which they are required to maintain under existing regulations) within 30 business days of receipt. State member banks must make the evaluation and rating available for public inspection and provide copies of the evaluation to interested parties upon (cont)

Timetable:

Action	Date	FR Cite
Board adopted temporary rule	06/28/90	55 FR 26623
Board adopted final rule	06/12/91	56 FR 26901

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: request, subject to a reasonable fee. State member banks also must amend their CRA Public Notices to reflect the public availability of the evaluation and rating.

The rule is not expected to have a significant economic impact on a substantial number of small entities; it imposes only minor burdens on all institutions, regardless of size.

Agency Contact: Janice Scandella, Review Examiner, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3946**

RIN: 7100–AB16

4625. RULES OF PRACTICE FOR HEARINGS (DOCKET NUMBER: R-0733)

Legal Authority: PL 101-173, Sec 916

CFR Citation: 12 CFR 263

Legal Deadline: Final, Statutory, August 9, 1991.

Abstract: In June 1991, the Board requested public comment on revisions to its rules regarding administrative hearings. Section 916 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 requires that the Federal banking agencies and the National Credit Union Administration Board jointly develop a set of uniform rules and procedures for administrative hearings, including provisions for summary judgment rulings where there are no disputes as to material facts of the case.

Following review of the public comments and in consultation with affected agencies, the Board adopted revisions to its rules in substantially the form proposed (56 FR 38048, August 9, 1991). The revisions are not expected to have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Board requested public comment	06/17/91	56 FR 27790
Board adopted revisions	08/09/91	56 FR 38048

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Douglas B. Jordan, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3787**

RIN: 7100–AB23

[FR Doc. 91-20893 Filed 10-18-91; 8:45 am]

BILLING CODE 6210-01-F

federal register

Monday
October 21, 1991

Part LV

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected date reflects an assessment by the FTC staff of the likelihood that the specified event will occur during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the notation of projected events in this agenda.

Several agenda items concern rulemaking proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding is likely to have a significant economic impact on such entities will depend upon the Commission's final determinations respecting the need for and the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff based upon information now available. These views should not be regarded as a final staff position nor should they be attributed to the Commission itself. The Commission will independently address the issues presented on the rulemaking record in each proceeding.

Agenda items include the projected timing of certain future actions. In most instances, the dates of future events are listed by month, not by a specific day. Acquisition of new information, change of circumstances, or changes in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact person listed for each particular proceeding.

By direction of the Commission.

Donald S. Clark,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4626	Mail Order Merchandise	3084-AA19
4627	Franchise Rule	3084-AA38

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4628	Review of the Funeral Industry Practices Rule	3084-AA05
4629	Review of Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
4630	Review of the Premerger Notification Rules and Report Form	3084-AA23
4631	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24
4632	Appliance Labeling Rule—Energy Policy and Conservation Act	3084-AA26

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4633	Appearances in Commission Proceedings; Foreign-Qualified Legal Representatives	3084-AA43

FTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4634	Informal Dispute Settlement Procedures	3084-AA30

FEDERAL TRADE COMMISSION (FTC)

Prerule Stage

4626. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Legal Deadline: None

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping dates or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. On October 11, 1989 (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Begin Reg Flex Act Review	10/20/83	
End Reg Flex Review	06/10/86	51 FR 20991
ANPRM	10/27/88	53 FR 43448
NPRM Published	11/28/89	54 FR 49060
Report Placed on Public Record	07/19/91	
Commission Consideration of Staff Recommendations	11/00/91	
Final Action	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: the Commission commenced a rulemaking to amend the rule to cover orders placed by telephone, and to change the rule's definition of "properly completed order" for credit sales to the time the seller receives sufficient information to charge the buyer's account. The Notice of Proposed Rulemaking was published on November 28, 1989. The deadline for filing written comments was January 29, 1990. Public hearings were held on March 28, 1990 and April 19, 1990. The record closed on June 15, 1990. The staff report was placed on the public record on July 19, 1991. It recommends that the Commission amend the rule to cover telephone order merchandise and change the definition of "properly completed order" as proposed. The Presiding Officer will make a recommendation based on the record and on the staff report. Thereafter, interested parties will be invited to comment.

Agency Contact: Joel N. Brewer, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2967

RIN: 3084–AA19

4627. FRANCHISE RULE

Legal Authority: 15 USC 41 et seq, Federal Trade Commission

CFR Citation: 16 CFR 436

Legal Deadline: None

Abstract: On December 21, 1978, the Commission issued a trade regulation rule applicable to franchises and other business opportunity ventures. The franchise rule took effect on October 21, 1979. The rule requires franchisors to give pre-sale disclosures to prospective investors before they pay money or become legally bound to pay. The disclosures provide material information and are designed to assure that potential investors have the information they need to investigate the franchise offer so they can make an informed investment decision. The Commission is considering whether to amend its trade regulation rule concerning franchises and business opportunity ventures. In particular, the Commission is considering whether to amend the rule's earnings claim and preemption provisions. On February 5, 1991, the Commission deferred this decision and continues to seek academic and other studies of the impact of streamlined earnings claim disclosure requirements. The record will be held open for receipt of this evidence and related comments until August 6, 1992.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/89	54 FR 7041
Notice of Reopening Record for Additional Evidence	02/13/91	56 FR 5783
Record Closes	08/06/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Craig Tregillus, Franchise Rule Coordinator, PC-H-238, Federal Trade Commission, Division of

FTC — Prerule Stage

Marketing Practices, Washington, DC 20580, 202 326-2970

RIN: 3084–AA38

FEDERAL TRADE COMMISSION (FTC) — Proposed Rule Stage

4628. REVIEW OF THE FUNERAL INDUSTRY PRACTICES RULE

Legal Authority: 15 USC 45; 15 USC 46(g); 15 USC 57(a)

CFR Citation: 16 CFR 453

Legal Deadline: None

Abstract: The Funeral Industry Practices Rule, which became fully effective on April 30, 1984, seeks to increase consumer access to accurate information about prices and legal requirements prior to and at the time of purchase of funeral goods and services. The Rule: (1) requires funeral directors to provide consumers with written itemized pre-sale disclosures; (2) prohibits misrepresentation of legal and cemetery requirements and the preservative or protective value of embalming, caskets, and vaults; (3) prohibits funeral directors from requiring a casket for cremations, or any other tie-in arrangements; (4) prohibits funeral directors from charging for goods and services not specifically ordered, such as embalming, unless required by law; and (5) requires funeral directors to give, on request, price information over the telephone. The Rule provides that no later than four years after its effective date, the Commission will begin a rulemaking proceeding to determine whether the Rule should be amended or terminated. (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	09/24/82	47 FR 42260
Prohibitions Effective Date	01/01/84	
Affirmative Requirements Effective Date	04/30/84	
ANPRM	12/09/87	52 FR 46706
NPRM	05/31/88	53 FR 19864
Hearings Ended	02/03/89	
Staff Report	06/29/90	
FR Notice Inviting Public Comment	07/30/90	55 FR 30925
Presiding Officer's Report	07/30/90	55 FR 30925
Comment Period End	10/15/90	
Final Staff Recommendation to Commission	06/20/91	
Oral Presentation to Commission	10/00/91	
Initial Commission Vote	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Commission has issued the Notice of Proposed Rulemaking for public comment and held public hearings in the cities of Washington, Chicago, and San Francisco. The staff's recommendation and presiding officer's report have been published, and public comments on those reports have been submitted. The staff has submitted its final recommendation to the Commission. The subsequent steps include oral presentations to the Commission. Thereafter, the Commission will make its final determination.

Agency Contact: Matthew Daynard, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3291

RIN: 3084–AA05

4629. REVIEW OF TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Legal Deadline: None

Abstract: The Holder-In-Due Course Rule affects many sales that are financed by closed-end or open-end consumer credit; therefore, it may have a significant effect on a substantial number of small entities. The Commission has solicited comments and data on this issue and, if the Rule has had an effect, whether it should be amended to minimize the kinds of costs the Rule has imposed on small entities, how the Rule has affected the availability and cost of credit for small entities and how creditors and sellers have adapted to the Rule. This information will be used to determine whether the Commission should amend or repeal the Rule.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	11/03/88	53 FR 44456
Staff Recommendations to Commission	09/30/91	
Commission Consideration of Staff Recommendations	11/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Clarke W. Brinckerhoff, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3208

RIN: 3084–AA08

4630. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801 to 803

Legal Deadline: None

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers

or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and reduce the paperwork burden on the business community. The Commission plans to propose modifications to the Premerger Notification and Report form during the next fiscal year. In September 1985, The Commission proposed to amend the Rule's treatment of acquisition (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
NPRM -- Ordinary Course	09/24/85	50 FR 38742
NPRM -- HSR Form	11/00/91	
NPRM Consolidation of Nonprofits	11/00/91	
NPRM Ord. Course	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: of goods or realty made in the ordinary course of business. The Commission expects to reconsider, this fall, what action, if any, to take on possible amendments regarding such acquisitions. The Commission also expects to consider in fiscal year 1992 what action, if any, to take on possible amendments regarding mergers and consolidations of non-profit organizations.

Agency Contact: Roberta S. Baruch, Deputy Assistant Director, Federal Trade Commission, Bureau of Competition, Washington, DC 20580, 202 326-2861

RIN: 3084–AA23

4631. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Legal Deadline: None

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an Advance Notice of Proposed Rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
NPRM	07/07/88	53 FR 25503
Staff Report	09/15/91	
Presiding Officer's Report	10/15/91	
Commission Consideration of Staff Recommendations	02/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which have been reconsidered. The Commission issued an NPRM on July 7, 1988 to consider amendments that would reduce the burden of the rule's recordkeeping and disclosure requirements.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 520A, 668 Euclid Ave., Cleveland, Ohio 44114, 216 522-4207

RIN: 3084–AA24

4632. APPLIANCE LABELING RULE—ENERGY POLICY AND CONSERVATION ACT

Legal Authority: Sec 324 of the Energy Policy and Conservation Act; PL 94-163 (1975)

CFR Citation: 16 CFR 305

Legal Deadline: None

Abstract: The purpose of the Energy Policy and Conservation Act is to enable consumers to conserve energy by comparing the energy use of competing appliances and use that information in purchasing decisions. To effect this purpose, the statute requires the Commission to issue a labeling rule prescribing the disclosure of the estimated annual cost of operation (or another measure of energy use) for at least 13 categories of major household appliances. The statute also requires that the disclosures be based on standardized test procedures prescribed by the Department of Energy ("DOE"). In 1979, the Commission promulgated the Appliance Labeling Rule, which covers eight appliance categories: (1) refrigerators, refrigerator-freezers and freezers; (2) dishwashers; (3) clothes washers; (4) water heaters; (5) room air conditioners; (6) furnaces; (7) central air conditioners and heat pumps; and (8) fluorescent lamp ballasts. The Rule requires that specific energy costs or efficiency information for covered products be disclosed in catalogs and at the point of sale in the form of a yellow and black "EnergyGuide" label (fact sheets are required (cont)

FTC **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM (Comprehensive Review)	06/13/88	53 FR 22022
Commission Consid. of Further Limited NPR (Comp. Review)	10/00/91	
Commission Consid. of NPR (Pool Heaters)	10/00/91	
Publication of Limited NPR (Comp. Review)	12/00/91	
Publication of NPR (Pool Heaters)	01/00/92	
Commission Review of Final Recommendations (Comp. Review)	02/00/92	
Publication of Final Rule (Comp. Review)	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: for furnaces, fact sheets or listing in an industry directory are required for central air conditioners and heat pumps, and an encircled "E" logo is required for fluorescent lamp ballasts). The Rule also mandates that energy-use-related advertisements be based on DOE test procedures. The Commission is currently considering amending the rules based on its experience since the Rule became effective, to make the Rule's energy use disclosure scheme more efficient for consumers and businesses. A statutorily-mandated proposal to include a new category (pool heaters) and two new types of water heaters is being developed at the staff level.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3035

RIN: 3084–AA26

FEDERAL TRADE COMMISSION (FTC) **Final Rule Stage**

4633. ● APPEARANCES IN COMMISSION PROCEEDINGS; FOREIGN-QUALIFIED LEGAL REPRESENTATIVES

Legal Authority: 15 USC 46

CFR Citation: 16 CFR 4.1

Legal Deadline: None

Abstract: On September 20, 1991, the Commission voted to amend section 4.1 of its Rules of Practice which governs appearances in Commission proceedings. Under the current rule, only attorneys licensed to practice in the United States are eligible to appear and participate in proceedings before the Commission. The revised rule would permit foreign attorneys, who are licensed to practice law in a European Community (EC) Member State and authorized to practice before The Commission of the European Communities, to also appear before the FTC.

Timetable:

Action	Date	FR Cite
Staff Recommendation to Commission	08/01/91	
Commission Consideration of Staff Recommendation	09/20/91	
Comment Period Begins	09/27/91	
Interim Rule Effective	09/27/91	
Interim Rule, Publication in Federal Register	09/27/91	56 FR 49138
Comment Period Ends	10/28/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen A. Rittner, Office of the General Counsel, Federal Trade Commission, Washington, DC 20580, 202 326-2498

RIN: 3084–AA43

FEDERAL TRADE COMMISSION (FTC) **Completed Actions**

4634. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Legal Deadline: None

Abstract: The Magnuson-Moss Warranty Act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. To assess whether any changes were needed, the Commission conducted a regulatory negotiation process. That process did not result in a consensus on rule revisions. On April 11, 1988, the FTC received a petition from the Motor Vehicle Manufacturers Association and the Automobile Importers Association to amend this rule to preempt certain state lemon laws. On June 13, 1991, the Commission notified the petitioners of

its conclusion that amending Rule 703 would not be in the public interest and of its decision to deny the petition to initiate a rulemaking proceeding. After analyzing (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Initial Notice of Intent to Form Advisory Committee	02/12/86	51 FR 5205
Convene Advisory Committee	09/23/86	
Facilitator Report to Commission	12/10/87	
Commission Issuance of ANPR	05/16/89	54 FR 21070
Comment Period Extended	07/17/89	54 FR 29910
Comment Period End	09/15/89	
Comment Period Extended	09/19/89	54 FR 38529
Comment Period Extended for Rebuttal Comments	11/09/89	54 FR 47091
Comment Period End	12/15/89	
Staff Recommendations to Commission	11/01/90	
Commission Consideration of Staff Recommendations	05/00/91	
Final Action	06/13/91	
Final Action Effective	06/13/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the comments received on the issues, the Commission was not persuaded that there is an adequate factual basis to establish that the costs of non-uniformity justify a rulemaking procedure, Federal preemption of State laws governing informal dispute settlement mechanisms ("IDSMs"), or Federal certification of IDSMs. The Commission further said that it believes that by enacting the Magnuson-Moss Warranty Act, Congress intended that consumers would benefit from the availability of IDSMs as alternatives to litigating warranty disputes, not that IDSMs, under Rule 703, were to be the sole alternative means available to consumers for resolving such disputes.

Agency Contact: Carole Danielson, Federal Trade Commission, Division of Marketing Practices, Washington, DC 20580, **202 326-3115**

RIN: 3084–AA30

[FR Doc. 91-22442 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21, 1991

Part LVI

Interstate Commerce Commission

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420; Sub-No. 21]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to instructions from OMB issued to implement the provisions of section 5 of Executive Order 12291 concerning regulatory agendas, the Commission is publishing an agenda of: (1) Current and projected rulemakings and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget, which is to be published in a single issue of the **Federal Register** in October 1991. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal Government's current regulatory plans and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: August 12, 1991.
By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Prerule Stage

4635. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period End	08/28/85	50 FR 27031
Supplemental Comment Period	02/07/86	50 FR 52972
Comments Under Internal Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13. In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7245

RIN: 3120–AA13

4636. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None

Abstract: The Commission is considering whether to exempt in whole or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7245

RIN: 3120–AB35

4637. CLASS EXEMPTION FOR RAIL CONSTRUCTION, EX PARTE NO. 392 (SUB-NO. 3)

Significance: Agency Priority

ICC

Prerule Stage

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10901; 5 USC 553; 5 USC 559; 5 USC 704

CFR Citation: 49 CFR 1150.35

Legal Deadline: None

Abstract: The Commission is considering whether to exempt from regulation all applications under 49 USC 10901 for construction and operation of new lines of railroad.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/87	52 FR 20632
ANPRM Comment Period End	07/02/87	52 FR 20632
Comments Under Evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7245

RIN: 3120–AB50

INTERSTATE COMMERCE COMMISSION (ICC)

Proposed Rule Stage

4638. RATE GUIDELINES—NONCOAL PROCEEDINGS, EX PARTE NO. 347 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553

CFR Citation: None

Legal Deadline: None

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive noncoal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy Statement	05/22/86	51 FR 18811
Notice of Intent To Participate Due	06/02/86	
Comments Due	07/21/86	
Begin Review	07/24/87	
End Review	09/30/87	
Comments Under Internal Evaluation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leslie J. Selzer, Assistant to the Director, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7627

RIN: 3120–AB41

4639. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 USC 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7245

RIN: 3120–AB43

4640. ASSOCIATION OF AMERICAN RAILROADS—PETITION TO EXEMPT INDUSTRIAL DEVELOPMENT ACTIVITIES FROM 49 USC 10761(A), 10762(A) (1), 11902, 11903, AND 11904(A), EX PARTE NO. 346 (SUB-NO. 26)

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10761(a); 49 USC 10762(a)(1); 49 USC 11902; 49 USC 11903; 49 USC 11904(a); 5 USC 553

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Commission proposes to exempt certain market development activities from the anti-rebating provisions of the Interstate Commerce Act, commonly referred to as the Elkins Act. The proposal would permit railroads to engage in these activities without fear of prosecution. The exemption would apply only to pre-movement, non-transportation activities; subsequent traffic movements would continue to be regulated to the extent they are today.

Timetable:

Action	Date	FR Cite
ANPRM	06/13/90	55 FR 24132
ANPRM Comment Period End	07/13/90	
NPRM	07/15/91	56 FR 32159
NPRM Comment Period End	09/25/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7245

RIN: 3120–AB65

ICC

Proposed Rule Stage

4641. JOINT PETITION FOR RULEMAKING ON RAILROAD CAR-HIRE COMPENSATION, EX PARTE NO. 334 (SUB-NO. 8), ET AL

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10326; 49 USC 10505; 49 USC 10708; 49 USC 10762; 49 USC 11105; 49 USC 11121; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1039

Legal Deadline: None

Abstract: Acting on a request by rail carriers and car leasing companies, the Commission proposes to deprescribe car-hire rates over a 10-year period. The Commission also requests comments on a petition seeking to exempt from 49 USC 10706, which accords rail carriers the right to establish rates by independent action, a proposed rule requiring arbitration of car-hire rates not negotiated successfully bilaterally. Under the proposal, new "railroad-marked" freight cars would be deprescribed one year after the rules take effect, and carriers would be allowed to designate 10 percent of their existing fleet each year until all cars are deprescribed. During the 10-year transition period, prescribed car-hire rates would be frozen at their 1990 levels.

Timetable:

Action	Date	FR Cite
NPRM	01/17/91	56 FR 1781
NPRM Comment Period End	03/18/91	
Comments Under Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7245

RIN: 3120–AB67

4642. ● SAFETY FITNESS POLICY, EX PARTE NO. 55 (SUB-NO. 84)

Significance: Agency Priority

Legal Authority: 49 USC 10101; 49 USC 10301; 49 USC 10302; 49 USC 10305; 49 USC 10321; 49 USC 10921; 49 USC 10922; 49 USC 10924; 49 USC 10926; 49 USC 11928; 49 USC 11102; 49 USC 11321; 49 USC 11343; 5 USC 553; 5 USC 559; ...

CFR Citation: 49 CFR 1011; 49 CFR 1160; 49 CFR 1181; 49 CFR 1186

Legal Deadline: None

Abstract: This proceeding was instituted to redefine the Commission's policy governing safety fitness standards in motor carrier licensing and finance proceedings to render them more consistent with Department of Transportation safety rating standards and recent statutory changes, more in keeping with industry norms, and more administratively manageable. The Commission proposed to revise its safety policy to restrict only "Unsatisfactory"-rated carriers from receiving operating authority in the licensing and finance dockets. The revised policy as proposed would permit unrated and "Conditional"-rated applicants, including those seeking passenger and hazardous materials authority, to receive operating authority without one-year term limitations.

Timetable:

Action	Date	FR Cite
NPRM	06/06/91	56 FR 26370
NPRM Comment Period End	06/26/91	56 FR 26370
Final Policy Statement and Rules	10/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Suzanne Higgins O'Malley, Principal Attorney, Motor Section, Office of Proceedings, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7292

RIN: 3120–AB68

4643. ● RAILROAD TRANSPORTATION CONTRACTS, EX PARTE NO. 387 (SUB-NO. 963)

Legal Authority: 49 USC 10321; 49 USC 10713; 5 USC 553

CFR Citation: 49 CFR 1313

Legal Deadline: None

Abstract: The ICC proposes to preclude the amendment of any contract more than 90 days after its expiration date and to require that contracts be amended to reflect any automatic extensions of expiration dates. The ICC is experiencing a problem storing the large volume of confidential rail contracts filed by carriers pursuant to section 10713 of the Interstate Commerce Act (49 USC 10713). The problem results primarily from our inability to determine from our files which contracts are active or may be reactivated, and which have been permanently terminated and can be stored off-site. The proposed action will alleviate the Commission's storage problem for confidential rail contracts and will significantly enhance the integrity of the Commission's files, while continuing to provide carriers and shippers with what should be more than adequate flexibility.

Timetable:

Action	Date	FR Cite
NPRM	05/30/91	56 FR 24365
NPRM Comment Period End	07/01/91	56 FR 24365
Comments Under Review	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James W. Greene, Assistant to the Director, Bureau of Traffic, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-1795

RIN: 3120–AB69

INTERSTATE COMMERCE COMMISSION (ICC)

Final Rule Stage

4644. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10708; 49 USC 10761; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312; 49 CFR 1314

Legal Deadline: None

Abstract: The ICC lifted a stay it had previously imposed in this proceeding in order to consider petitions for reconsideration. The result was that regulations which were previously adopted at 54 FR 6403 became effective for rail carriers only. Rail carriers are now permitted to file electronic tariffs as an alternative to printed tariffs. Rail carriers are required to accompany their electronic tariffs with identical printed tariffs until further notice. With respect to other modes, the effective date of the adopted regulations is stayed pending consideration of a petition to reopen.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	48 FR 9672
ANPRM Comment Period End	04/26/83	48 FR 18861
NPRM	10/22/87	52 FR 39549
NPRM Comment Period End	02/19/88	53 FR 5022
Final Action	02/10/89	54 FR 6403
Effective Date Stayed	03/13/89	54 FR 10533
Final Action Effective	03/13/89	54 FR 6403
Stay Lifted in Part for Rail Carriers	10/19/89	54 FR 42959
Petition To Reopen Under Review	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Although final rules have been adopted in this proceeding, their effective date has been stayed for all transportation modes except rail pending disposition of a petition to reopen.

Agency Contact: Charles E. Langyher, Chief, Section of Tariffs, Bureau of Traffic, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7739

RIN: 3120–AA99

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

4645. ENVIRONMENTAL DOCUMENTATION IN RAIL PROCEEDINGS, EX PARTE NO. 55 (SUB-NO. 22A)

Significance: Agency Priority

CFR Citation: 49 CFR 1105; 49 CFR 1106; 49 CFR 1150; 49 CFR 1152

Completed:

Reason	Date	FR Cite
Final Action	07/30/91	56 FR 36104
Final Action Effective	09/29/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elaine K. Kaiser, 202 275-7003

RIN: 3120–AB53

4646. REVISION OF REGULATIONS GOVERNING INSURANCE AND SURETY COMPANIES MAKING ICC FILINGS, EX PARTE NO. MC-5 (SUB-NO. 11)

CFR Citation: 49 CFR 1043.8; 49 CFR 1084.6

Completed:

Reason	Date	FR Cite
Final Action	06/13/91	56 FR 28110
Final Action Effective	07/19/91	56 FR 28110

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Alice K. Ramsay, 202 275-0854

RIN: 3120–AB63

4647. RAIL GENERAL EXEMPTION AUTHORITY: LUMBER AND WOOD PRODUCTS EX PARTE NO. 346 (SUB-NO. 25)

CFR Citation: 49 CFR 1039

Completed:

Reason	Date	FR Cite
Final Action	07/11/91	56 FR 31547
Final Action Effective	08/10/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Lundy, 202 275-0760

RIN: 3120–AB64

4648. REVISION OF FEEDER RAILROAD DEVELOPMENT RULES, EX PARTE NO. 395 (SUB-NO. 2)

Significance: Agency Priority

CFR Citation: 49 CFR 1151

Completed:

Reason	Date	FR Cite
Final Action	08/09/91	56 FR 37860
Final Action Effective	09/08/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, 202 275-7245

RIN: 3120–AB66

[FR Doc. 91-20894 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21, 1991

Part LVII

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of July 31, 1991. NCUA will also include this agenda in the Unified Agenda of Federal Regulations.

DATES: This information is current as of July 31, 1991.

ADDRESSES: National Credit Union Administration, 1776 G Street NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: For each regulation listed, the person(s) named in the listing at the above address or listed telephone number.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to follow regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The agenda is divided into three parts: (1) Actions completed since the last agenda; (2) actions proposed but not completed; and (3) actions planned but not yet proposed by the NCUA Board.

The agenda is published pursuant to NCUA Interpretive Ruling and Policy Statement Number 87-2 ("Developing and Reviewing Government Regulations," 54 FR 35231; September 18, 1987). Executive Order No. 12291 does not require independent executive agencies such as NCUA to publish a regulatory agenda, but NCUA has voluntarily decided to do so by including this agenda in the Office of Management and Budget's next publication of its Unified Agenda of Federal Regulations.

Approved by the NCUA Board on August 13, 1991.

Becky Baker,

Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4649	Credit Union Service Contracts and Correspondent Services	3133-AA95
4650	Share Insurance and Appendix	3133-AB15
4651	Real Estate Lending	3133-AB19
4652	Change in Official or Senior Executive Officer in Credit Unions That Are Newly Chartered or Are in Troubled Condition	3133-AB27
4653	Golden Parachute and Indemnification Payments	3133-AB28
4654	Special Reserves	3133-AB29
4655	Voluntary Liquidations	3133-AB30
4656	Requirements for Insurance	3133-AB31

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4657	Management Official Interlocks	3133-AA19
4658	Employee Responsibility and Conduct	3133-AA64
4659	Share, Share Draft and Share Certificate Accounts	3133-AA82
4660	Investment and Deposit Activities	3133-AA87
4661	Involuntary Liquidations of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally Insured Credit Unions in Liquidation	3133-AB17
4662	Excerpts From the Uniform Standards of Professional Appraisal Practice Applicable to Federally Related Transactions	3133-AB20
4663	Member Business Loans	3133-AB21
4664	Supervisory Policy Statement on Securities Activities	3133-AB22
4665	Corporate Credit Unions	3133-AB24

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4666	Loan Participation	3133-AA49
4667	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50

NCUA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
4668	Purchase of Assets and Assumption of Liabilities	3133-AB23
4669	Administrative Actions, Adjudicative Hearings, Rules of Practice and Procedure, and Investigations	3133-AB25
4670	Loan Interest Rates	3133-AB26

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Proposed Rule Stage

4649. CREDIT UNION SERVICE CONTRACTS AND CORRESPONDENT SERVICES

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.26

Legal Deadline: None

Abstract: The proposed rule clarifies the limits on the authority for an FCU to provide services and activities to other credit unions. In response to comments, staff is preparing a proposed revision which would permit and set safety and soundness standards for correspondent credit union services between credit unions.

Timetable:

Action	Date	FR Cite
ANPRM	11/21/89	54 FR 48110
ANPRM Comment Period End	02/20/90	
NPRM	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Staff expects to present a proposed revision to the NCUA Board in the fall of 1991.

Agency Contact: Martin E. Conrey, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA95

4650. SHARE INSURANCE AND APPENDIX

Legal Authority: 12 USC 1766; 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 745

Legal Deadline: None

Abstract: On May 15, 1990, the FDIC issued final rules on deposit insurance (55 FR 20111). The FDIC rules differ in some respects from NCUA's current rules and/or policies. NCUA staff will be analyzing the changes and clarifications to deposit insurance coverage rules made by the FDIC, in order to determine whether changes in NCUA's insurance regulation are warranted.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Staff plans to complete its review and present recommendations to the NCUA Board by the end of 1991.

Agency Contact: James J. Engel, Deputy General Counsel, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AB15

4651. REAL ESTATE LENDING

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.21(f) and (g)

Legal Deadline: None

Abstract: NCUA Letter to Credit Unions Number 124, issued in June 1991, addresses some NCUA staff concerns regarding credit union real estate lending. In light of NCUA's concerns, staff is reviewing various issues in real estate lending, including documentation, construction loans, and interest rate risk, to determine whether any changes in the regulation are necessary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Staff plans to complete its review and present a recommendation to the NCUA Board in late 1991.

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9640**

RIN: 3133–AB19

4652. ● CHANGE IN OFFICIAL OR SENIOR EXECUTIVE OFFICER IN CREDIT UNIONS THAT ARE NEWLY CHARTERED OR ARE IN TROUBLED CONDITION

Significance: Agency Priority

Legal Authority: 12 USC 1791

CFR Citation: 12 CFR 701.14

Legal Deadline: None

Abstract: Staff is working on an amendment to prohibit chief executive officers and managers from working at a credit union until the NCUA notice of approval/disapproval is issued.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McKenna, Staff Attorney, Office of General Counsel, National Credit Union

NCUA — Proposed Rule Stage

Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB27

4653. ● GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1786(t)

CFR Citation: 12 CFR 701.34

Legal Deadline: None

Abstract: The Crime Control Act of 1990 amended the Federal Credit Union Act to strictly limit the use of golden parachute payments and indemnification by credit unions. NCUA staff is working on a proposal to implement this statutory amendment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Associate General Counsel, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB28

4654. ● SPECIAL RESERVES

Legal Authority: 12 USC 1762(b); 12 USC 1781(b)(6); 12 CFR 741.9(a)(2)

CFR Citation: 12 CFR 702.4

Legal Deadline: None

Abstract: NCUA staff is reviewing a uniform procedure to use in requiring special reserves for federally insured credit unions and a mechanism for credit unions to respond to such orders.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Schulman, Trial Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB29

4655. ● VOLUNTARY LIQUIDATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1766(a); 12 USC 1787

CFR Citation: 12 CFR 710

Legal Deadline: None

Abstract: NCUA staff is reviewing procedures for voluntary liquidations in light of changes in practice and as part of its regulatory review process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry Courson, Special Assistant to the President, Asset Liquidation Management Center, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 512 482-4550

RIN: 3133–AB30

4656. ● REQUIREMENTS FOR INSURANCE

Significance: Agency Priority

Legal Authority: 12 USC 1757; 12 USC 1766(a); 12 USC 1781; 12 USC 1782; 12 USC 1783; 12 USC 1784; 12 USC 1785; 12 USC 1786; 12 USC 1787; 12 USC 1788; 12 USC 1789; 12 USC 1790

CFR Citation: 12 CFR 741

Legal Deadline: None

Abstract: NCUA staff is reviewing requirements for National Credit Union Share Insurance Fund (NCUSIF) insurance as part of its regulatory review process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Groth, State Program Officer, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9640

RIN: 3133–AB31

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Final Rule Stage

4657. MANAGEMENT OFFICIAL INTERLOCKS

Legal Authority: 12 USC 3201 et seq

CFR Citation: 12 CFR 711

Legal Deadline: None

Abstract: This part, which implements the provisions of the Depository Institution Management Interlocks Act, prohibits certain overlaps by officials of various financial institutions. The rule is uniform with those of other Federal financial institution regulators. A Federal financial institutions' working group has met since 1989 to discuss possible changes to reflect amendments to the Depository Institutions Management Interlocks Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41614
ANPRM Comment Period End	01/23/89	53 FR 41614
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Until the Federal financial institutions' working group completes its recommendations, no action is contemplated.

Agency Contact: Michael J. McKenna, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AA19

4658. EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222; 5 CFR 735.104; 12 USC 1766

CFR Citation: 12 CFR 796

Legal Deadline: None

Abstract: This regulation sets forth the rules governing NCUA employees. The rule does not affect credit unions.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42955
NPRM Comment Period End	01/23/89	53 FR 42955
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: In 1988, the NCUA Board approved a rule which was submitted to the Office of Government Ethics (OGE) for approval. The rule was reviewed by OGE and recommended changes were made. In April 1989, the Board adopted a final package, designated as Part 796, which was to become final after OGE adopted its own rules and NCUA obtained approval of Part 796 as a final regulation. Changes introduced by the Ethics Reform Act of 1989 required OGE to further revise its rules, which it published as a proposed rule on July 23, 1991 (56 FR 33778). The comment period ends on September 20, 1991. After the OGE adopts a final rule, the NCUA will proceed with its rule.

Agency Contact: James J. Engel, Deputy General Counsel, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA64

4659. SHARE, SHARE DRAFT AND SHARE CERTIFICATE ACCOUNTS

Legal Authority: 12 USC 1752; 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.35

Legal Deadline: None

Abstract: The proposed rule clarifies that dividends on member share accounts are based on available earnings and are not guaranteed, and sets forth situations in which notice of that fact is required.

Timetable:

Action	Date	FR Cite
NPRM	05/05/90	55 FR 21618
NPRM Comment Period End	07/24/90	55 FR 21618
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final action has been postponed indefinitely pending Congressional action on Truth-In-Savings legislation.

Agency Contact: Hattie M. Ulan, Associate General Counsel, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA82

4660. INVESTMENT AND DEPOSIT ACTIVITIES

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 703

Legal Deadline: None

Abstract: The proposed rule prohibits or restricts access to certain high-risk investments; prohibits investments in corporate credit unions that fail to comply with part 704 of the NCUA Rules and Regulations or are not examined by the NCUA; requires credit unions to establish written investment policies; and establishes conditions under which a Federal credit union must analyze the credit quality of an institution it is permitted to make deposits in under Section 107(8) of the Federal Credit Union Act.

Timetable:

Action	Date	FR Cite
NPRM	03/21/91	56 FR 11944
NPRM Comment Period End	05/20/91	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Staff expects to present a final rule to the NCUA Board in the fall of 1991.

Agency Contact: Charles Felker, Investment Officer, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA87

4661. INVOLUNTARY LIQUIDATIONS OF FEDERAL CREDIT UNIONS AND ADJUDICATION OF CREDITOR CLAIMS INVOLVING FEDERALLY INSURED CREDIT UNIONS IN LIQUIDATION

Legal Authority: 12 USC 1766; 12 USC 1787

CFR Citation: 12 CFR 709

Legal Deadline: None

Abstract: FIRREA authorized NCUA to promulgate regulations setting out liquidation procedures, and required that such regulations provide, at a minimum, for expedited relief and alternative dispute resolution procedures. The proposed rule sets out the powers of the liquidating agent, claims procedures, procedures for expedited relief and alternative dispute resolution procedures, and a priority schedule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/91	56 FR 24147
NPRM Comment Period End	07/29/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Staff expects to present a final rule to the NCUA Board in the early fall of 1991.

Agency Contact: John K. Ianno, Trial Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AB17

4662. EXCERPTS FROM THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE APPLICABLE TO FEDERALLY RELATED TRANSACTIONS

Legal Authority: 12 USC 1766; 12 USC 1789; PL 101-73

CFR Citation: 12 CFR 722, app A

Legal Deadline: None

Abstract: The interim common rule, issued jointly with other Federal financial institution regulators (FRB, OTS, RTC, OCC, and FDIC), is designed to ensure that reliable appraisals are rendered in connection with federally related transactions.

NCUA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/90	55 FR 53609
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Staff expects to present a final rule to the NCUA Board in late 1991.

Agency Contact: Michael J. McKenna, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AB20

4663. MEMBER BUSINESS LOANS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.21(h)

Legal Deadline: None

Abstract: The proposed rule would amend existing requirements for credit unions involved with business lending. The proposed rule limits the exemption on loans secured by a lien on 1- to 4-family dwellings that are the member's primary residence; sets an aggregate loan limit; sets forth new requirements for construction loans; requires written lending policies; defines loan-to-value ratio; limits loans to one borrower to 10% of reserves or $75,000, whichever is higher; and limits maximum term of loans to 12 years.

Timetable:

Action	Date	FR Cite
ANPRM	01/24/91	56 FR 2723
Correction to ANPRM	02/07/91	56 FR 5061
Correction to ANPRM	02/14/91	56 FR 5959
ANPRM Comment Period End	03/25/91	
NPRM	04/15/91	56 FR 15053
NPRM Comment Period End	06/14/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Staff expects to present a final rule to the NCUA Board in the early fall of 1991.

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9640**

RIN: 3133–AB21

4664. SUPERVISORY POLICY STATEMENT ON SECURITIES ACTIVITIES

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: None

Legal Deadline: None

Abstract: The five member agencies of the Federal Financial Institutions Examination Council (FRB, FDIC, NCUA, OCC, and OTS) are proposing to update and revise the supervisory policy on the selection of securities dealers and unsuitable investment practices which was approved in April 1988. The proposed revised policy addresses the selection of securities dealers; requires depository institutions to establish prudent policies and strategies for securities transactions; defines securities trading or sales practices that are viewed by the agencies as being unsuitable when conducted in an investment portfolio; indicates characteristics of loans held for sale or trading; and denotes certain types of securities with volatile price or other high risk characteristics that are generally not suitable investments for depository institutions.

Timetable:

Action	Date	FR Cite
Request for Comment on Supervisory Policy Statement	01/03/91	56 FR 263
Extension of Comment Period to March 6, 1991	01/31/91	56 FR 3831
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A final policy statement is expected in late 1991, which will replace NCUA Interpretive Ruling and Policy Statement 88-1 Policy on Selection of Securities Dealers and Unsuitable Investment Practices.

Agency Contact: Charles Felker, Investment Officer, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9640**

RIN: 3133–AB22

4665. CORPORATE CREDIT UNIONS

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 704

Legal Deadline: None

Abstract: The proposed rule requires that corporate credit union officials adopt and follow a written business plan; requires written loan, investment, and funds management policies; expands permissible investments; limits loans to a single borrower to total capital or 10% of paid-in and unimpaired shares and deposits plus capital, whichever is greater; limits loans to CUSOs and investments in fixed assets to not more than 15% of capital; and requires that at least 3 members of the corporate's board of directors are independent of any other organization with which the corporate is associated.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/90	55 FR 11608
NPRM	03/21/91	56 FR 11952
Extension of Comment Period to July 1, 1991	05/06/91	56 FR 20567
NPRM Comment Period End	05/20/91	
ANPRM Comment Period End	05/29/91	
Interim Final Rule	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Staff expects to present a final rule to the NCUA Board in the early fall of 1991.

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9640**

RIN: 3133–AB24

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Completed Actions

4666. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Legal Deadline: None

Abstract: The final rule makes no changes to the loan participation rule.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41613
ANPRM Comment Period End	01/23/89	53 FR 41613
NPRM	01/19/90	55 FR 1827
NPRM Comment Period End	04/19/90	55 FR 1827
Final Action	04/15/91	56 FR 15034
Final Action Effective	04/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McKenna, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA49

4667. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Legal Deadline: None

Abstract: The final rule clarifies that eligible obligation loans purchased from members and subsequently refinanced are not subject to the 5% of unimpaired capital and surplus limitation on aggregate eligible obligation investments of the Federal Credit Union Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41613
ANPRM Comment Period End	01/23/89	53 FR 41613
NPRM	01/19/90	55 FR 1827
NPRM Comment Period End	04/19/90	55 FR 1827
Final Action	04/15/91	56 FR 15034
Final Action Effective	04/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McKenna, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA50

4668. PURCHASE OF ASSETS AND ASSUMPTION OF LIABILITIES

Legal Authority: 12 USC 1752(5); 12 USC 1755 to 1757; 12 USC 1759; 12 USC 1761a to 1761b; 12 USC 1766 to 1767; 12 USC 1781 to 1790; PL 101-73

CFR Citation: 12 CFR 701.23; 12 CFR 741.3; 12 CFR 741.4

Legal Deadline: None

Abstract: The final rule requires federally insured credit unions to receive approval from the NCUA before either purchasing certain loans or assuming certain deposits, shares, or other liabilities of non-federally insured credit unions, financial-type institutions, or their successors in interest.

Timetable:

Action	Date	FR Cite
NPRM	11/26/90	55 FR 49059
NPRM Comment Period End	01/25/91	
Final Action	07/29/91	56 FR 35808
Correction of Effective Date of Final Action	08/06/91	56 FR 37276
Final Action Effective	08/28/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Martin E. Conrey, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AB23

4669. ● ADMINISTRATIVE ACTIONS, ADJUDICATIVE HEARINGS, RULES OF PRACTICE AND PROCEDURE, AND INVESTIGATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1766; 12 USC 1784; 12 USC 1787

CFR Citation: 12 CFR 747

Legal Deadline: None

Abstract: The final rule adopts the Uniform Rules of Practice and Procedure developed by the Federal financial institutions' regulators, as required by the Financial Institutions Reform, Recovery and Enforcement Act 1989 (FIRREA). New subpart A replaces old subparts A, C, D and E of part 747, new subpart B is reserved for future use, and old subparts B and F through J are redesignated as new subparts C through J.

Timetable:

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27790
NPRM Comment Period End	07/17/91	
Final Action	08/08/91	56 FR 37762
Final Action Effective	08/09/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven W. Widerman, Trial Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AB25

4670. ● LOAN INTEREST RATES

Significance: Agency Priority

Legal Authority: 12 USC 1752(5); 12 USC 1755; 12 USC 1756; 12 USC 1757; 12 USC 1759; 12 USC 1761a; 12 USC 1761b; 12 USC 1766; 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789; 12 USC 1798; PL 101-73

CFR Citation: 12 CFR 701.21(c)(7)

Legal Deadline: None

Abstract: Federal law requires the NCUA Board to set a loan interest limit higher than 15% per year, after consultation with Congress, the Department of the Treasury, and other Federal financial agencies, for a period not to exceed 18 months, if certain conditions are met. The rule sets forth the Board's determination that a loan interest limit of 18% per year is warranted.

Timetable:

Action	Date	FR Cite
Final Action	08/09/91	56 FR 37828
Final Action Effective	09/09/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles H. Bradford, Chief Economist, Office of Chief Economist, National Credit Union

Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9600**

RIN: 3133–AB26

[FR Doc. 91-20895 Filed 10-18-91; 8:45 am]

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Monday
October 21, 1991

Part LVIII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354 "The Regulatory Flexibility Act" and Executive Order 12291 "Federal Regulation." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on April 22, 1991 (56 FR 17002).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Attention: Docketing and Service Branch. Comments may also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying at a cost of 10 cents per page at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555. Single copies of the NRC quarterly agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. Customers may call (202) 275-2060 or (202) 275-2171.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone (301) 492-7758. Persons outside the Washington, DC, metropolitan area may call, toll-free: (300) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually, in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on April 22, 1991 (56 FR 17002).

Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through August 23, 1991. The date under the heading "Timetable," for the next scheduled action, is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The regulatory agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the regulatory agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The EDO initiated a procedure for review of the regulations being prepared by staff offices that report to him to ensure that staff resources are allocated most effectively to achieve NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

The NRC agenda lists rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Eight rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland, this 22nd day of August 1991.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4671	Night Firing Qualifications for Security Guards at Nuclear Power Plants	3150-AC88
4672	Emergency Telecommunications System Upgrade	3150-AD39

NRC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4673	Amendment to 10 CFR 51.51 and 51.52, Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"	3150-AA31
4674	Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance and Conditions of Construction Permits	3150-AA68
4675	Criteria for an Extraordinary Nuclear Occurrence	3150-AB01
4676	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
4677	NRC Acquisition Regulation (NRCAR)	3150-AC01
4678	Elimination of Inconsistencies between NRC Regulations and EPA HLW Standards	3150-AC03
4679	Disposal of Waste Oil by Incineration from Nuclear Power Plants	3150-AC14
4680	Radioactive Waste Below Regulatory Concern; Generic Rulemaking	3150-AC35
4681	Transportation Regulations: Compatibility With the International Atomic Energy Agency (IAEA)	3150-AC41
4682	Comprehensive Quality Assurance in Medical Use and a Standard of Care	3150-AC42
4683	Reasserting NRC's Sole Authority for Approving Onsite Low-Level Waste Disposal in Agreement States	3150-AC57
4684	Revision of Definition of Meeting	3150-AC78
4685	Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE and Subsection IWL)	3150-AC93
4686	Medical Use of Byproduct Material: Training and Experience Criteria	3150-AC99
4687	Minor Amendments to the Physical Protection Requirements	3150-AD03
4688	Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems, and Components	3150-AD10
4689	Day Firing Qualifications and Physical Fitness Programs for Security Personnel at Category I Fuel Cycle Facilities	3150-AD30
4690	Low-Level Waste Manifest Information and Reporting	3150-AD33
4691	Requirements for Possession of Industrial Devices	3150-AD34
4692	Import and Export of Radioactive Wastes	3150-AD36
4693	Clarification of Emergency Preparedness Regulations	3150-AD40
4694	Iridium-192 Wire for Interstitial Treatment of Cancer	3150-AD46
4695	Emergency Planning Regulations for Part 52 Licensing	3150-AD48
4696	Reinvestigation of Individuals Granted Unescorted Access to Nuclear Power Plants	3150-AD49
4697	Repository Operations Criteria	3150-AD51
4698	Fracture Toughness and Reactor Vessel Material Surveillance Requirements	3150-AD57
4699	Clarification of Statutory authority for Purposes of Criminal Enforcement	3150-AD62
4700	Import and Export of Nuclear Equipment and Material	3150-AD64
4701	Residual Radioactivity Criteria for Unrestricted Release of Lands and Structures	3150-AD65
4702	Fitness-for-Duty Programs for Category I Fuel Facilities and Shipments	3150-AD68
4703	Use of Radiopharmaceuticals for Medical Research, Use of Biologics Containing Byproduct Material, and Compounding Radiopharmaceuticals	3150-AD69
4704	Training and Qualification of Nuclear Power Plant Personnel	3150-AD80
4705	Restrict Maximum Air Gap Between the Device and the Product for General Licensed Devices	3150-AD82
4706	Timeliness in Decommissioning of Materials Facilities	3150-AD85
4707	Access Authorization Reinvestigation Program for Licensee Personnel	3150-AD86
4708	Decommissioning Funding for Prematurely Shutdown Power Reactors	3150-AD89
4709	Change to Part 50 to Update Source Term and Replace Dose Calculation	3150-AD91
4710	Change to Part 100 to Add Site Criteria, Update Appendix A and Remove Dose Calculations; Interim Change to Part 50 to Add Source Term and Dose Calculations	3150-AD92
4711	Seismic and Geological Siting Criteria for Nuclear Power Plants	3150-AD93
4712	Environmental Review for Renewal of Operating Licenses	3150-AD94
4713	Decommissioning Recordkeeping and License Termination: Documentation Additions	3150-AD98
4714	Conforming Guidance on Low Level Waste Disposal Facilities with 10 CFR Part 61	3150-AE00
4715	Physical Protection of Special Nuclear Materials in Transit	3150-AE02
4716	DOE-L or DOE-Q Reinvestigation Program for NRC-R Cleared Individuals	3150-AE03

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4717	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
4718	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
4719	Availability of Official Records	3150-AC07
4720	Basic Quality Assurance Program, Records and Reports of Misadministrations or Events Relating to the Medical Use of Byproduct Material	3150-AC65
4721	Licenses and Radiation Safety Requirements for Large Irradiators	3150-AC98

NRC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4722	Nuclear Power Plant License Renewal	3150-AD04
4723	Codes and Standards for Nuclear Power Plants (ASME Code, 1986/1987/1988 Addenda, 1989 Edition)	3150-AD05
4724	Salary Offset Procedures for Collecting Debts Owned by Federal Employees to the Federal Government	3150-AD44
4725	Discrimination on the Basis of Sex	3150-AD50
4726	Material Control and Accounting Requirements for Uranium Enrichment Facilities Producing Special Nuclear Material of Low Strategic Significance	3150-AD56
4727	Revisions to Procedures to Issue Orders: Challenges to Orders that are Made Immediately Effective	3150-AD60
4728	Revision of Specific Exemptions	3150-AD83
4729	Uranium Enrichment Regulation	3150-AD90
4730	Change in Commercial Telephone Number for Region V	3150-AE01

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4731	Standards for Protection Against Radiation	3150-AA38
4732	Access Authorization Program for Nuclear Power Plants	3150-AA90
4733	Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
4734	Notifications of Incidents	3150-AC91
4735	Monitoring the Effectiveness of Maintenance Programs for Nuclear Power Plants	3150-AD00
4736	Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events	3150-AD01
4737	Emergency Response Data System	3150-AD32
4738	Willful Misconduct by Unlicensed Persons	3150-AD38
4739	Revisions to Procedures to Issue Orders	3150-AD53
4740	Operator's Licenses	3150-AD55
4741	Fitness-for-Duty Programs: Nuclear Power Plant Personnel	3150-AD61
4742	License Renewal for Nuclear Power Plants; Scope of Environmental Effects	3150-AD63
4743	Timeliness in Conduct of Decommissioning of Material Facilities	3150-AD66
4744	Decommissioning Regulations: Recordkeeping and Termination for Decommissioning, Documentation Additions	3150-AD67
4745	Program Fraud Civil Remedies Act	3150-AD71
4746	Procedures for Direct Commission Review of Decisions of Presiding Officers	3150-AD73
4747	Fee Schedules for Facilities and Materials Licenses and Annual Fees for Operating Power Reactor Licenses	3150-AD81
4748	Assistance to Prospective Petitioners	3150-AD84
4749	Revision of Fee Schedules; 100 Percent Fee Recovery	3150-AD87
4750	Change in Commercial Telephone Number for Region V	3150-AD88
4751	Return of Topaz II Reactor to Soviet Union	3150-AD95
4752	Standards for Protection Against Radiation: Monitoring Reports Statement	3150-AD96
4753	Policy and Procedure for Enforcement Actions; Policy Statement	3150-AD97
4754	Imports from South Africa	3150-AD99

NUCLEAR REGULATORY COMMISSION (NRC) — Prerule Stage

4671. NIGHT FIRING QUALIFICATIONS FOR SECURITY GUARDS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: The rulemaking would ensure that security force effectiveness at nuclear power plants is not dependent on the time of day. Security guards currently are required to perform night firing for familiarization only. There is no requirement for standards to measure their effectiveness. The rule would change that by requiring that security guards at nuclear power plants qualify for night firing. The only alternative to rulemaking is to retain the current status.

Part 73, Appendix B, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The amendment will standardize training and qualification in night firing and prepare power reactor guard forces to respond more effectively in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and

NRC

Prerule Stage

programs. The costs to NRC will also be minimal because it will only require minor licensing, inspection and other regulatory actions. (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: There is no occupational exposure.

Agency Contact: Sher Bahadur, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3775**

RIN: 3150–AC88

4672. EMERGENCY TELECOMMUNICATIONS SYSTEM UPGRADE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require the implementation of the NRC's Emergency Telecommunications System (ETS) upgrade at all licensed nuclear power plants and selected fuel cycle facilities. The NRC's primary role in an emergency at a licensed nuclear facility is one of monitoring the licensee to ensure that appropriate recommendations are made with respect to offsite actions to protect public health and safety. In order to adequately perform this function, the NRC requires reliable communications with the licensee and the regional offices. Experience with the currently installed ETS had indicated that a sufficient number of problems exist to warrant a system upgrade.

The ETS upgrade will be comprised of a satellite network to transmit between the NRC Operations Center, the Regions, the Technical Training Center (TTC), and the licensee sites with a land-based telephone exchange backup system. This design is expected to provide the necessary emergency telecommunications functions with sufficient redundancy to ensure availability even under the challenging communication conditions that were (CONT)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: existing during a nuclear emergency. The licensees will be required to provide the hardware, logistics, operational and maintenance support to implement the ETS upgrade at their sites.

Agency Contact: Markley L. Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3749**

RIN: 3150–AD39

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

4673. AMENDMENT TO 10 CFR 51.51 AND 51.52, TABLES S-3 AND S-4, ADDITION OF RADON-222 AND TECHNETIUM-99 RADIATION VALUES, AND ADDITION OF APPENDIX B, "TABLE S-3 EXPLANATORY ANALYSIS"

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 51

Legal Deadline: None

Abstract: The proposed rule amends the Table of Uranium Fuel Cycle Environmental Data (Table S-3) by adding new estimates for releases of technetium-99 and radon-222, and by updating other estimates. The proposed rule's Appendix B to Subpart A (narrative explanation), also describes the basis for the values contained in Table S-3, explains the environmental effects of these potential releases from the LWR Fuel Cycle, and postulates the potential radiation doses, health effects, and environmental impacts of these releases. The proposed rule also amends 10 CFR 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation (burnup in megawatt-days of thermal power per metric ton of uranium). The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: The proposed revision of 10 CFR 51.51 and the addition of Appendix B was published for public review and comment on March 4, 1981 (46 FR 15154). The final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v. NRC, No. 74-1486) in the U.S. Circuit Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision on April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983.

The proposed rule to provide an explanatory narrative for Table S-3 has been revised to reflect new modeling developments during the time the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been expanded to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154).

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3739**

RIN: 3150–AA31

4674. PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE AND CONDITIONS OF CONSTRUCTION PERMITS

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Legal Deadline: None

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e), both of which require the reporting of safety defects by operating license (OL) holders and construction permit (CP) holders. In addition, Part 21 requires reporting of safety defects by non-licensee vendors. The proposed amendments were prompted by the TMI Action Plan Task II.J.4 and NRC staff experience with Part 21 and sec. 50.55(e) reporting. The main objectives of the rulemaking effort are: (1) reduction of duplicate evaluation and reporting of safety defects; (2) establishment of a consistent threshold for safety defect reporting in Part 21 and sec. 50.55(e); (3) establishment of a consistent, uniform content of reporting under Part 21 and sec. 50.55(e); and (4) establishment of consistent time frames for reporting of defects in Part 21 and sec. 50.55(e).

Approximately 200 reports are submitted to the Commission annually under Part 21. Approximately 750 sec. 50.55(e) reports are submitted annually. These reports identify both plant-specific and generic safety defects requiring further NRC evaluation and regulatory action. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44594
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Under the current Part 21 and sec. 50.55(e), these reports have formed the basis for NRC issuance of numerous NRC generic communications.

The proposed rulemaking will reduce duplicate reporting and evaluation of safety defects which now exist. The rulemaking will establish a more coherent regulatory framework that is expected to reduce the industry reporting and evaluation burden significantly without any reduction in reporting safety defect information.

Current annual costs of reporting under Part 21 and sec. 50.55(e) are estimated at approximately $6 million dollars for industry and $680,000 for NRC evaluations. It is anticipated that the annual industry reporting burden should be reduced by approximately $1 million while the NRC burden will be slightly reduced.

Agency Contact: William R. Jones, Nuclear Regulatory Commission, Office of Analysis and Evaluation of Operational Data, Washington, DC 20555, **301 492-4442**

RIN: 3150–AA68

4675. CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

There are no alternatives to this rulemaking, as the current ENO criteria are already embodied in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do, is through rulemaking.

There is no safety impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule would also be responsive to PRM-140-1.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	09/06/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3640**

RIN: 3150–AB01

4676. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 05 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would shorten and simplify existing Commission procedural rules applicable to domestic licensing proceedings by comprehensively restating, revising and reorganizing the statement of those rules to reflect current practice. The changes in this proposed rule would enable the Commission, directly and through its adjudicatory offices, to render decisions in a more timely fashion, eliminate the stylistic complexity of the existing rules, and reduce the burden and expense to the parties participating in agency proceedings. In 1987, the Commission deferred consideration of this proposal which would have revised the Commission's procedural rules governing the conduct of all adjudicatory proceedings other than export licensing proceedings under 10 CFR Part 110, pending consideration of other, more limited revisions to the rules of practice. In 1989, former Chairman Zech requested that this proposed rule be updated and re-submitted for re-consideration by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee S. Dewey, Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, **301 492-7787**

RIN: 3150–AB66

4677. NRC ACQUISITION REGULATION (NRCAR)

Legal Authority: 42 USC 2201; 41 USC 401

CFR Citation: 48 CFR 020

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish provisions unique to the NRC concerning the acquisition of goods and services. The NRC Acquisition Regulation is necessary to implement and supplement the governmentwide Federal Acquisition Regulation. This action is necessary to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency. The NRC Acquisition Regulation implements the Federal Acquisition Regulation within the agency and includes additional policies, procedures, solicitation provisions, or contract clauses needed to meet specific NRC needs.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	54 FR 40420
NPRM Comment Period End	12/01/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Mary Lynn Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-8788**

RIN: 3150–AC01

4678. ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA HLW STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Legal Deadline: None

Abstract: The proposed rule would eliminate several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

Because the NWPA directs NRC to eliminate inconsistencies between Part 60 and the EPA standard, the alternatives to the proposed action are limited by statute.

The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations. NRC resources needed would be several staff-years but will not include contract resources.

Because the Federal Court invalidated the EPA standards, action on this rule, which is in response to the EPA standards, is undetermined.(cont)

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22288
NPRM Comment Period End	08/18/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The proposed rule entitled, "Amendments to Part 60 to Delineate Anticipated Processes and Events and Unanticipated Processes and Events," was incorporated into this proposed rule on June 19, 1990. The objective of the rulemaking is to improve the licensing process for the geologic repository program.

Agency Contact: Melvin Silberberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3810**

RIN: 3150–AC03

4679. DISPOSAL OF WASTE OIL BY INCINERATION FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 2167; 42 USC 2073

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The proposed rule, which was initiated in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM-20-15, dated July 31, 1984), would amend NRC regulations to allow onsite incineration of waste oil at nuclear power plants subject to specified conditions. Currently, the only approved disposal method for low-level, radioactively contaminated waste oil from nuclear power plants involves absorption or solidification, transportation to, and burial at a licensed disposal site. There is a clear need to allow, for very low activity level wastes, the use of alternative disposal methods which are more cost effective from a radiological health and safety standpoint and which conserve the limited disposal capacity of low-level waste burial sites.

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32914
NPRM Comment Period End	10/28/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be released to the environment on an unrestricted basis.

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3638**

RIN: 3150–AC14

4680. RADIOACTIVE WASTE BELOW REGULATORY CONCERN; GENERIC RULEMAKING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 2; 10 CFR 20

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) sought comments on a proposal to amend NRC regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated as radioactive.

The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient and effective means of dealing with disposal of wastes below regulatory concern. Generic rulemaking would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99-240). The public was asked to comment on 14 questions. The ANPRM requested public comment on several alternative approaches that the NRC could take. The evaluation of public comment together with the results from a research contract and a Below Regulatory Concern consensus building effort will help to determine whether and how NRC should proceed on the matter.

Timetable:

Action	Date	FR Cite
ANPRM	12/02/86	51 FR 43367
ANPRM Comment Period End	03/02/87	51 FR 43367

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James C. Malaro, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3764**

RIN: 3150–AC35

4681. TRANSPORTATION REGULATIONS: COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Legal Deadline: None

Abstract: The proposed rule would, in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Series No. 6 "Regulations for the Safe Transport of Radioactive Material," 1985 Edition.

Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. In addition, the accident experience of every country that bases its domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety program. The action will be handled as a routine (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21550
DOT Proposed Rule Published	11/14/89	54 FR 47454
NPRM Comment Period End	02/09/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, have been issued for public comment.

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3784**

RIN: 3150–AC41

4682. COMPREHENSIVE QUALITY ASSURANCE IN MEDICAL USE AND A STANDARD OF CARE

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations to require a comprehensive quality assurance program for medical licensees using byproduct materials. The purpose of this rulemaking action is to address each source of error that can lead to a misadministration. An ANPRM was published to request public comment on the extent to which in addition to the basic quality assurance procedures (being addressed by another rulemaking action, entitled "Basic Quality Assurance Program for Medical Use of Byproduct Material"), a more comprehensive quality assurance requirement is needed and invites advice and recommendations on about 20 questions that will have to be addressed in the rulemaking process.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/87	52 FR 36949
ANPRM Comment Period End	12/31/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC42

4683. REASSERTING NRC'S SOLE AUTHORITY FOR APPROVING ONSITE LOW-LEVEL WASTE DISPOSAL IN AGREEMENT STATES

Legal Authority: 42 USC 2201; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would establish NRC as the sole authority for approving onsite disposal of very low-level waste at all NRC licensed reactors and at Part 70 facilities. There is a need to amend sec. 150.15 to authorize one agency (NRC) to regulate all onsite disposal of very low-level waste in order to provide a comprehensive regulatory review, to ensure that sufficient records of disposals are retained, to avoid unnecessary duplication of effort, and to provide greater assurance that the site can be released for unrestricted use upon decommissioning.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31880
NPRM Comment Period End	10/21/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry S. Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3634**

RIN: 3150–AC57

4684. REVISION OF DEFINITION OF MEETING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Legal Deadline: None

Abstract: The proposed rule would return the definition of "meeting" to its pre-1985 wording. The proposal is based on a study of comments submitted on an interim final rule published on May 21, 1985 (50 FR 20889), and the 1987 recommendations and report of the American Bar Association (ABA). Since the pre-1985 wording of the definition of meeting is fully adequate to permit the types of non-Sunshine Act discussions that the NRC believes would be useful, the proposal calls for the NRC to reinstitute its pre-1985 definition of meeting, with the intention of conducting its non-Sunshine Act discussions in accordance with the guidelines recommended by the ABA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Crane, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AC78

4685. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, SECTION XI, DIVISION 1, SUBSECTION IWE AND SUBSECTION IWL)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference Subsection IWE, "Requirements for Class MC Components of Light-Water Cooled Power Plants," and Subsection IWL, "Requirements for Class CC Concrete Components of Light-Water Cooled Power Plants," of Section XI (Division 1) of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Subsection IWE provides the rules and requirements for inservice inspection, repair, and replacement of Class MC pressure retaining components and their integral attachments, and of metallic shell and penetration liners of Class CC pressure retaining components and their integral attachments in light-water cooled power plants. Subsection IWL provides the rules and requirements for inservice inspection and repair of the reinforced concrete and post tensioning systems of Class CC components.

Incorporation by reference of Subsection IWE and Subsection IWL will provide systematic examination rules for containment structure for meeting Criterion 53 of the General Design Criteria (Appendix A of 10 CFR Part 50) and Appendix J of 10 CFR Part 50. (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Age-related degradation of containments has occurred, and additional and potentially more serious degradation mechanisms can be anticipated as nuclear power plants age.

If the NRC did not take action to endorse the Subsection IWE and Subsection IWL rules, the NRC position on examination practices for containment structure would have to be established on a case-by-case basis and improved examination practices for steel containment structures might not be implemented. The other alternatives of incorporating these detailed examination practices for steel containment structures might not be implemented. The other alternatives of incorporating these detailed examination requirements into the American National standard ANSI/ANS 56.8-1981 or into Appendix J are not feasible.

Adoption of the proposed amendment would permit the use of improved methods for containment inservice inspection.

Agency Contact: Wallace E. Norris, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3805**

RIN: 3150–AC93

4686. MEDICAL USE OF BYPRODUCT MATERIAL: TRAINING AND EXPERIENCE CRITERIA

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) discussed amending Commission regulations concerning training and experience criteria for individuals involved in the medical use of byproduct material. Rulemaking may be needed to reduce the chance of misadministration. The Commission may proceed with rulemaking, assist in the development of national voluntary training standards, or issue a policy statement recommending increased licensee attention to training. If the Commission proceeds with rulemaking, the NRC could publish criteria in its

regulations or recognize medical specialty certificates. The Commission requested cost/benefit comments in the ANPRM, published May 25, 1988. The contractor study of training, accreditation, and certification programs that are now in place has been completed. The NRC staff has analyzed the comments received in response to the ANPRM and the contractor report. The staff analysis and proposed course of action were provided to the Advisory Committee on Medical Uses of Isotopes (ACMUI) as an agenda item at their meeting on July 10, 1990. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/25/88	53 FR 18845
ANPRM Comment Period End	08/24/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The ACMUI responded that the information which the staff had gathered does not support the premise that training and experience is a factor in misadministrations. The ACMUI suggested that additional information be gathered which includes the training and experience of the person committing the violation. The staff will modify its collection parameters, and continue to collect data. The staff is currently preparing a Commission Paper recommending that NRC not proceed with rulemaking on this issue at this time.

Agency Contact: Larry Camper, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 492-3417**

RIN: 3150–AC99

4687. MINOR AMENDMENTS TO THE PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 072; 10 CFR 073; 10 CFR 075

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations dealing with physical protection requirements that are out of date, susceptible to differing interpretations, or in need of clarification. These problems were identified by a systematic review of the agency's safeguards regulations and guidance documents conducted by the Safeguards Interoffice Review Group (SIRG). In addition, the staff has identified other areas in the regulations where minor changes are warranted. In response to these efforts, specific amendments to the regulations are being proposed. The proposed changes would: (1) add definitions for common terms not currently defined, (2) delete action dates that no longer apply, (3) correct outdated terms and cross references, (4) clarify wording that is susceptible to differing interpretations, (5) correct typographical errors, and (6) make other minor changes. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/15/89	54 FR 33570
NPRM Comment Period End	09/29/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The alternative to rulemaking would be to allow the status quo to continue. These minor amendments affect the public, industry and the NRC only in so far as they make the regulations easier to understand, implement, and enforce.

Agency Contact: Stanley P. Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3739**

RIN: 3150–AD03

4688. ACCEPTANCE OF PRODUCTS PURCHASED FOR USE IN NUCLEAR POWER PLANT STRUCTURES, SYSTEMS, AND COMPONENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would develop regulations requiring enhanced receipt inspection and testing of products purchased for use in nuclear power plant structures, systems, and components. These regulations are believed to be necessary to provide an acceptable level of assurance that products purchased for use in nuclear power plants will perform as expected to protect the public health and safety. This ANPRM was published to solicit public comments on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements.

Timetable:

Action	Date	FR Cite
ANPRM	03/06/89	54 FR 9229
ANPRM Comment Period End	07/05/89	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Lief J. Norrholm, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-0961**

RIN: 3150–AD10

4689. DAY FIRING QUALIFICATIONS AND PHYSICAL FITNESS PROGRAMS FOR SECURITY PERSONNEL AT CATEGORY I FUEL CYCLE FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require that security personnel qualify and requalify annually on specific standardized day firing courses using all assigned weapons. Current regulations require day firing qualification using a national police course or equivalent for handguns and an NRA or nationally recognized course for semiautomatic weapons. A firing course specified for shotguns is in need of revision. Recent amendments to Part 73 added a requirement for night firing qualification using specific, designated firing courses. To ensure uniformity, the current day firing requirements should be compatible.

Additionally, current regulations specify that security personnel shall have no physical weaknesses that would adversely affect their performance of

assigned job duties. However, no regulatory standards exist for assuring that security personnel are physically fit to perform their duties. Requirements for a physical fitness program and fitness standards at Category I fuel cycle facilities for security personnel need to be added to the regulations in order to provide a uniform, (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: enforceable program. Guidance will be developed to ensure that such a program will not, at the same time, endanger the health of those participating in it.

The proposed rule would amend 10 CFR Part 73, Appendix H, to include day firing qualification courses in each type of required weapon as well as a standardized physical fitness training course and fitness standards for security personnel. Alternatives to the rulemaking would be to allow the status quo to continue. Standardization of day firing courses to be consistent with those established for night firing would be of negligible cost to the 3-4 affected licensees and to the NRC because day firing qualification using a variety of firing courses is already being done. Physical fitness training programs would incur moderate costs to the licensees in the area of personnel time and limited physical fitness equipment. The cost to the NRC would be in the area of licensing and inspection activities. Neither area of rulemaking affects occupational exposure.

Agency Contact: H. Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3634**

RIN: 3150–AD30

4690. LOW-LEVEL WASTE MANIFEST INFORMATION AND REPORTING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020; 10 CFR 061

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to: (1) improve information contained in manifests accompanying shipments of waste to low-level waste (LLW) disposal facilities licensed under Part 61; (2) develop a uniform manifest for national use; (3) require that operators of these disposal facilities store portions of this manifest information in onsite computer recordkeeping systems; and (4) require that operators periodically submit, in an electronic format, reports of shipment manifest information.

To ensure safe disposal of LLW, the NRC must understand the mechanisms and rates by which radioactivity can be released from LLW and into the environment. To do this, the NRC must understand the chemical, physical, and radiological characteristics of LLW. This task is greatly complicated by the heterogeneous nature of LLW; it exists in a variety of chemical and physical forms and contains roughly 200 different radionuclides in concentrations that can range from a few microcuries to several hundred curies per cubic foot. Each year there are thousands of shipments to LLW disposal sites. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	09/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The rulemaking will help the eventual development of a complete, detailed national LLW computer data base, operated by DOE or the NRC if necessary, that contains information about waste disposed in all LLW sites, those regulated by NRC as well as by Agreement States. The rulemaking, through development of a uniform manifest, would also improve safe and expeditious movement of LLW from generators through processors or collectors to disposal facilities. Emergency accident procedures would be enhanced through use of a single uniform manifest.

We expect that the rulemaking will slightly increase disposal costs. The rulemaking is a budgeted activity cited in the NRC 5-year plan.

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3877**

RIN: 3150–AD33

4691. REQUIREMENTS FOR POSSESSION OF INDUSTRIAL DEVICES

Legal Authority: 42 USC 2111; 42 USC 2114; 42 USC 2201

CFR Citation: 10 CFR 031; 10 CFR 032

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations for the possession of industrial devices containing byproduct material to require device users to report to the NRC on a periodic basis. The proposed report would indicate that the device is still in use or to whom the device has been transferred. The proposed rule would be the most efficient method, considering the number of general licensees and the number of devices currently in use, for assuring that devices are not improperly transferred or inadvertently discarded. The proposed rule is necessary to avoid unnecessary radiation exposure to the public that may occur when an improperly discarded device is included in a batch of scrap metal for reprocessing. The proposed rule would also avoid the unnecessary expense involved in retrieving the manufactured items fabricated from contaminated metal. The proposed rule would impose a small burden on device users and the NRC.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3795**

RIN: 3150–AD34

4692. IMPORT AND EXPORT OF RADIOACTIVE WASTES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would consider amending the Commission's regulations by reexamining the existing NRC regulations for the import and export of radioactive wastes. This action is necessary to respond to concerns that international transfers of radioactive wastes, in particular low-level radioactive wastes, may not be properly controlled. Various options for establishing a Commission policy on the import and export of radioactive wastes are being considered. The Commission published this ANPRM to seek comments from the public, industry, and other government agencies on various regulatory options and issues developed thus far. Thirty-one comments were received on this ANPRM. The comments were received from several different sources.

Timetable:

Action	Date	FR Cite
ANPRM	02/07/90	55 FR 4181
ANPRM Comment Period End	04/24/90	55 FR 10786

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Morton Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3794**

RIN: 3150–AD36

4693. CLARIFICATION OF EMERGENCY PREPAREDNESS REGULATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by clarifying the linkage between the need for "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" indicated in Section 50.47(a) and 16 planning standards outlined in Section 50.47(b). In addition, the rulemaking will clarify the term "range of protective" actions. Other issues to be clarified include monitoring of evacuees, actions for recovery and reentry, notification of the public, evacuation time estimates, and exercise frequency.

In a December 23, 1988, memorandum to the EDO from SECY, the staff was directed to review the "...NRC's emergency planning regulations and propose revisions designed to eliminate ambiguity and clarify the regulations to include what constitutes the exercise scope prior to the full power licensing...." The staff outlined the proposed rulemaking in a memorandum from the EDO to the Commission dated June 29, 1989.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3918**

RIN: 3150–AD40

4694. IRIDIUM-192 WIRE FOR INTERSTITIAL TREATMENT OF CANCER

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing the medical uses of byproduct material. The proposed amendment would add iridium-192 wire to the list of brachytherapy sources permitted for use in interstitial treatment of cancer. Under current NRC regulations, users must have their licenses amended before they may use this brachytherapy source. The proposed rule has been developed in response to a petition for rulemaking (Docket No. PRM-35-8) submitted by Amersham Corporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AD46

4695. EMERGENCY PLANNING REGULATIONS FOR PART 52 LICENSING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning those portions of emergency plans which cannot be exercised prior to issuance of a Part 52 combined license. This rulemaking will be accomplished on a "high priority basis" as directed in a staff requirements memorandum dated September 12, 1989.

It is estimated that 2 staff-years of effort over 2 years will be required for this rulemaking.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3918**

RIN: 3150–AD48

4696. REINVESTIGATION OF INDIVIDUALS GRANTED UNESCORTED ACCESS TO NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require periodic updates of FBI fingerprint checks for reinvestigation of individuals granted unescorted access to nuclear power plants or access to safeguards information. The current regulations require each licensee who is

authorized to operate a nuclear power plant under Part 50 to submit fingerprint cards to the NRC for those individuals who are permitted unescorted access to a nuclear power facility or to safeguards information and who are not exempted under 10 CFR 73.57(b)(2). Fingerprints are used to secure a review of the individual's criminal history record by the FBI. Information received from the FBI is reviewed by the licensee in order to determine whether further unescorted access to the facility or to safeguards information should continue to be granted or denied. The current regulations do not include a reinvestigation element.

In order to address the question of periodic reinvestigation, 10 CFR 73.57, "Requirements for Criminal History Checks of Individuals Granted Unescorted Access to a Nuclear Power Facility or Access to Safeguards Information by Power (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Reactor Licensees," would be amended. The amendment would require that licensees who operate a nuclear power plant submit fingerprint cards for applicable personnel to the NRC for criminal history checks every 5 years. Authorization for unescorted access would be retained by an individual pending results of the criminal history check on that individual's fingerprints. The alternative is to allow the status quo to continue, with no reinvestigation of utility personnel required.

This rulemaking will have a minimal impact on the NRC because of the NRC's limited participation in processing the reinvestigations. The impact on industry will include the cost of fingerprinting and submitting fingerprint cards through the NRC to the FBI for criminal history checks. The current regulation requires payment of $21 per investigation, payable by the industry. It is expected that this rate would also apply for each reinvestigation and would constitute full reimbursement to the government.

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AD49

4697. REPOSITORY OPERATIONS CRITERIA

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 060

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning additional preclosure regulatory requirements for high-level waste geologic repositories. Several issues associated with preclosure regulatory requirements have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. These involve: (a) the lack of clearly prescribed requirements for the establishment of a controlled use area intended to protect public health and safety in the event of a postulated radionuclide release and (b) the definition of structures, systems, and components important to safety for which certain design and quality assurance criteria apply. In order to meet the milestones mandated by the Nuclear Waste Policy Act of 1982, as amended, and milestones pertaining to DOE's production schedule in the Mission Plan amendments, guidance is needed from NRC on these matters to enable DOE to proceed with the siting of a geologic repository. (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The proposed amendments would require the establishment of a controlled use area, based on radiation dose criteria, for the siting of geologic repositories. In addition, a new definition of structures, systems, and components important to safety would be added that would be similar to one in 10 CFR Part 72.

Agency Contact: Morton Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3794**

RIN: 3150–AD51

4698. FRACTURE TOUGHNESS AND REACTOR VESSEL MATERIAL SURVEILLANCE REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commissions's regulations by updating the list of editions of E 185 that are incorporated to include the 1990 edition, which is now in the final balloting stages. The rule would also change the ASME Code Appendix that is referenced in Appendix G, 10 CFR Part 50, from Appendix G of Section III, the construction code, to Appendix G in the 1989 Edition of Section XI, the inservice inspection code. At present the two appendices are identical. The reason for adding an Appendix G in the 1989 Edition of Section XI was to put it under the jurisdiction of a working group whose members were taking an active interest in fracture issues as a consequence of working with the problems of operating plants. Updating is expected to include advances in fracture analysis, because the original Appendix G of Section III has been in use since 1972. (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The proposed rule would also delete paragraph IV.B of Appendix G, which requires that reactor vessels be designed to permit annealing if they are predicted to undergo embrittlement to specified levels. This action is needed to conform to the Commission's position as stated in the Supplementary Information for the PTS rule published in 1985.

The added costs to licensees to implement these changes in requirements will be minimal--even a cost savings in many cases.

Agency Contact: Allen L. Hiser, Jr., Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3988

RIN: 3150–AD57

4699. CLARIFICATION OF STATUTORY AUTHORITY FOR PURPOSES OF CRIMINAL ENFORCEMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 011; 10 CFR 019; 10 CFR 020; 10 CFR 021; 10 CFR 025; 10 CFR 026; 10 CFR 030; 10 CFR 031; 10 CFR 032; 10 CFR 033; 10 CFR 034; 10 CFR 035; 10 CFR 039; 10 CFR 040; 10 CFR 050; ...

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by revising the authority citations accompanying some of the regulations to more clearly identify those violations which, if willfully violated, may subject the violator to potential criminal penalties. The NRC has been unable to refer some cases to the Department of Justice (DOJ) or the DOJ has had difficulty in prosecuting cases as a result of the gaps and inconsistencies in the existing authority citations. The proposed rule would specify which regulations were issued under subparagraph "b," "i," or "o" of Section 161 of the Atomic Energy Act. These amendments would ensure that persons subject to the Commission's regulations are put on notice as to which regulations, if willfully violated, may subject them to criminal sanctions pursuant to section 223 of the Atomic Energy Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Geoffrey Cant, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555, 301 492-3283

RIN: 3150–AD62

4700. IMPORT AND EXPORT OF NUCLEAR EQUIPMENT AND MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing the import and export of nuclear equipment and material. Miscellaneous changes are proposed in several areas of Part 110. The Commission has reviewed its processing of nuclear export license applications and has determined that the following do not raise issues that require Commission review: (1) license applications for the export of any quantity of heavy water to Canada, and (2) license applications or the export of low-enriched uranium to EURATOM and Japan for enrichment to no more than 5% U-235. The Executive Branch agencies also reviewed their processing of nuclear export license applications and have determined that for these license applications Executive Branch review will not be required.

In addition, the NRC has identified several other areas where minor changes are warranted. These proposed changes would: (1) permit the expedited import and export of certain nuclear material where no significant proliferation risks are involved, (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: (2) clarify the wording of the coverage of some nuclear commodities, (3) streamline the procedures for public participation in NRC's licensing process, (4) delete from the list of restricted destinations those countries that recently have signed the Non-Proliferation Treaty, (5) add Namibia to the general license for the import into the United States of Namibian origin uranium in any form, (6) add definitions for terms not currently defined, and (7) make other minor changes. There is no acceptable alternative to rulemaking because the amendments to the regulations are necessary to ensure the orderly and efficient administration of NRC's import and export responsibilities without incurring any national security or proliferation risks. The rule should benefit the NRC, industry, and the public by making the regulations easier to understand, implement, and enforce and by expediting the review process for certain kinds of applications.

Agency Contact: Elaine O. Hemby, Nuclear Regulatory Commission, Office of Governmental and Public Affairs, Washington, DC 20555, 301 492-0341

RIN: 3150–AD64

4701. RESIDUAL RADIOACTIVITY CRITERIA FOR UNRESTRICTED RELEASE OF LANDS AND STRUCTURES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to codify the basic principles and criteria which would allow residually contaminated lands and structures to be released for unrestricted public use. The rule would reflect Commission views as defined in the Below Regulatory Concern Policy Statement which was published in the Federal Register on July 3, 1990 (55 FR 27522). For example, lands and structures would be considered suitable for release for unrestrictive use if the licensee demonstrates that the action will comply with the exemption policy's individual and collective dose criteria and other policy conditions. In the final rule on General Requirements for Decommissioning Nuclear Facilities (53 FR 24108) dated June 27, 1988, the need and urgency for guidance with respect to residual contamination criteria was expressed. At that time, it was anticipated that an interagency working group organized by the Environmental Protection Agency would develop necessary Federal guidance. However, in the absence of significant progress by the interagency working group the Commission has directed that the NRC expedite a residual radioactivity rulemaking because (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: the requirements, once final, will provide licensees with an incentive to complete site decommissionings.

The rule would codify the basic principles and criteria expressed in a staff requirements memorandum dated March 19, 1991. Measurables, in the form of surface and volume radioactivity concentrations and site radioactivity inventory values, would be provided in supporting regulatory guidance. These combined activities should benefit the public industry and the NRC by providing a risk-based framework upon which decommissioning activities and license terminations can be accomplished. The framework will assure adequate protection of public health and safety and identify residual radioactivity criteria upon which licensees can confidently develop reasonable and responsible decommissioning plans.

Agency Contact: James Malaro, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3764**

RIN: 3150–AD65

4702. FITNESS-FOR-DUTY PROGRAMS FOR CATEGORY I FUEL FACILITIES AND SHIPMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 026

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's fitness-for-duty regulations to include Category I fuel facilities and Category I shipments. This action is necessary to ensure fitness for duty of employees: (1) who have direct access to large quantities of special nuclear material (SNM); (2) who are responsible for the protection of the material; and (3) who transport the material. The proposed rule is expected to lead to compatibility with equivalent DOE programs.

The central issue for Category I-type facilities and shipments is the risk of theft or diversion of high-enriched SNM due to drug-related causes which, in turn, could pose a significant risk to the health, safety, or security of a large population. Current regulations only cover nuclear power plants and need to be expanded to include Category I facilities and shipments with requirements reflecting the differences between the nuclear power plants and the Category I facilities and shipments. There is no alternative to rulemaking which would accomplish the objectives of the rulemaking.(cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The rulemaking will address the fitness-for-duty programs as they pertain to the type of facility or mode of shipment. The rulemaking will address the following aspects of the fitness-for-duty programs--general performance objectives, program elements and procedures, records and reports, audits, and enforcement.

The impact of the rule on the NRC licensing inspection and enforcement program will be approximately 1 FTE per year. The NRC resources required to develop the rulemaking are estimated to be 0.5 FTE per year for 2 years. The cost to industry will include chemical testing and operating costs.

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3739**

RIN: 3150–AD68

4703. USE OF RADIOPHARMACEUTICALS FOR MEDICAL RESEARCH, USE OF BIOLOGICS CONTAINING BYPRODUCT MATERIAL, AND COMPOUNDING RADIOPHARMACEUTICALS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The proposed rule would examine the Commission's regulations related to the compounding of radiopharmaceuticals, the use of biologics containing byproduct material, and the medical research uses of radiopharmaceuticals. The NRC's response to the petition for rulemaking submitted by the American College of Nuclear Physicians and the Society of Nuclear Medicine (PRM-35-9) could result in denial or proposed rulemaking for all or part of the petition. This task is expected to consume about 2 staff-years of effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AD69

4704. TRAINING AND QUALIFICATION OF NUCLEAR POWER PLANT PERSONNEL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require each applicant and holder of a license to operate a nuclear power plant to establish and use a systems approach in developing training programs for management, supervisory, professional, and technical workers who have an impact on the health and safety of the public. Licensees and applicants would also be required to establish qualification requirements for those personnel. The objectives of the proposed rule are to codify existing industry practices related to personnel training and qualification, and to meet the directives contained in Section 306 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The task is expected to require approximately 2 staff-years of effort.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Louise Roe, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3745**

RIN: 3150–AD80

4705. RESTRICT MAXIMUM AIR GAP BETWEEN THE DEVICE AND THE PRODUCT FOR GENERAL LICENSED DEVICES

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 032

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to prevent unnecessary radiation exposure to individuals resulting from the use of gauging devices containing radioactive sources. These devices are routinely used for measuring material density, level, weight, moisture, and thickness. The proposed rule would require specific design criteria or other prescribed methods to prevent personnel access to a radiation field in excess of 10 CFR Part 20 limits for unrestricted areas. Controlling devices found to have unacceptable air gaps under a specific license would require licensees to provide more stringent controls over these devices and make licensees subject to routine inspections.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3784**

RIN: 3150–AD82

4706. ● TIMELINESS IN DECOMMISSIONING OF MATERIALS FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 070; 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require timely decontamination and decommissioning of materials facilities. The amendments would establish a specific time frame for the execution and completion of decontamination of operating materials facilities and decommissioning of materials facilities upon termination of operations. The proposed rule is intended to reduce the potential risk to the public and the environment from contaminated materials facilities after licensed activities are terminated at these facilities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Kovach, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3729**

RIN: 3150–AD85

4707. ● ACCESS AUTHORIZATION REINVESTIGATION PROGRAM FOR LICENSEE PERSONNEL

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 2273; 42 USC 5841

CFR Citation: 10 CFR 025

Legal Deadline: None

Abstract: The proposed rule establishes a reinvestigation program for licensee personnel with NRC "Q" and "L" access authorizations. The amendment is necessary to ensure uniformity in the investigative requirements for "Q" and "L" access authorizations. Currently, NRC requires a reinvestigation every five years for its employees, consultants, experts and panel members with "Q" or "L" access authorization, but no routine reinvestigation for licensee personnel with the same level of access authorizations. The proposed rule will also establish the requirement that licensee personnel whose access authorizations were granted five or more years ago would be subject to a reinvestigation similar in scope to that required for NRC employees. This will have no known impact on the public since only licensee personnel who require access to classified National Security Information or Restricted Data for a period of five years or more will be affected. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/31/91	56 FR 36113
NPRM Comment Period End	09/13/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This will affect approximately 31 licensees or license applicants who have personnel with such access authorizations. The impact on such licensees will be limited because (1) not all employees requiring access to classified information require such access for a continuous period exceeding five years, and (2) many of the people who would be affected by this proposed rule change are covered by a DOE reinvestigation program for its contractors and those reinvestigations would be acceptable as meeting NRC's requirements. The benefit of the rule change is to establish consistency in the requirements for all personnel, NRC and licensee, who have "Q" and "L" access authorization which will help assure continued eligibility for such authorization. This action will also provide increased assurance of the continuing trustworthiness of affected personnel.

Agency Contact: Duane G. Kidd, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4127**

RIN: 3150–AD86

4708. ● DECOMMISSIONING FUNDING FOR PREMATURELY SHUTDOWN POWER REACTORS

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations on the timing of the collection of funds for decommissioning for those nuclear power reactors that have shut down before the expected end of their operating lives. The proposed rule would require that the NRC evaluate decommissioning funding plans for power reactors that shut down prematurely on a case-by-case basis.

Timetable:

Action	Date	FR Cite
NPRM	08/21/91	56 FR 41493
NPRM Comment Period End	11/04/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wood, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington DC 20555, **301 492-1255**

RIN: 3150–AD89

4709. ● CHANGE TO PART 50 TO UPDATE SOURCE TERM AND REPLACE DOSE CALCULATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations regarding the decoupling of source term and dose calculations from reactor siting and the use of updated source term insights for future light water reactors. The NRC is presently in the process of reviewing advanced reactor designs. The DOE has also indicated that it intends to seek review for an early site permit, as permitted by 10 CFR Part 52, by early 1993. Therefore, this rulemaking is viewed as having a high priority. The only alternative to rulemaking would be to continue present staff practice utilizing an outdated source term formulation derived from Technical Information Document (TID) 14844, issued in 1962, coupled with the use of the guideline dose values in 10 CFR Part 100, not only for reactor siting, but for plant design as well. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	08/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: This rulemaking action comprises two phases. The first phase is described in the proposed rule titled, "Change to Part 100 to Add Site Criteria, Update Appendix A and Remove Dose Calculations; Interim Change to Part 50 to Add Source Term and Dose Calculations (3150-AD92)." The second phase will consist of a final revision of 10 CFR Part 50 to incorporate updated source term and severe accident research insights into plant design requirements for future light water reactors. The intent of this second phase of rulemaking is expected to provide additional requirements for future light water reactors regarding severe accident prevention and mitigation, and is expected to substantially reduce the risks from such events.

Agency Contact: Leonard Soffer, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3916**

RIN: 3150–AD91

4710. ● CHANGE TO PART 100 TO ADD SITE CRITERIA, UPDATE APPENDIX A AND REMOVE DOSE CALCULATIONS; INTERIM CHANGE TO PART 50 TO ADD SOURCE TERM AND DOSE CALCULATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050; 10 CFR 100

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations regarding the decoupling of source term and dose calculations from reactor siting and the use of updated source term insights for future light water reactors. The NRC is presently in the process of reviewing advanced reactor designs, and the DOE has also indicated that it intends to seek review for an early site permit, as permitted by 10 CFR Part 52, by early 1993. Therefore, this rulemaking is viewed as having a high priority. The only alternative to rulemaking would be to continue present staff practice utilizing an outdated source term formulation derived from Technical Information Document (TID) 14844, issued in 1962, coupled with the use of the guideline dose values in 10 CFR Part 100, not only for reactor siting, but for plant design as well.

This rulemaking action comprises two phases. In the first phase, Part 100 will be revised by removing source term and dose criteria and adding site criteria (e.g., exclusion area size and population density). (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/92	
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Appendix A to 10 CFR Part 100 will also be revised to update understanding of geologic and seismic knowledge regarding reactor siting. Source term and dose calculations will continue to be used for assessment of plant systems and will be placed in an interim change to 10 CFR Part 50. The second phase of this rulemaking action is described in the proposed rule titled, "Change to Part 50 to Update Source Term and Dose Calculations (3150-AD91)."

The intent of this first phase of rulemaking is basically to codify present staff criteria expressed in Regulatory Guide 4.7. This represents no substantive change in NRC criteria. It will make NRC's siting criteria more explicit and understandable, especially in regard to the Commission's Safety Goal Policy.

Agency Contact: Leonard Soffer, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3916**

RIN: 3150–AD92

4711. ● SEISMIC AND GEOLOGICAL SITING CRITERIA FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 100

Legal Deadline: None

Abstract: The proposed rule would amend Appendix A to Part 100 of the Commission's regulations concerning earth science issues in the licensing of nuclear power plants. The proposed rule is intended to increase the efficiency of regulatory actions associated with any resurgence of licensing activity.

There is a renewed sense of urgency in light of the current and future staff review of advanced reactor seismic design criteria. The proposed revision would help avoid unnecessary delays in the licensing process. The proposed revision to Appendix A would provide general guidance with more detailed information presented in supporting regulatory guides or standard review plan provisions. Criteria not associated with site selection or establishment of the safe shutdown earthquake will be codified in 10 CFR Part 50. The proposed revision to the regulations

would be for future licensing actions. The revised regulations will not be backfitted.

Timetable:

Action	Date	FR Cite
NPRM	12/00/91	
Final Action	12/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. McMullen/R. Kenneally, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3808**

RIN: 3150–AD93

4712. ● ENVIRONMENTAL REVIEW FOR RENEWAL OF OPERATING LICENSES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish new requirements for environmental review of applications for renewal of nuclear power plant operating licenses. The proposed rule would define the number and scope of environmental issues which would need to be addressed as part of a license renewal application.

Timetable:

Action	Date	FR Cite
NPRM	09/17/91	56 FR 47016
NPRM Comment Period End	12/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Cleary, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3936**

RIN: 3150–AD94

4713. ● DECOMMISSIONING RECORDKEEPING AND LICENSE TERMINATION: DOCUMENTATION ADDITIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 070; 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require holders of a specific license of byproduct material, source material, special nuclear material, and independent storage of spent nuclear fuel and high-level radioactive waste to prepare and maintain additional documentation identifying areas where licensed materials and equipment were stored or used outside restricted areas or areas where spills have occurred but have been cleaned up, or equipment involved in the licensing activity that will remain onsite at the time of termination of the license. The amendments will provide greater assurance that decontamination and decommissioning of licensed facilities have been carried out in accordance with the Commission's regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carl Feldman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3883**

RIN: 3150–AD98

4714. ● CONFORMING GUIDANCE ON LOW LEVEL WASTE DISPOSAL FACILITIES WITH 10 CFR PART 61

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 061

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission (NRC) is proposing to make three specific changes to its regulations containing licensing requirements for low-level radioactive waste (LLW) disposal facilities. The proposed rule would amend the Commission's regulations to require the applicant for a LLW disposal facility license to provide information on the "quality assurance (QA) program, tailored to LLW disposal," that is planned for the facility instead of the "quality control (QC) program." The proposed rule would also amend Part 61 to clarify that above-ground disposal methods such as above-ground vaults are included within the regulatory scope of Part 61. The rulemaking will also correct an administrative error in section 61.80(i)(1) which directs licensees to submit copies of the required annual report to the Director, Division of High-Level Waste Management, rather than the Director, Division of Low-Level Waste Management and Decommissioning. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Commission has determined that these changes are needed to reduce regulatory uncertainty or confusion in the current regulation. These amendments will codify existing NRC positions or correct administrative errors and are not extensive. The proposed changes should simplify LLW disposal facility licensing interactions for NRC, the NRC Agreement States, and potential applicants for LLW disposal licenses.

Agency Contact: Janet Lambert, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3857**

RIN: 3150–AE00

4715. ● PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIALS IN TRANSIT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to increase the level of security afforded Strategic Special Nuclear Material while in transit to a level that is comparable to those protection efforts afforded by the Department of Energy for shipments of comparable material. This amendment, which will affect any licensed carrier of SSNM, will result in a higher assurance that the material being transported will be protected at a level that will be appropriate to the public safety.

NRC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Powers, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 492-0403**

RIN: 3150–AE02

4716. ● DOE-L OR DOE-Q REINVESTIGATION PROGRAM FOR NRC-R CLEARED INDIVIDUALS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 011

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to allow an exception to NRC-R access authorization renewal requirements. The proposed amendments would allow acceptance of the DOE-L or DOE-Q Reinvestigation Program for NRC-R access authorization renewal requirements and clarify for the licensee the documentation required by the NRC if using the exceptions allowed. The proposed rule is intended to reduce administrative and investigative costs to the licensee and administrative costs to the Federal government.

Timetable:

Action	Date	FR Cite
NPRM	09/30/91	56 FR 49435
NPRM Comment Period End	10/30/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rocio Castaneira, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 492-0392**

RIN: 3150–AE03

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

4717. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would implement the Equal Access to Justice Act (EAJA) by providing for the payment of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications when the agency's position is determined not to have been substantially justified. This proposed regulation is modeled after rules issued by the Administrative Conference of the United States (ACUS) and has been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent to develop government-wide, "uniform" agency regulations and would describe NRC procedures and requirements for the filing and disposition of EAJA applications. A draft final rule was sent to the Commission in June 1982, but Commission action was suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. This issue was also the subject of litigation in Business and Professional People for the Public Interest v. NRC, 793 F.2d 1366 (D.C. Cir. 1986). (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Additionally, in August 1985, the President signed into law, Pub. L. No. 99-80, an enactment renewing and revising the EAJA after its expiration under a statutory sunset requirement. The rule is being reevaluated to determine the agency adjudications that fall within the EAJA's coverage.

Agency Contact: John Cho, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1585**

RIN: 3150–AA01

4718. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized. The proposed revisions would make the rule current and improve its usefulness.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice which is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss-of-coolant accident conditions.(cont)

NRC — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39538
NPRM Comment Period End	04/24/87	52 FR 2416
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: A detailed analysis of costs, benefits, and occupational exposures is available in the Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than 1 percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3814

RIN: 3150–AA86

4719. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790(c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of two additional circumstances where information will not be returned to the applicant, i.e., information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a Freedom of Information Act request.

Additionally, the proposed amendment would add a notice statement to 10 CFR Part 2 that submitters of documents and information to the NRC should be careful in submitting copyrighted works. The agency in receiving submittals and making its normal distributions routinely photocopies submittals, makes microfiche of such submittals and insures that these (cont)

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: fiche are distributed to the PDR, LPDRs, all appropriate internal offices, and to the National Technical Information Service Center. This broad distribution and reproduction is made to satisfy the congressional mandate of Section 142(b) of the Atomic Energy Act by increased public understanding of the peaceful uses of atomic energy. Accordingly, copyright owners are on notice that their act of submitting such works to the agency will be considered as the granting to the NRC an implied license to reproduce and distribute according to normal agency practice. Naturally, this notice does not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information) and it is recognized that some information in those categories may be copyrighted. The key factor is that it is their proprietary information status that exempts them from public disclosure and not their copyright designation. A proposal is being prepared to submit to agency staff for comment.

Agency Contact: Catherine Holzle, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1560

RIN: 3150–AC07

4720. BASIC QUALITY ASSURANCE PROGRAM, RECORDS AND REPORTS OF MISADMINISTRATIONS OR EVENTS RELATING TO THE MEDICAL USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning the administration of byproduct material for diagnostic and therapeutic procedures. The proposed amendments would require Part 35 licensees to establish and implement a written basic quality assurance program to prevent, detect, and correct the cause of errors in the administration of byproduct material. The proposed action is necessary to provide for adequate patient safety. The proposed amendment, which is intended to prevent errors in medical use, would primarily affect hospitals and clinics. Modification of reporting and recordkeeping requirements for both diagnostic and therapy events or misadministrations are also proposed in this rulemaking. This amendment would be a matter of compatibility for Agreement States.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1439
NPRM Comment Period End	04/12/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3797

RIN: 3150–AC65

4721. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR LARGE IRRADIATORS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 019; 10 CFR 020; 10 CFR 021; 10 CFR 030; 10 CFR 036; 10 CFR 040; 10 CFR 051; 10 CFR 070; 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule would develop regulations to specify radiation safety requirements and license requirements for the use of licensed radioactive materials in large irradiators. Irradiators use gamma radiation to irradiate products to change their characteristics in some way. The requirements would apply to large panoramic irradiators (those in which the radioactive sources and the material being irradiated are in a room that is accessible to personnel while the source is shielded) and certain large self-contained irradiators in which the source always remains under water. The rule would not cover small self-contained irradiators, instrument calibrators, medical uses of sealed

sources (such as teletherapy), or non-destructive testing (such as industrial radiography).

The alternative to a regulation is continuing to license irradiators on a case-by-case basis using license conditions. The formalization would make the NRC's requirements better understood and possibly speed the licensing of irradiators.

Timetable:

Action	Date	FR Cite
NPRM	12/04/90	55 FR 50008
NPRM Comment Period End	03/04/91	
Final Action	03/00/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3757**

RIN: 3150–AC98

4722. NUCLEAR POWER PLANT LICENSE RENEWAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 050; 10 CFR 054; 10 CFR 140

Legal Deadline: None

Abstract: This rulemaking is scheduled for completion prior to the anticipated submittal of license renewal applications for Yankee Rowe and Monticello. The rule will provide the basis for development and review of these two "lead plant" applications and the concurrent development of implementing regulatory guidance. Timely completion of the rule is critical for establishing standards for continued safe operation of power reactors during the license renewal term and providing the regulatory stability desired by utilities in determining whether to prepare for license renewal or pursue alternative sources of generating capacity.

License renewal rulemaking to provide regulatory requirements for extending nuclear power plant licenses beyond 40 years was initiated in response to the Commission's 1986 and 1987 policy and planning guidance. Current regulatory provisions permit license renewal but do not provide requirements for the form and content of a license renewal application nor the standards of acceptability against which the application will be reviewed.

Timetable:

Action	Date	FR Cite
ANPRM	08/29/88	53 FR 32919
ANPRM Comment Period End	10/28/88	
NPRM	07/17/90	55 FR 29043
NPRM Comment Period End	10/15/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Sege, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3917**

RIN: 3150–AD04

4723. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, 1986/1987/1988 ADDENDA, 1989 EDITION)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference the 1986 Addenda, the 1987 Addenda, the 1988 Addenda, and the 1989 Edition of Section III, Division 1, and Section XI, Division 1, with a specified modification, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Also, the proposed amendment would impose augmented examination of reactor vessel shell welds and would separate the requirements for inservice testing from those for inservice inspection by placing the requirements for inservice testing in a separate paragraph. The ASME Code provides rules for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and provides rules for the inservice inspection and inservice testing of those components in Section XI, Division I.

The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. Incorporating by reference the latest addenda of the ASME Code would save (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/31/91	56 FR 3796
NPRM Comment Period End	04/16/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission. In addition, the proposed rule would require licensees to augment their reactor vessel examination by implementing the expanded reactor vessel shell weld examinations specified in the 1989 Edition of Section XI and would clarify the existing requirements in the regulation for inservice inspection and inservice testing.

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3848**

RIN: 3150–AD05

4724. SALARY OFFSET PROCEDURES FOR COLLECTING DEBTS OWNED BY FEDERAL EMPLOYEES TO THE FEDERAL GOVERNMENT

Legal Authority: 05 USC 5514; 31 USC 3711; 31 USC 3716; 31 USC 3717; 31 USC 3718; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 016

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish collection procedures enabling the NRC to recover certain debts (by deductions from pay) which are owned by Federal employees to the NRC or other Federal agencies. The proposed rule is necessary to conform NRC regulations to the Debt Collection Act of 1982 which requires each agency to establish a salary offset program for the collection of these debts. The proposed action is intended to allow the NRC to improve its collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. The proposed rule has

no impact on the public and negligible impact on NRC resources to implement.

Timetable:

Action	Date	FR Cite
NPRM	09/26/90	55 FR 39285
NPRM Comment Period End	10/26/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diane B. Dandois, Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, 301 492-7558

RIN: 3150–AD44

4725. DISCRIMINATION ON THE BASIS OF SEX

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 019

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations dealing with discrimination against persons who, on the grounds of sex, are excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity licensed by the NRC. The Commission has decided that Section 401 of the Energy Reorganization Act, which prohibits sex discrimination, applies only to the Commission and does not apply to NRC licensees and/or applicants. Since this decision invalidates 10 CFR 19.32 and 10 CFR 2.111, action is being taken to amend these sections and to incorporate appropriate language to clarify that these sections do not apply to licensee employees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Markley L. Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3749

RIN: 3150–AD50

4726. MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR URANIUM ENRICHMENT FACILITIES PRODUCING SPECIAL NUCLEAR MATERIAL OF LOW STRATEGIC SIGNIFICANCE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 040; 10 CFR 070; 10 CFR 074

Legal Deadline: None

Abstract: The final rule will amend the Commission's regulations to establish material control and accounting requirements for special nuclear material of low strategic significance at uranium enrichment plants, including requirements to detect and prevent enrichment above a specified maximum. On January 31, 1991, Louisiana Energy Systems applied for a license to construct and operate a gas centrifuge plant that would produce low-enriched uranium for the commercial market. Such a plant would be licensed chiefly under Parts 40 and 70. Although the plant would be authorized to produce only low-enriched uranium, the interest of the common defense and security demands that the NRC regulate the plant so as to assure with highest confidence that no centrifuge machine is used to produce uranium in an enrichment higher than that authorized. This is a new and unique problem never before faced by the NRC. Accordingly, no NRC regulation is explicitly designed to deal with the problem. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/17/90	55 FR 51726
NPRM Comment Period End	03/04/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: A new section 74.33, Nuclear Material Control and Accounting for Special Nuclear Material of Low Strategic Significance at Uranium Enrichment Plants, will be developed. The new section 74.33 will include material control and accountability requirements similar to those now required under section 74.31, together with new requirements to assure that no enrichment facility is used to enrich uranium above a specified limit.

Agency Contact: Gordon Gunderson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3803

RIN: 3150–AD56

4727. REVISIONS TO PROCEDURES TO ISSUE ORDERS: CHALLENGES TO ORDERS THAT ARE MADE IMMEDIATELY EFFECTIVE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing orders to provide for the expeditious consideration of challenges to orders that are made immediately effective. The proposed amendments specifically allow challenges to the immediate effectiveness of an order to be made at the outset of a proceeding and provide procedures for the expedited consideration and disposition of these challenges. The proposed amendments would also require that challenges to the merits of an immediately effective order be heard expeditiously, except where good cause exists for delay.

Timetable:

Action	Date	FR Cite
NPRM	07/05/90	55 FR 27645
NPRM Comment Period End	09/04/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cho, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1585

RIN: 3150–AD60

4728. REVISION OF SPECIFIC EXEMPTIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 009

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations pertaining to specific exemptions cited in the NRC's Privacy Act Systems of Records. This final rule would reflect the addition of the Privacy Act (j)(2)

exemption to two NRC Systems of Records and to the regulations that describe these exempt systems of records. These amendments are necessary so that the regulations clearly link each system of records to the specific exemptions(s) of the Privacy Act under which the system is exempt.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sarah Wigginton, Nuclear Regulatory Commission, Office of Administration, Washington, Dc 20555, 301 492-7752

RIN: 3150–AD83

4729. ● URANIUM ENRICHMENT REGULATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 040; 10 CFR 050; 10 CFR 051; 10 CFR 070; 10 CFR 075; 10 CFR 110; 10 CFR 140; 10 CFR 150; 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing the licensing of uranium enrichment facilities to conform to the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990, which amended the Atomic Energy Act. The principal amendment changed the definition of a production facility to exclude uranium enrichment. Licensing of uranium enrichment plants will be performed pursuant to 10 CFR Parts 40 and 70, rather than 10 CFR Part 50. A new section 193 of the Act revised the requirements for licensing of enrichment facilities with respect to environmental review, adjudicatory hearings, inspection and operation, insurance and decommissioning, and indemnification. The proposed rule presents a number of administrative and conforming changes to 10 CFR Chapter I necessary to implement the requirements of the Atomic Energy Act.

Timetable:

Action	Date	FR Cite
NPRM	09/16/91	56 FR 46739
Final Action	05/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles W. Nilsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3834

RIN: 3150–AD90

4730. ● CHANGE IN COMMERCIAL TELEPHONE NUMBER FOR REGION V

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020; 10 CFR 021; 10 CFR 073

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations to indicate a change in the commercial telephone number for the NRC's Region V office located in Walnut Creek, California.

Timetable:

Action	Date	FR Cite
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Meyer, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7086

RIN: 3150–AE01

NUCLEAR REGULATORY COMMISSION (NRC) Completed Actions

4731. STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The final rule amends Part 20 of the Commission's regulations in its entirety. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities; International Commission on Radiological Protection (ICRP); and apply to all licensees in a consistent manner.

Timetable:

Action	Date	FR Cite
Final Action	05/21/91	56 FR 23309
Final Action Effective	06/20/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3640

RIN: 3150–AA38

4732. ACCESS AUTHORIZATION PROGRAM FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require an access authorization program for individuals requiring unescorted access to protected and vital areas at nuclear power plants. This amendment will ensure that personnel granted unescorted access to protected and vital areas of nuclear power plants are trustworthy and reliable and do not pose a threat to commit radiological sabotage.

Timetable:

Action	Date	FR Cite
Proposed Policy Statement Published	03/09/88	53 FR 7534
Final Action	04/25/91	56 FR 18997
Final Action Effective	05/28/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AA90

4733. SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would clarify in the Commission's regulations the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions would be applied in NRC licensing reviews.

Informal discussions between the Office of Nuclear Regulatory Research and the Office of the Secretary indicate that there is no longer a need for this rulemaking item. Therefore, this rule has been terminated effective June 24, 1991.

Timetable:

Action	Date	FR Cite
Terminated	06/24/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Owen Gormley, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3743**

RIN: 3150–AB88

4734. NOTIFICATIONS OF INCIDENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 70

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission (NRC) is amending its regulations to revise material licensee reporting requirements for byproduct, source, and special nuclear material regarding the incidents related to radiation safety. This action is necessary to ensure that significant occurrences at material licensee facilities are promptly reported to NRC so that the Commission can evaluate whether the licensee has taken appropriate action to protect the public health and safety and whether prompt NRC action is necessary to address generic safety concerns.

Timetable:

Action	Date	FR Cite
Final Action	08/16/91	56 FR 40757
Final Action Effective	10/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3795**

RIN: 3150–AC91

4735. MONITORING THE EFFECTIVENESS OF MAINTENANCE PROGRAMS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require commercial nuclear power plant licensees to monitor the effectiveness of maintenance activities for safety significant plant equipment in order to minimize the likelihood of failures and events caused by the lack of effective maintenance. The final rule requires that licensees monitor the performance or condition of certain structures, systems, and components.

Timetable:

Action	Date	FR Cite
Final Action	07/10/91	56 FR 31306
Final Action Effective	07/10/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Riggs, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3732**

RIN: 3150–AD00

4736. FRACTURE TOUGHNESS REQUIREMENTS FOR PROTECTION AGAINST PRESSURIZED THERMAL SHOCK EVENTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The final rule amends the Pressurized Thermal Shock (PTS) rule, published on July 23, 1985, which established a screening criterion, a limit on the degree of radiation embrittlement of PWR reactor vessel beltline materials beyond which operation cannot continue without additional plant-specific analysis. The final rule prescribes how to calculate the degree of embrittlement as a function of the copper and nickel contents of the controlling material and the neutron fluence. The final rule also revises the calculative procedures to be consistent with that given in Revision 2 of Regulatory Guide 1.99. This guide, which was published in final form in May 1988, provides an updated correlation of embrittlement data. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/26/89	54 FR 52946
NPRM Comment Period End	03/12/90	
Final Action	05/15/91	56 FR 22300
Final Action Effective	06/14/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Immediate costs to industry will be those required for each utility to update the January 23, 1986, submittal required by the PTS rule, using fluence estimates that take account of flux reduction efforts in the interim and using the new procedure for calculating RT/PTS. In addition, three to five plants will need to make the expenditure of an estimated 2.5 million dollars for the plant-specific analysis in the 1990s instead of 10 to 15 years later.

Agency Contact: Allen L. Hiser, Jr., Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3988**

RIN: 3150–AD01

4737. EMERGENCY RESPONSE DATA SYSTEM

Legal Authority: 42 USC 2131; 42 USC 2133; 42 USC 2134; 42 USC 2135; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5843; 42 USC 5846

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require licensees of all operating nuclear power facilities except Big Rock Point to participate in the Emergency Response Data System (ERDS) program. This action requires licensees to submit to the NRC timely and accurate data on a limited set of parameters whose values indicate the condition of the plant during a declaration of an alert or higher emergency classification. This action will ensure that all licensees establish a definite schedule for implementation of the ERDS program.

Timetable:

Action	Date	FR Cite
Final Action	08/13/91	56 FR 40178
Final Action Effective	09/12/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Markley L. Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3749**

RIN: 3150–AD32

4738. WILLFUL MISCONDUCT BY UNLICENSED PERSONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 060; 10 CFR 061; 10 CFR 070; 10 CFR 072; 10 CFR 110; 10 CFR 150

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to put licensed persons on notice that they may be held accountable for willfully causing violations of the Commission's requirements or for other willful misconduct that arises out of activities within the Commission's jurisdiction and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the public health and safety. The publication of this rule was combined with the proposed rule entitled, "Revisions to Procedures to Issue Orders" (3150-AD53).

Timetable:

Action	Date	FR Cite
Final Action	08/15/91	56 FR 40664

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lieberman, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555, **301 492-0741**

RIN: 3150–AD38

4739. REVISIONS TO PROCEDURES TO ISSUE ORDERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The final rule amends the Commission's procedures for issuing orders to include persons not licensed by the Commission but who are otherwise subject to the Commission's jurisdiction. The publication of this rule was combined with the proposed rule entitled, "Willful Misconduct by Unlicensed Persons" (3150-AD38).

Timetable:

Action	Date	FR Cite
Final Action	08/15/91	56 FR 40664
Final Action Effective	09/16/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary E. Wagner, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1683**

RIN: 3150–AD53

4740. OPERATOR'S LICENSES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 055

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require that compliance with the conditions and cut off levels of fitness-for-duty programs (10 CFR Part 26) be a condition of an operator license or a senior-operator license. The final rule also makes a conforming modification to the Commission's enforcement policy, Appendix C to 10 CFR Part 2. The final rule will give operators full notice of the gravity of any violation of the cutoff levels for substances described in Part 26 and will reflect enforcement sanctions for operators who violate these cutoff levels.

Timetable:

Action	Date	FR Cite
NPRM	04/17/90	55 FR 14288
NPRM Comment Period End	07/02/90	
Final Action	07/15/91	56 FR 32066
Final Action Effective	08/14/91	56 FR 32066

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David J. Lange, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-3172**

RIN: 3150–AD55

4741. FITNESS-FOR-DUTY PROGRAMS: NUCLEAR POWER PLANT PERSONNEL

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 026

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to clarify the Commission's intent concerning the unacceptability of taking action against an individual based solely on preliminary drug test results. The final rule informs licensee management that preliminary test results cannot be used as a basis for management action absent corroborative evidence of impairment or safety hazard.

However, the Commission has decided that licensees should be permitted to take action based upon presumptive positive preliminary test results for marijuana and cocaine.

Timetable:

Action	Date	FR Cite
NPRM	08/31/90	55 FR 35648
NPRM Comment Period End	10/30/90	
Final Action	08/26/91	56 FR 41922
Final Action Effective	09/25/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Loren Bush, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-0944**

RIN: 3150–AD61

4742. LICENSE RENEWAL FOR NUCLEAR POWER PLANTS; SCOPE OF ENVIRONMENTAL EFFECTS

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations to add provisions concerning the scope of environmental effects which would be addressed by the Commission in conjunction with applications for license renewal for nuclear power plants. The NRC is soliciting comments on the scope of environmental issues to be covered in the rulemaking and GEIS and on the ways the results of the GEIS would be incorporated into the rulemaking on Part 51.

NRC believes that a generic Part 51 rulemaking could address potential environmental impacts from the relicensing and extended operation of nuclear power plants. This rulemaking would define the potential environmental impacts which need to be reviewed as part of the relicensing of individual nuclear power plants. The NRC is, therefore, undertaking a study to assess which environmental impacts may occur, under what circumstances, and their possible level of significance.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/90	55 FR 29964
ANPRM Comment Period End	10/22/90	
Merged With RIN 3150-AD94	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald P. Cleary, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3936**

RIN: 3150–AD63

4743. TIMELINESS IN CONDUCT OF DECOMMISSIONING OF MATERIAL FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 070; 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require decontamination and decommissioning of material facilities within a fixed period of time after cessation of operations.

Timetable:

Action	Date	FR Cite
Merged With RIN 3150-AD85	10/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Malaro, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3764**

RIN: 3150–AD66

4744. DECOMMISSIONING REGULATIONS: RECORDKEEPING AND TERMINATION FOR DECOMMISSIONING, DOCUMENTATION ADDITIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 070; 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule, in conjunction with the decommissioning rule published on June 27, 1988 (53 FR 24018), would modify the Commission's decommissioning regulations to make them more specific and more easily implemented.

Timetable:

Action	Date	FR Cite
Merged With RIN 3150-AD98	10/01/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Agency Contact: Carl Feldman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3883**

RIN: 3150–AD67

4745. PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 013

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to implement the Program Fraud Civil Remedies Act of 1986. The Act authorizes certain Federal agencies, including the Nuclear Regulatory Commission, to impose, through administrative adjudication, civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the agency. These regulations establish the procedure the Commission would follow in implementing the provisions of the Act and specifies the hearing and appeal rights of persons subject to penalties and assessments under the Act.

Timetable:

Action	Date	FR Cite
NPRM	09/25/90	55 FR 39158
NPRM Comment Period End	11/24/90	
Final Action	09/18/91	56 FR 4713_
Final Action Effective	10/18/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cho, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-7535**

RIN: 3150–AD71

4746. PROCEDURES FOR DIRECT COMMISSION REVIEW OF DECISIONS OF PRESIDING OFFICERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 000; 10 CFR 001; 10 CFR 002

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to provide rules of procedure for direct discretionary Commission review of the initial decisions of presiding officers in all formal and informal adjudicatory proceedings. These regulatory changes are necessitated by the Commission's decision to abolish the Atomic Safety and Licensing Appeal Panel which had provided an intermediate level of review of initial decisions of presiding officers in Commission adjudications. The final rule deletes references to the Appeal Panel or to appeal boards from NRC regulations. NRC's regulations describing internal agency organization are amended to reflect the creation of a new Office of Commission Appellate Adjudication whose function is to assist the Commission in exercising its adjudicatory responsibilities.

Timetable:

Action	Date	FR Cite
Final Action	06/27/91	56 FR 29403
Final Action Effective	07/29/91	56 FR 29403

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neil Jensen, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AD73

4747. FEE SCHEDULES FOR FACILITIES AND MATERIALS LICENSES AND ANNUAL FEES FOR OPERATING POWER REACTOR LICENSES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170; 10 CFR 171

Legal Deadline: None

Abstract: This proposed rule has been incorporated into the final rule entitled "Revision of Fee Schedules; 100% Fee Recovery" (3150-AD87).

Timetable:

Action	Date	FR Cite
Incorporated into RIN 3150-AD8;	07/10/91	56 FR 31472

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. James Holloway, Jr., Nuclear Regulatory Commission, Office of the Controller, Washington, DC 10555, **301 492-4301**

RIN: 3150–AD81

4748. ● ASSISTANCE TO PROSPECTIVE PETITIONERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations concerning its procedures for filing a petition for rulemaking with the Nuclear Regulatory Commission. The final rule is necessary to clarify the type of NRC staff assistance that may be provided to a prospective petitioner.

Timetable:

Action	Date	FR Cite
Final Action	03/12/91	56 FR 10359
Final Action Effective	03/12/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Meyer, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7086**

RIN: 3150–AD84

4749. ● REVISION OF FEE SCHEDULES; 100 PERCENT FEE RECOVERY

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 052; 10 CFR 071; 10 CFR 170; 10 CFR 171

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1990 requires the NRC to collect approximately 100 percent of its budget authority through fees for the next five fiscal years (FY 1991-1995). The law specifies that annual fees shall be established by rule to recover the portion of the NRC budget that is not recovered from appropriations received from the Nuclear Waste Fund and monies recovered through fees assessed under Part 170 for licensing and inspection activities. Therefore, Parts 52, 71, 170, and 171 are being revised. This rulemaking effort is required to comply with Pub. L. 101-508. There is no suitable alternative to rulemaking for this action.

Timetable:

Action	Date	FR Cite
Final Action	07/10/91	56 FR 31472
Final Action Effective	08/09/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: C. James Holloway, Jr., Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, **301 492-4301**

RIN: 3150–AD87

4750. ● CHANGE IN COMMERCIAL TELEPHONE NUMBER FOR REGION V

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 21; 10 CFR 73

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to indicate a change in the commercial telephone number for the NRC's Region V office located in Walnut Creek, California.

Timetable:

Action	Date	FR Cite
Final Action	04/26/91	56 FR 19253
Final Action Effective	04/26/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Meyer, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7086**

RIN: 3150–AD88

4751. ● RETURN OF TOPAZ II REACTOR TO SOVIET UNION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations pertaining to import and export of nuclear equipment and material to permit the return of the Topaz II Reactor System to the Union of Soviet Socialist Republics (USSR). The Topaz II was imported into the

United States pursuant to an import license issued by the NRC on January 4, 1991. This rulemaking action permits the export of Topaz II, which is owned by the Government of the USSR, without issuance of a license by the NRC.

Timetable:

Action	Date	FR Cite
Final Action	05/31/91	56 FR 24682
Final Action Effective	05/31/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph F. Scinto/Joanna M. Becker, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1740**

RIN: 3150–AD95

4752. ● STANDARDS FOR PROTECTION AGAINST RADIATION: MONITORING REPORTS STATEMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations concerning the submittal of radiation exposure monitoring reports. The final rule changes the address to which the licensee submits reports on an individual exposure to radiation and radioactive material to the NRC.

Timetable:

Action	Date	FR Cite
Final Action	07/15/91	56 FR 32071
Final Action Effective	07/15/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael T. Lesar, Nuclear Regulatory Commission, Office of Administration, Washington, Dc 20555, **301 492-7758**

RIN: 3150–AD96

4753. ● POLICY AND PROCEDURE FOR ENFORCEMENT ACTIONS; POLICY STATEMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is revising its procedures for NRC enforcement actions. This notice is necessary to inform licensees, vendors, and the public of the bases for taking various enforcement actions. The policy is codified as Appendix C to 10 CFR Part 2 to provide widespread dissemination of the Commission's Enforcement Policy.

Timetable:

Action	Date	FR Cite
Final Action	08/02/91	56 FR 36998
Final Action Effective	08/02/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lieberman, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555, **301 492-1740**

RIN: 3150–AD97

4754. ● IMPORTS FROM SOUTH AFRICA

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations on the import of source material or special nuclear material from South Africa to permit uranium manufactured or produced in South Africa to be imported in the United States. This rule conforms the Commission's regulations to Executive Order 12769 which terminates the prohibition on nuclear trade with South Africa in sections 309 and 311 of the Comprehensive Anti-Apartheid Act of 1986.

Timetable:

Action	Date	FR Cite
Final Action	08/13/91	56 FR 38335
Final Action Effective	08/13/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald D. Hauber, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, **301 492-0344**

RIN: 3150–AD99

[FR Doc. 91-20896 Filed 10-18-91; 8:45 am]

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Federal Register

Monday
October 21, 1991

Part LIX

Oversight Board

Semiannual Regulatory Agenda

OVERSIGHT BOARD (OB)

OVERSIGHT BOARD

12 CFR Ch. XV

Unified Regulatory Agenda

AGENCY: Oversight Board.

ACTION: Publication of agenda items.

SUMMARY: The Oversight Board is hereby publishing items for the October 1991 Unified Agenda of Federal Regulations.

ADDRESSES: Comments should be addressed to the Secretary, Oversight Board, 1777 F Street NW., Washington, DC 20232.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated below.

Dated: August 23, 1991.
Oversight Board.
Peter H. Monroe,
President.

OVERSIGHT BOARD (OB)

Prerule Stage

4755. EQUAL EMPLOYMENT OPPORTUNITY

Legal Authority: 12 USC 1833e

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Oversight Board is subject to EO 11478 providing for equal employment opportunity. Rules to implement the program may be considered.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Hayes, Deputy General Counsel, Oversight Board, 1777 F Street, NW., Washington, DC 20232, **202 786-9681**

RIN: 3203–AA02

OVERSIGHT BOARD (OB)

Proposed Rule Stage

4756. AVAILABILITY OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Legal Authority: 12 USC 1441a; 5 USC 552

CFR Citation: 12 CFR 1502

Legal Deadline: None

Abstract: "FIRREA" provides that the Oversight Board shall be considered to be an agency for that portion of title 5 of the United States Code that contains the Freedom of Information Act. That Act requires agencies to promulgate implementing regulations. The cost of this action is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Hayes, Deputy General Counsel, Oversight Board, 1777 F Street, NW., Washington, DC 20232, **202 786-9681**

RIN: 3203–AA00

4757. PRIVACY ACT PROCEDURES

Legal Authority: 12 USC 1441a; 5 USC 552a

CFR Citation: 12 CFR 1503

Legal Deadline: None

Abstract: In implementation of the Privacy Act, the Oversight Board will establish procedures concerning the maintenance of records on individuals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Hayes, Deputy General Counsel, Oversight Board, 1777 F Street, NW., Washington, DC 20232, **202 786-9681**

RIN: 3203–AA05

4758. RESOLUTION FUNDING CORPORATION OPERATIONS

Legal Authority: 12 USC 1441b

CFR Citation: 12 CFR 1510.10

Legal Deadline: None

Abstract: Revision of Oversight Board regulation concerning reserves established by deficient Federal Home Loan Banks to reimburse other such Banks for purchases of stock of the Resolution Funding Corporation made by such other Banks on behalf of deficient Banks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Hayes, Deputy General Counsel, Oversight Board, 1777 F Street, NW., Washington, DC 20232, **202 786-9681**

RIN: 3203–AA06

OVERSIGHT BOARD (OB)

Final Rule Stage

4759. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 1441a

CFR Citation: 12 CFR 1505

Legal Deadline: Final, Statutory, February 5, 1990.

Abstract: "FIRREA" requires, within 180 days after enactment, the promulgation of standards of responsibility and ethical conduct to which all employees of the Oversight Board must adhere. The cost of this action is negligible while the benefit is to attempt to ensure ethical and proper conduct on the part of all employees. The interim final rule was adopted pursuant to the statutory deadline. Further rulemaking is contingent upon the development of rules and regulations by the Director of the Office of Government Ethics.

Timetable:

Action	Date	FR Cite
NPRM	01/09/90	55 FR 820
NPRM Comment Period End	02/08/90	
Interim Final Rule	02/14/90	55 FR 5358
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Hayes, Deputy General Counsel, Oversight Board, 1777 F Street, NW., Washington, DC 20232, **202 786-9681**

RIN: 3203–AA03

OVERSIGHT BOARD (OB)

Completed Actions

4760. MINORITY AND WOMEN CONTRACTING OUTREACH PROGRAM

Legal Authority: 12 USC 1833e

CFR Citation: 12 CFR 1507

Legal Deadline: None

Abstract: "FIRREA" requires the Oversight Board to "prescribe regulations to establish and oversee a minority outreach program... to ensure inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women..." in all contracts entered into by the Oversight Board. The cost of this action is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	06/07/91	56 FR 26352
NPRM Comment Period End	07/08/91	
Final Action	09/06/91	56 FR 43997
Final Action Effective	10/07/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Hayes, Deputy General Counsel, Oversight Board, 1777 F Street, NW., Washington, DC 20232, **202 786-9681**

RIN: 3203–AA01

[FR Doc. 91-20897 Filed 10-18-91; 8:45 am]

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federal register

Monday
October 21 1991

Part LX

Resolution Trust Corporation

Semiannual Regulatory Agenda

RESOLUTION TRUST CORPORATION (RTC)

RESOLUTION TRUST CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Resolution Trust Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Resolution Trust Corporation (RTC) is hereby publishing items for the October 1991 regulatory agenda. The agenda contains information about the RTC's current and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. Except as indicated, the address for all staff identified in the agenda is Resolution Trust Corporation, 801 17th Street NW., Washington, DC 20434-0001.

SUPPLEMENTARY INFORMATION: The RTC was created on August 9, 1989, as an instrumentality of the United States by title V of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Under FIRREA, the RTC was given powers to adopt such rules, regulations, standards, policies, procedures, guidelines, and statements as the Corporation considers necessary or appropriate to carry out its mission. Twice each year, the RTC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Interested persons may petition the RTC for the issuance, amendment, or repeal of any regulations by submitting a written petition to the Executive Secretary, Resolution Trust Corporation, Washington, DC 20434. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Dated: August 20, 1991.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

RESOLUTION TRUST CORPORATION (RTC) — Prerule Stage

4761. DISCLOSURE OF INFORMATION

Significance: Agency Priority

Legal Authority: 5 USC 552

CFR Citation: 12 CFR 1615

Legal Deadline: None

Abstract: This regulation will describe the procedures by which the RTC will implement the Freedom of Information Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: John C. Binkley, Counsel to the Executive Secretary, Resolution Trust Corporation, 801 17th Street, NW., Washington, DC 20434, 202 416-7450

RIN: 3205–AA07

4762. ● ISSUANCE AND USE OF INVESTIGATIVE SUBPOENAS

Significance: Agency Priority

Legal Authority: 12 USC 1441a(b)(12); 12 USC 1818(n); 12 USC 1821(d)

CFR Citation: 12 CFR 1624

Legal Deadline: None

Abstract: This regulation will govern the issuance and use of investigative subpoenas in RTC investigations.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Eisenstein, Senior Counsel, Resolution Trust Corporation, 1717 H St., NW., Washington, DC 20434, 202 736-0342

RIN: 3205–AA11

4763. ● QUALIFIED FINANCIAL CONTRACTS

Significance: Agency Priority

Legal Authority: 12 USC 1821(d)(1); 12 USC 1821(d)(4)

CFR Citation: 12 CFR 1622

Legal Deadline: None

Abstract: This regulation will provide a "safe harbor" for qualified financial contracts ("QFC") with respect to the "written agreement" requirements of the Federal Deposit Insurance Act; will require RTC, as receiver, to notify, within a prescribed time frame, the counterparties to QFCs of the transfer of their contracts, and that doing so would prevent the counterparties from exercising their liquidation or acceleration rights; and to impose upon the depository institutions that enter into QFCs certain recordkeeping requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marc Goldstrom, Senior Attorney, Resolution Trust Corporation, 801 17th St., NW., Washington, DC 20434, 202 416-7027

RIN: 3205–AA12

4764. ● CLAIMS PROCEDURE

Significance: Agency Priority

Legal Authority: 12 USC 1821(d)(1); 12 USC 1821(d)(3); 12 USC 1821(d)(4); 12 USC 1821(a)

CFR Citation: 12 CFR 1621

Legal Deadline: None

Abstract: This regulation sets forth the procedures by which claims must be submitted to and be determined by RTC receiverships.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: Non

RTC — Prerule Stage

Agency Contact: Munsell St. Clair, Senior Attorney, Resolution Trust Corporation, 801 17th St., NW., Washington, DC 20434, **202 416-7014**

RIN: 3205–AA13

4765. ● RESTRICTIONS ON THE PURCHASE OF ASSETS FROM THE RTC

Significance: Agency Priority

Legal Authority: 12 USC 1441a(f)

CFR Citation: 12 CFR 1620

Legal Deadline: None

Abstract: Prohibition on sale of assets by the RTC to a prospective purchaser whose conduct injured the specific institution whose assets are being sold.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carl Gold, Senior Counsel, Resolution Trust Corporation, 801 17th St., NW., Washington, DC20434, **202 416-2137**

RIN: 3205–AA15

4766. ● UNCLAIMED DEPOSITS

Significance: Agency Priority

Legal Authority: 12 USC 1822(e); 12 USC 1821(d)(1)

CFR Citation: 12 CFR 1623

Legal Deadline: None

Abstract: This regulation provides for acquiring institutions to return unclaimed deposits to the RTC in order to preclude application of state escheat laws.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Flanigan, Attorney, Resolution Trust Corporation, 801 17th St., NW., Washington, DC 20434, **202 416-4399**

RIN: 3205–AA16

RESOLUTION TRUST CORPORATION (RTC) — Proposed Rule Stage

4767. ● PRIVACY ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 5 USC 552a

CFR Citation: 12 CFR 1616

Legal Deadline: None

Abstract: This rule will implement the Privacy Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard White, Privacy Act Attorney, Resolution Trust Corporation, 801 17th St., NW., Washington, DC 20434, **202 416-6944**

RIN: 3205–AA14

RESOLUTION TRUST CORPORATION (RTC) — Final Rule Stage

4768. ● MINORITY- AND WOMEN-OWNED BUSINESS CONTRACTING PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1833e

CFR Citation: 12 CFR 1617

Legal Deadline: None

Abstract: The regulations set forth the RTC's outreach program for minority- and women-owned businesses; and minority- and women-owned law firms with respect to maximizing the inclusion of those businesses and firms in RTC's contracting efforts for outside services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/15/91	56 FR 40484
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carl Gold, Senior Counsel (Contracting), Asset Disposition/Real Estate Section, Resolution Trust Corporation, 801 17th St., NW., Washington, DC 20434, **202 416-7327**

RIN: 3205–AA08

4769. ● SUSPENSION AND EXCLUSION OF REGISTERED CONTRACTORS AND RESCISSION OF CONTRACTS

Significance: Agency Priority

Legal Authority: 12 USC 1441a(b)(10); 12 USC 1441a(b)(12); 12 USC 1441a(p)

CFR Citation: 12 CFR 1618

Legal Deadline: None

Abstract: This regulation will provide for suspension and exclusion of registered contractors and rescission of contracts where contractor has engaged in various forms of misconduct.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/91	56 FR 28426
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Loveless, Senior Ethics Specialist, Resolution Trust Corporation, 801 17th St., NW., Washington, DC 20434, **202 416-4396**

RIN: 3205–AA09

RTC — Final Rule Stage

4770. ● DISCLOSURE OF INFORMATION REGULATIONS—OFFICE OF THE INSPECTOR GENERAL

Significance: Agency Priority

Legal Authority: 5 USC 552; 12 USC 1441a(b)

CFR Citation: 12 CFR 1680

Legal Deadline: None

Abstract: This regulation provides method for release of information in the Office of the Inspector General to the public pursuant to the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/25/91	56 FR 34014
Final Action	10/23/91	
Final Action Effective	10/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia M. Black, Counsel to the Inspector General of the RTC, Resolution Trust Corporation, 801 17th St., NW., Washington, DC 20434, 202 416-4312

RIN: 3205–AA10

RESOLUTION TRUST CORPORATION (RTC) — Completed Actions

4771. REPUDIATION OF COLLATERALIZED OBLIGATIONS UPON APPOINTMENT OF THE RTC AS CONSERVATOR OR RECEIVER

Significance: Agency Priority

Legal Authority: 12 USC 1441a(b)(4); 12 USC 1821(e)(1)

CFR Citation: 12 CFR 1614

Legal Deadline: None

Abstract: The regulation sets forth policies of the RTC regarding payment of interest on direct collateralized obligations and regarding treatment of collateralized letters of credit and other contingent obligations after appointment of the RTC as conservator or receiver.

Timetable:

Action	Date	FR Cite
Withdrawn	08/23/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael A. Jungman, Assistant General Counsel, Securities and Finance Division, Resolution Trust Corporation, 801 17th Street, NW., Washington, DC 20434, 202 416-4348

RIN: 3205–AA06

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Monday
October 21, 1991

Part LXI

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-6909, 34-29677, 35-25373, 39-2276, IC-18307, IA-1267; File No. S7-28-91]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions, pursuant to chapter 6 of the Administrative Procedure Act and according to guidance given by the Office of Management and Budget. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission invites questions and public comment on individual agenda entries.

DATES: Public comments are due by December 31, 1991.

ADDRESSES: Persons wishing to submit written views should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Room 6184, Stop 6-9, Washington, DC 20549. All submissions should refer to File No. S7-28-91 and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: David C. Mahaffey, Assistant General Counsel, or Martha H. Platt, Staff Attorney, Office of the General Counsel, Securities and Exchange Commission, 450 5th Street NW., Room 6144, Stop 6-6, Washington, DC 20549 (202-272-2428). The names of persons to contact concerning particular rules are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980)) requires each Federal agency, during April and October of each year, to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose or adopt that are likely to have a significant economic impact on a substantial number of small entities.[1]

The RFA also requires the Commission to publish a plan for the periodic review of all rules issued by the Agency which have or will have a significant economic impact on a substantial number of small entities.[2] The Commission published such a plan in 1981.[3] The plan provides for the review of all rules in effect on January 1, 1981, within 10 years of that date and for the review of all rules adopted thereafter within 10 years of their adoption as final rules.

The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding 12 months.[4] The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some completed rule reviews listed in the agenda may not be subject to RFA review requirements. The Commission lists them here simply to inform the public that they have been reviewed.

The RFA specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included nor is the Commission required to consider or act on any matter which is included.[5] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities.[6] This preliminary judgment may be changed upon further analysis.

The Commission's agenda includes new entries, as well as items carried over from the April 1991 publication.[7] New entries have a bullet next to the Sequence Number. Priority items are identified under the heading Significance, followed by the words "Agency Priority." The agenda also lists the rulemaking actions which have been completed (or withdrawn) since the last RFA release was published.

The Commission invites public comment on the individual entries in its regulatory agenda.

Dated: September 12, 1991.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4772	17 CFR 229.793,(New) Disclosure of the Bases for a Board of Director Evaluation of an Extraordinary Corporate Transaction	3235-AD53
4773	17 CFR 230 Sales Literature and the Securities Act of 1933	3235-AD68
4774	17 CFR 210 Multijurisdictional Disclosure with the United Kingdom	3235-AE23
4775	17 CFR 230 American Depository Receipts	3235-AE57
4776	17 CFR 240.17a-3 Designation of Orders as "Solicited" and "Unsolicited"	3235-AE18
4777	17 CFR 240.3a12-8 Amendments to Rule 3a12-8	3235-AE22

[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] Securities Act Release No. 6323 (June 24, 1981) [46 FR 33287].

[4] 5 U.S.C. 610(c).

[5] 5 U.S.C. 602(d).

[6] The agenda relies on the definitions of the term "small entity" for purposes of the RFA, which were adopted by the Commission for the various categories of regulated entities. *See* Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

[7] Unified Agenda of Federal Regulations, April 1991 (April 22, 1991) [56 FR 18376].

SEC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4778	17 CFR 240.19h-1 Notice By SRO of Proposed Admission to or Continuance in Membership With Any Person Subject to a Statutory Disqualification	3235-AE39
4779	17 CFR 240.10b-13 Prohibiting Other Purchases During Tender Offer or Exchange Offer	3235-AE40
4780	17 CFR 240.3b-3 Definition of "Short Sale"; Short Sales	3235-AE41
4781	17 CFR 240.10b-7 Stabilizing to Facilitate a Distribution	3235-AE43
4782	17 CFR 240.10b-1 et seq Public Disclosure of Material Short Security Positions (subject matter; not title of regulation)	3235-AE50
4783	17 CFR 240.15b1-2 Statement of Financial Condition to be Filed with Application for Registration as a Broker or Dealer	3235-AE54
4784	17 CFR 240.10b-10 Amendments to Confirmation Requirements of Rule 10b-10	3235-AE55
4785	17 CFR 274.11A Technical Amendments to N-1A and Rules 24f-1 and 24f-2	3235-AC25
4786	Advertising by Unit Investment Trusts	3235-AC70
4787	17 CFR 270.6c-12 (New) Proposed Rule 6c-12 Under the Investment Company Act of 1940	3235-AC84
4788	17 CFR 275 Revisions to the Registration and the Annual Supplement Forms Used by Investment Advisers	3235-AD21
4789	17 CFR 270.17f-6 Custody of Investment Company Assets with Registered Futures Commission Merchants	3235-AD34
4790	Comprehensive Study of the Investment Company Act of 1940	3235-AD89
4791	17 CFR 239.23 Amendments to Investment Company Regulation Forms	3235-AE46
4792	17 CFR 274.101 Amendments to Form N-SAR	3235-AE48

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4793	17 CFR 229 Report of Management's Responsibilities	3235-AD29
4794	17 CFR 200 Rulemaking for Operational EDGAR System	3235-AC48
4795	17 CFR 230.153 Rule 153 Definition of Preceded by a Prospectus as Used in Section 5(b)(2) in Relation to Certain Transactions	3235-AC61
4796	17 CFR 230 Classification of Small Issuers for Reporting Purposes	3235-AC66
4797	17 CFR 230.433 (New) Prospectus Delivery Requirements in Firm Commitment Underwritten Offerings of Securities Made for Cash (Rule 433)	3235-AC80
4798	17 CFR 230.415 Shelf Offerings Pursuant to Rule 415 Under the Securities Act of 1933	3235-AD67
4799	17 CFR 240.14e-5 Debt Tender Offers	3235-AD69
4800	17 CFR 210.3-20 Reporting Currency in Financial Statements Under Rule 3-20 of Regulation S-X	3235-AD70
4801	17 CFR 230.251 Regulation A	3235-AD88
4802	17 CFR 229.401 Disclosure of Legal Proceedings Involving Management, Promoters, Control Persons and Others	3235-AE14
4803	17 CFR 240.14a-13 Rules to Reflect Amendments to Securities Exchange Act of 1934 Regarding Shareholder Communications	3235-AE38
4804	17 CFR 240.15c2-11 Initiation or Resumption of Quotations Without Specified Information	3235-AD94
4805	15 CFR 240.17Ad-15 Acceptance of Signature Guarantees From Eligible Guarantor Institutions	3235-AE19
4806	17 CFR 240.17Ad-16 Notice of Assumption or Termination of Transfer Agent Services	3235-AE20
4807	17 CFR 240.13h-1 Large Trader Reporting System	3235-AE42
4808	17 CFR 240.17h-1T Temporary Risk Assessment Recordkeeping and Reporting Requirements for Brokers and Dealers	3235-AE44
4809	17 CFR 249.501 (Revision) Form BD, for Application for Registration as a Broker and Dealer or to Amend or Supplement Such an Application	3235-AE49
4810	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
4811	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
4812	17 CFR 230.134 Disclosure of Security Ratings in Registration Statements of Money Market Funds	3235-AC24
4813	17 CFR 275.203(b)(1)-1 Exemption from Registration Under the Advisers Act for Certain Smaller Investment Advisers	3235-AD38
4814	17 CFR 230.482 Tax Exempt Money Market Fund Rule Proposals	3235-AE17
4815	17 CFR 270.12d3-1 Proposed Amendments to Rule 12d3-1 under the Investment Company Act of 1940	3235-AE47

SEC

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4816	17 CFR 210 Technical Amendments to Regulation S-X	3235-AD32
4817	17 CFR 240.13d-1 Regulation 13D-G	3235-AD09
4818	17 CFR 240.13d-101 Disclosure of Significant Equity Participants in Control Transactions	3235-AD42
4819	17 CFR 230.801 (New) Rule 801 and Registration Forms for Rights Offerings	3235-AD44
4820	17 CFR 230.419 Disclosure Requirements Applicable to Blank Check Offerings	3235-AD54
4821	17 CFR 240.12g3-2b Forms for Furnishing Information Pursuant to Rule 12g3-2(b) Under the Securities Exchange Act of 1934	3235-AD72
4822	17 CFR 230 Summary Prospectuses	3235-AD90
4823	17 CFR 210.3-19 Special Provisions as to Age of Financial Statements for Foreign Private Issuers Under Regulation S-X	3235-AD96
4824	17 CFR 200 International Tender and Exchange Offers	3235-AD97
4825	17 CFR 240 Proxy Rules	3235-AE12
4826	17 CFR 15c2-10 Rule 15c2-10	3235-AC94
4827	17 CFR 240.15c3-3 Customer Protection Reserves and Custody of Securities	3235-AD60
4828	17 CFR 240.15c3-1 Net Capital Requirements for Brokers or Dealers	3235-AD62
4829	17 CFR 240.15c3-1 Net Capital Requirements for Brokers or Dealers	3235-AD79
4830	17 CFR 240.10b-7 Stabilizing to Facilitate a Distribution	3235-AE11
4831	17 CFR 240 Definitions Principally Relating to International Transactions	3235-AE15
4832	17 CFR 240.3a51-1 Penny Stock Disclosure Rules	3235-AE21
4833	17 CFR 240.31-1 Securities Transactions Exempt From Transaction Fees	3235-AE52
4834	17 CFR 239.14 Amendments to Form N-2	3235-AB40
4835	17 CFR 250.17 Diversification by Exempt Holding Companies	3235-AD39
4836	17 CFR 270.31a-2 Amendment to Rule 31a-2 Under the Investment Company Act of 1940	3235-AD66
4837	17 CFR 274.11A Disclosure and Analysis of Mutual Funds Performance Information; Portfolio Manager Disclosure	3235-AD81
4838	17 CFR 270 Rulemaking for Investment Company Filing on Operational EDGAR System	3235-AD92
4839	17 CFR 270.6c-9 Proposed Amendments to Rule 6c-9 and Form N-6c9 Under the Investment Company Act of 1940	3235-AD93
4840	17 CFR 250 Rulemaking for Public Utility Holding Companies Filing on Operational EDGAR System	3235-AD98
4841	17 CFR 270.6c-4(T) Recission of Temporary Rules Providing Exemptions to Certain Money Market Funds and Other Persons and Companies	3235-AE16
4842	17 CFR 270.30d-1 Review of Rule 30d-1 Under the Investment Company Act of 1940	3235-AE24
4843	17 CFR 270.3c-2 Review of Rule 3c-2 Under the Investment Company Act of 1940	3235-AE25
4844	17 CFR 270.7d-1 Review of Rule 7d-1 Under the Investment Company Act of 1940	3235-AE26
4845	17 CFR 270.3a-2 Review of Rule 3a-2 Under the Investment Company Act of 1940	3235-AE27
4846	17 CFR 270.30b2-1 Review of Rule 30b2-1 Under the Investment Company Act of 1940	3235-AE28
4847	17 CFR 270.3a-3 Review of Rule 3a-3 Under the Investment Company Act of 1940	3235-AE29
4848	17 CFR 270.17a-7 Review of Rule 17a-7 Under the Investment Company Act of 1940	3235-AE30
4849	17 CFR 270.30d-2 Review of Rule 30d-2 Under the Investment Company Act of 1940	3235-AE31
4850	17 CFR 270.16a-1 Review of Rule 16a-1 Under the Investment Company Act of 1940	3235-AE32
4851	17 CFR 270.57b-1 Review of Rule 57b-1 Under the Investment Company Act of 1940	3235-AE33
4852	17 CFR 270.3a-1 Review of Rule 3a-1 Under the Investment Company Act of 1940	3235-AE34
4853	17 CFR 270.60a-1 Review of Rule 60a-1 Under the Investment Company Act of 1940	3235-AE35
4854	17 CFR 274.11 Review of Form N-1 Registration Statement of Open-End Management Investment Company	3235-AE36
4855	17 CFR 230.180 Review of Rule 180 Under the Securities Act of 1933	3235-AE37
4856	17 CFR 229,(Revision) Partnership Roll-up Transactions	3235-AE45

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4857	17 CFR 200 Multijurisdictional Disclosure and Modifications to the Current Registration and Reporting System for Canadian Issuers	3235-AC64
4858	17 CFR 200 (Revision) Rules and Forms to Implement the Trust Indenture Reform Act of 1990	3235-AE13
4859	17 CFR 290 Primary Offerings by the European Bank for Reconstruction and Development	3235-AE56
4860	17 CFR 289 Offerings by the International Finance Corporation	3235-AE58
4861	17 CFR 240.15c2-11 Initiation or Resumption of Quotations Without Specified Information	3235-AA48
4862	17 CFR 240.12a-7 Exemption of Stock Contained in Standardized Market Baskets from Section 12(a) of the Securities Exchange Act of 1934	3235-AD84
4863	17 CFR 270.2a-7 Money Market Fund Rule Proposals	3235-AD91

SECURITIES AND EXCHANGE COMMISSION (SEC)

Prerule Stage

Disclosure Rules

4772. ● DISCLOSURE OF THE BASES FOR A BOARD OF DIRECTOR EVALUATION OF AN EXTRAORDINARY CORPORATE TRANSACTION

Legal Authority: 15 USC 78m; 15 USC 78n; 15 USC 78w

CFR Citation: 17 CFR 229.793,(New); 17 CFR 240.13e-100; 17 CFR 240.13e-101; 17 CFR 240.14a-101; 17 CFR 240.14d-1 to 240.14f-1

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend that the Commission propose rules that would promote shareholder analysis of extraordinary corporate transactions recommended or approved by the board of directors of the subject company. Amendments would be proposed to Rule 13e-3 and Schedule 13E-3 to apply those provisions to transactions where it is anticipated that management will have a significant interest in the transaction, such as an equity interest in the surviving entity. The proposals also would adopt enhanced disclosure requirements similar to those of Rule 13e-3 for a broader class of extraordinary transactions. The objective of the proposals would be to provide investors with more information concerning the transaction (including the values inherent in the transaction) and the evaluation processes of the board of directors. In connection with this rulemaking project, a review of Rules 13e-3 and 14d-1 through 14f-1 and Schedule 13E-3 for Regulatory Flexibility Act purposes will be conducted.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD53

4773. SALES LITERATURE AND THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77s

CFR Citation: 17 CFR 230

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend that the Commission propose rules that would address the use of sales literature in connection with securities offerings registered pursuant to the Securities Act of 1933.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AD68

4774. MULTIJURISDICTIONAL DISCLOSURE WITH THE UNITED KINGDOM

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77ddd; 15 USC 77eee; 15 USC 77fff; 15 USC 78c(b); 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78w; 15 USC 78x

CFR Citation: 17 CFR 210; 17 CFR 230; 17 CFR 240; 17 CFR 249; 17 CFR 260

Legal Deadline: None

Abstract: The Division of Corporation Finance is engaged in preliminary discussions with officials from the International Stock Exchange with a view towards possibly recommending to the Commission a proposal for a multijurisdictional disclosure system with the United Kingdom similar to that adopted involving Canada.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard M. Kosnik, Chief, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3246

RIN: 3235–AE23

4775. ● AMERICAN DEPOSITORY RECEIPTS

Legal Authority: 15 USC 77b; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78c; 15 USC 78i; 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78q

CFR Citation: 17 CFR 230; 17 CFR 239; 17 CFR 240

Legal Deadline: None

Abstract: The Commission has issued a release requesting information and comment with regard to the functioning and characteristics of the American depository receipt marketplace, as well as with regard to various regulatory issues under the federal securities laws, including whether any changes to the registration process are necessary or appropriate and questions relating to duplication of facilities.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/91	56 FR 24420
ANPRM Comment Period End	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary E. T. Beach, Senior Associate Director, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2585

RIN: 3235–AE57

Securities Markets and Securities Industry Rules

4776. DESIGNATION OF ORDERS AS "SOLICITED" AND "UNSOLICITED"

Significance: Agency Priority

Legal Authority: 15 USC 78q

SEC Prerule Stage

CFR Citation: 17 CFR 240.17a-3; 17 CFR 240.17a-4

Legal Deadline: None

Abstract: The Division of Market Regulation anticipates recommending that the Commission propose amendments to Rules 17a-3 and 17a-4 that would require records relating to customer brokerage orders and dealer transactions to be marked to reflect whether they are "solicited" or "unsolicited." The proposed amendments would provide the Commission and securities self-regulatory organizations with information that would facilitate the enforcement of cases involving penny stock fraud and serve generally to promote compliance with customer suitability requirements and facilitate supervision by securities firms of sales practices.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Karen Buck Burgess, Deputy Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, **202 504-2418**

RIN: 3235–AE18

4777. AMENDMENTS TO RULE 3A12-8

Legal Authority: 15 USC 78c(a)(12)

CFR Citation: 17 CFR 240.3a12-8

Legal Deadline: None

Abstract: The Division of Market Regulation anticipates recommending that the Commission propose amendments to Rule 3a12-8 under the Securities Exchange Act that would, if adopted, designate sovereign debt issued by Italy and the Republic of Ireland as exempted securities under the Securities Exchange Act solely for purposes of marketing and trading futures on those securities in the United States. Section 2(a)(1)(8)(v) of the Commodity Exchange Act prohibits futures trading on an individual security, unless the security is an exempted security. Unlike U.S. government securities, the sovereign debt obligations of foreign governments are not exempt from the Securities Act or the Securities Exchange Act. Accordingly, the Commission promulgated Rule 3a12-8 to designate certain foreign government securities as exempted securities to permit exchange-traded futures contracts on these securities to be marketed in the United States. Because of recent interest by U.S. investors in purchasing futures on Italian and Irish government securities, the Division anticipates recommending that the Commission propose amendments to 3a12-8 that would treat sovereign debt issued by Italy (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and the Republic of Ireland as exempt securities for the purpose of futures trading with respect to those instruments. In addition, the Division anticipates recommending that the Commission seek public comment on whether to amend Rule 3a12-8 to treat securities issued by certain supranational entities as exempt securities for purposes of futures trading with respect to those instruments. Finally, the Division anticipates recommending an amendment to Rule 3a12-8 to change "West Germany" to "Federal Republic of Germany," the formal name of the reunified East and West Germany.

Agency Contact: Anthony Ain, Senior Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington DC 20549, **202 272-2905**

RIN: 3235–AE22

4778. NOTICE BY SRO OF PROPOSED ADMISSION TO OR CONTINUANCE IN MEMBERSHIP WITH ANY PERSON SUBJECT TO A STATUTORY DISQUALIFICATION

Legal Authority: 15 USC 78f; 15 USC 78o; 15 USC 78o-3; 15 USC 78o-4; 15 USC 78q; 15 USC 78q-1; 15 USC 78g; 15 USC 78w

CFR Citation: 17 CFR 240.19h-1

Legal Deadline: None

Abstract: The Division of Market Regulation anticipates recommending amendments to the Commission to Rule 19h-1, which requires self-regulatory organizations ("SROs") to submit to the Commission filings whenever a person subject to a statutory disqualification, as defined in Section 3(a)(39) of the Securities Exchange Act of 1934, seeks to become associated with or continue his/her association with a broker-dealer that is a member of an SRO. Congress recently amended the definition of statutory disqualification to include, among other things, convictions of any felony within the last ten years and disciplinary actions taken by foreign governmental entities and SROs. The proposed amendments will address the recent changes in the definition of statutory disqualification and other areas of the rule that experience has shown can be simplified and improved.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lance Alworth, Jr., Staff Attorney, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549, **202 504-2506**

RIN: 3235–AE39

4779. PROHIBITING OTHER PURCHASES DURING TENDER OFFER OR EXCHANGE OFFER

Legal Authority: 15 USC 78j; 15 USC 78m; 15 USC 78n; 15 USC 78dd(a)

CFR Citation: 17 CFR 240.10b-13

Legal Deadline: None

Abstract: The Division of Market Regulation is considering recommending that the Commission redesignate Rule 10b-13 as Rule 14e-5 to more accurately reflect the underlying rationale of the rule and logically place the rule among those specifically dealing with tender offers. In addition, the proposals would clarify and seek comment with respect to the application of paragraph (c) of the rule, which permits employee stock purchase plans associated with the bidder to purchase otherwise than pursuant to the tender or exchange offer.

SEC

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy J. Sanow, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2848

RIN: 3235–AE40

4780. DEFINITION OF "SHORT SALE"; SHORT SALES

Significance: Agency Priority

Legal Authority: 15 USC 78b; 15 USC 78j(a); 15 USC 78dd(a)

CFR Citation: 17 CFR 240.3b-3; 17 CFR 240.10a-1

Legal Deadline: None

Abstract: The Division of Market Regulation is considering recommending that the Commission amend Rule 10a-1, which prohibits short sales under certain circumstances. The proposals would provide an exemption to permit specialists to equalize the opening price of a foreign security on a U.S. exchange with its price in the principal foreign market, to exclude from application of the rule transactions in non-convertible corporate bonds effected on an exchange, and to codify a no-action position relating to certain liquidations of index arbitrage positions. The amendments, if proposed, also would clarify Rule 3b-3's definition of ownership of a security.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy J. Sanow, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2848

RIN: 3235–AE41

4781. STABILIZING TO FACILITATE A DISTRIBUTION

Significance: Agency Priority

Legal Authority: 15 USC 78i(a)(6); 15 USC 78j(b); 15 USC 78q(a); 15 USC 78w(a); 15 USC 78dd(a)

CFR Citation: 17 CFR 240.10b-7

Legal Deadline: None

Abstract: The Commission has published for comment a release proposing amendments to Rule 10b-7, which governs stabilizing to facilitate an offering. The proposed amendments would modify the distinction that the rule makes between securities for which the principal market is a securities exchange and securities traded in the over-the-counter market. The release would also codify certain interpretive positions regarding the persons who may rely on the rule and the type of offerings covered by the rule. Finally, the provisions of the rule would be restructured and simplified.

Timetable:

Action	Date	FR Cite
NPRM	01/09/91	56 FR 814
NPRM Comment Period End	02/25/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy J. Sanow, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2848

RIN: 3235–AE43

4782. ● PUBLIC DISCLOSURE OF MATERIAL SHORT SECURITY POSITIONS (SUBJECT MATTER; NOT TITLE OF REGULATION)

Legal Authority: 15 USC 78j(a); 15 USC 78j(b); 15 USC 78o(c); 15 USC 78w(a)

CFR Citation: 17 CFR 240.10b-1 et seq; 17 CFR 240.13a-1 et seq

Legal Deadline: None

Abstract: The Commission issued a concept release soliciting public comment in connection with a petition for rulemaking which requests that the Commission adopt a rule that would require public reporting of material short positions in publicly-traded companies in a manner analogous to the current reporting requirement for material long security positions. The release discusses general concepts and does not propose specific rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	06/13/91	56 FR 27280
ANPRM Comment Period End	09/15/91	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: M. Blair Corkran, Senior Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2853

RIN: 3235–AE50

4783. ● STATEMENT OF FINANCIAL CONDITION TO BE FILED WITH APPLICATION FOR REGISTRATION AS A BROKER OR DEALER

Significance: Regulatory Program

Legal Authority: 15 USC 78o; 15 USC 78o-4; 15 USC 78o-5; 15 USC 78q

CFR Citation: 17 CFR 240.15b1-2; 17 CFR 240.15Ca2-2; 17 CFR 240.15Ba2-2(b)

Legal Deadline: None

Abstract: In connection with Commission's plan to coordinate the broker-dealer registration process with the Central Registration Depository, the Division of Market Regulation anticipates recommending to the Commission amendments to Rules 15b1-2, 15Ca2-2 and 15Ba2-2(b) under the Securities Exchange Act of 1934. The amendments would eliminate the requirement that applicants for broker-dealer registration file a statement of financial condition and representations regarding their financial resources as part of their applications on Form BD. The rules of the self-regulatory organizations currently require broker-dealers to file a statement of financial condition (or to otherwise demonstrate their financial ability to conduct business as a broker-dealer) with their applications for membership.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Belinda Blaine, Attorney, Office of Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-3199

RIN: 3235–AE54

4784. ● AMENDMENTS TO CONFIRMATION REQUIREMENTS OF RULE 10B-10

Legal Authority: 15 USC 78c; 15 USC 78i; 15 USC 78j; 15 USC 78k; 15 USC 78o; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.10b-10

Legal Deadline: None

Abstract: The Division of Market Regulation anticipates recommending to the Commission amendments to Rule 10b-10 under the Exchange Act. The amendments would require disclosure as to whether customers' accounts are carried by broker-dealers that are members of the Securities Investor Protection Corporation and of investment company sales charges, clarify application of the rule to repurchase and reverse repurchase transactions, modify the yield disclosure requirements for certain debt securities collateralized by receivables subject to prepayment risk, clarify the rule's requirements concerning distributions of securities subject to contingencies, and codify existing staff interpretations allowing dividend reinvestment plans to follow quarterly confirmation procedures. Although certain of the proposals would impose some additional costs on small entities, other proposals would reduce costs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Caroline Bartman, Attorney, Office of Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 727-2418

RIN: 3235–AE55

Investment Management Rules

4785. TECHNICAL AMENDMENTS TO N-1A AND RULES 24F-1 AND 24F-2

Legal Authority: 15 USC 80a-8; 15 USC 80a-58; 15 USC 80a-24

CFR Citation: 17 CFR 274.11A; 17 CFR 270.24f-1; 17 CFR 270.24f-2

Legal Deadline: None

Abstract: The Division of Investment Management is considering several modifications to Form N-1A including: reducing the number of copies to be filed with the Commission; conforming the language of Form N-1A with Forms N-3 and N-4; and clarifying many of the current disclosure requirements. The staff is also considering changes in rules 24f-1 and 24f-2, the rules that permit certain investment companies to register securities sold in excess of the number of shares included in a registration statement, to clarify the rules' operation with respect to the measurement of time periods and filing requirements in the context of investment company reorganizations. No action is anticipated in the next six months.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth J. Berman, Deputy Office Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2107

RIN: 3235–AC25

4786. ADVERTISING BY UNIT INVESTMENT TRUSTS

Significance: Agency Priority

Legal Authority: 15 USC 77j; 15 USC 77s; 15 USC 80a-37(a)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Currently, unit investment trusts advertise their performance by means of an "estimated current return," which shows estimated cash flow. However, in a market environment characterized by fluctuating interest rates, estimated current return may not accurately convey the yield of UITs. The Division of Investment Management is undertaking to develop for recommendation to the Commission a rule proposal setting forth a uniform method of computing UIT yields. A uniform method of computation would permit investors to make more informed investment decisions by enabling them to compare the performance of different trusts. The staff is studying a proposal for a uniform method of computing UIT yields submitted by the Investment Company Institute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Eli A. Nathans, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-3021

RIN: 3235–AC70

4787. PROPOSED RULE 6C-12 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.6c-12 (New)

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission propose a rule that would codify many exemptions from provisions of the Investment Company Act granted to two-tier real estate limited partnerships. Exemptions pursuant to Section 6(c) of the Act have generally been granted where: 1) the two-tier partnership invests in limited partnerships engaged in the development and building of housing for low and moderate income persons; 2) the limited partnership interests are sold only to suitable investors; and 3) requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer are included in the basic organizational documents of the partnership. The regulation would reduce the number of exemptive relief

applications received by the Office of Investment Company Regulation. No action is expected in the next six months.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2707

RIN: 3235–AC84

4788. REVISIONS TO THE REGISTRATION AND THE ANNUAL SUPPLEMENT FORMS USED BY INVESTMENT ADVISERS

Legal Authority: 15 USC 78o(b)(1); 15 USC 78w(a); 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-6A; 15 USC 80b-11; 15 USC 80b-1

CFR Citation: 17 CFR 275; 17 CFR 279

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission revise Form ADV, the investment adviser registration form, in connection with its possible inclusion in either the Commission's Edgar System or the National Association of Securities Dealers' CRD System. Either approach would permit advisers to make "one stop filing" of the form and periodic updates with the Commission and the states. No action is expected in the next six months.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Eric Freed, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-2107

RIN: 3235–AD21

4789. CUSTODY OF INVESTMENT COMPANY ASSETS WITH REGISTERED FUTURES COMMISSION MERCHANTS

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270.17f-6

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission propose a rule to permit registered investment companies to maintain initial and excess variation margin in the custody of certain futures commission merchants if appropriate conditions can be developed to ensure the safety and integrity of the assets thus maintained.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2048

RIN: 3235–AD34

4790. COMPREHENSIVE STUDY OF THE INVESTMENT COMPANY ACT OF 1940

Significance: Agency Priority

Legal Authority: 15 USC 80a-6(c); 15 USC 77s(a); 15 USC 80b-11(a); 15 USC 80a-37; 15 USC 78w

CFR Citation: None

Legal Deadline: None

Abstract: The Division of Investment Management, together with the Divisions of Corporation Finance and Market Regulation, has undertaken a year-long comprehensive study of the Investment Company Act of 1940 in an effort to modernize the existing regulatory structure governing investment companies. The study will consider a broad range of issues including: possible alternative regulatory structures for certain investment vehicles; corporate governance; distribution; securitization of assets; internationalization of the securities markets; issues arising under the Securities Act of 1933; issues related to tax law; issues related to the entry of banks into the investment company business; insurance products; and other matters. Proposed amendments to Rules 12b-1 and 17d-3 and proposed rule 6c-10, all under the Investment Company Act of 1940, and Mutual Fund Governance, were formerly separate items on the agenda that have been merged with this item.

Timetable:

Action	Date	FR Cite
ANPRM	06/21/90	55 FR 25322

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Matthew A. Chambers, Associate Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-4), Washington, DC 20549, 202 272-2048

RIN: 3235–AD89

4791. ● AMENDMENTS TO INVESTMENT COMPANY REGULATION FORMS

Legal Authority: 15 USC 77a et seq; 15 USC 80a-1 et seq

CFR Citation: 17 CFR 239.23; 17 CFR 239.15A; 17 CFR 274.11A; 17 CFR 239.17a; 17 CFR 274.11b; 17 CFR 239.17b; 17 CFR 274.11c

Legal Deadline: None

Abstract: In February 1991 the District Court of the Southern District of New York issued a decision interpreting Form N-1A, the registration form used by open-end management investment companies to register under the Investment Company Act and to register their securities under the Securities Act of 1933. The court held that disclosure concerning a fund policy of "freezing" time for purpose of measuring sales load under a contingent deferred sales loan arrangement when a shareholder transferred funds to an affiliated money market fund did not have to be disclosed in the fund's prospectus. The

SEC **Prerule Stage**

Commission will consider what impact this decision has on its program of full disclosure and what amendments to Form N-1A and similar forms are warranted in the light of this impact.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert E. Plaze, Assistant Director, Division of Investment Management, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2107

RIN: 3235–AE46

4792. ● AMENDMENTS TO FORM N-SAR

Legal Authority: 15 USC 80a-1 et seq

CFR Citation: 17 CFR 274.101

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission revise form N-SAR, the semiannual report for registered investment companies, to reflect certain changes in the investment company industry.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Office of Financial Analysis & Inspections, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE48

SECURITIES AND EXCHANGE COMMISSION (SEC) — Proposed Rule Stage

Accounting Rules

4793. REPORT OF MANAGEMENT'S RESPONSIBILITIES

Significance: Agency Priority

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; ...

CFR Citation: 17 CFR 229; 17 CFR 240; 17 CFR 249; 17 CFR 270; 17 CFR 274

Legal Deadline: None

Abstract: The Commission has proposed rules to require registrants to include a report of management's responsibilities in Forms 10-K and N-SAR and annual reports to security holders. The management report would contain a description or statement of management's responsibilities for the preparation of the registrant's financial statements and other financial information and for establishing and maintaining a system of internal control directly related to financial reporting, with management's assessment of the effectiveness of the registrant's internal control system.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 28009
NPRM Comment Period End	10/24/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 15 USC 80a-29

Agency Contact: John W. Albert, Associate Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW., Washington, DC 20549, 202 272-2130

RIN: 3235–AD29

Disclosure Rules

4794. RULEMAKING FOR OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77a to 77aa; 15 USC 78a to 78ii; 15 USC 79 to 79z-6; 15 USC 77aaa to 77bbb; 15 USC 80a-1 to 80a-52

CFR Citation: 17 CFR 200; 17 CFR 201; 17 CFR 202; 17 CFR 210; 17 CFR 228; 17 CFR 229; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260; 17 CFR 269

Legal Deadline: None

Abstract: The Commission has issued a concept release requesting public comment on rule changes necessary to accommodate electronic filing in the operational EDGAR system, as well as to update the rules to take advantage of the efficiencies of electronic filing and processing. The staff intends to recommend that the Commission propose specific rules in this area.

Timetable:

Action	Date	FR Cite
ANPRM	07/02/86	51 FR 24155
ANPRM Comment Period End	09/05/86	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara Smith Jacobs, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AC48

4795. ● RULE 153 DEFINITION OF PRECEDED BY A PROSPECTUS AS USED IN SECTION 5(B)(2) IN RELATION TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 77e

CFR Citation: 17 CFR 230.153

Legal Deadline: None

Abstract: The prospectus delivery requirement for certain transactions effected on a national securities exchange may be satisfied by delivery to the exchange. The Division of Corporation Finance is considering whether to recommend to the Commission that this procedure should be available for certain transactions on the NASDAQ Inter-Dealer Quotation System.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2644

RIN: 3235–AC61

4796. CLASSIFICATION OF SMALL ISSUERS FOR REPORTING PURPOSES

Legal Authority: 15 USC 78l; 15 USC 78m

CFR Citation: 17 CFR 230; 17 CFR 240; 17 CFR 244; 17 CFR 260

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend that the Commission propose other appropriate criteria to establish the threshold level for companies to enter into the Securities Exchange Act of 1934 reporting system that would supplement or replace the present size criteria of at least 500 shareholders and total assets of $5 million.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/86	51 FR 25369
ANPRM Comment Period End	09/30/86	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2644

RIN: 3235–AC66

4797. PROSPECTUS DELIVERY REQUIREMENTS IN FIRM COMMITMENT UNDERWRITTEN OFFERINGS OF SECURITIES MADE FOR CASH (RULE 433)

Legal Authority: 15 USC 77b(10); 15 USC 77s(a); 15 USC 77j(a)(4); 15 USC 77j(d)

CFR Citation: 17 CFR 230.433 (New)

Legal Deadline: None

Abstract: On August 6, 1987, the Commission proposed two alternative versions of a new Rule 433 that would provide a safe harbor from the requirement to deliver a final prospectus prior to or contemporaneously with a confirmation of sale in a firm commitment offering of securities for cash. Both proposals would have permitted, if all conditions of the rule were satisfied, the sending of a final prospectus no later than five business days after a confirmation of sale was sent to an investor in such an offering. The comment period expired on October 5, 1987. Based upon comments received, the Division of Corporation Finance is considering further revisions to the proposed rules.

Timetable:

Action	Date	FR Cite
NPRM	08/06/87	52 FR 29206
NPRM Comment Period End	10/05/87	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AC80

4798. SHELF OFFERINGS PURSUANT TO RULE 415 UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230.415

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend that the Commission propose amendments to Rule 415 to expand the availability of the use of the rule under the Securities Act of 1933 to address current market conditions and transactions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Abigail Arms, Deputy Chief Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AD67

4799. DEBT TENDER OFFERS

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s; 15 USC 77aa(12); 15 USC 78l; 15 USC 78o(d); 15 USC 78w; 15 USC 78(e)

CFR Citation: 17 CFR 240.14e-5

Legal Deadline: None

Abstract: The Divisions of Corporation Finance and Market Regulation are jointly considering whether to recommend that the Commission issue proposals to amend its rule applicable to debt tender offers. The agency contact for the Division of Market Regulation is Nancy J. Sanow, Assistant Director, Office of Trading Practices (202 272-2848).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD69

4800. REPORTING CURRENCY IN FINANCIAL STATEMENTS UNDER RULE 3-20 OF REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79k(a); 15 USC 80a-8; ...

CFR Citation: 17 CFR 210.3-20

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend that the Commission propose revisions to Rule 3-20 of Regulation S-X that would clarify provisions allowing a foreign private issuer to state its financial statements in a currency other than that of the country in which it is incorporated or organized. In lieu of that rule's present reference to the issuer's primary economic environment, the revised rule would identify characteristics of the issuer that would guide the selection of a reporting currency.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: 15 USC 80a-29

Agency Contact: Robert A. Bayless, Chief Accountant, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2553

RIN: 3235–AD70

4801. REGULATION A

Legal Authority: 15 USC 77c(b)

CFR Citation: 17 CFR 230.251; 17 CFR 230.252; 17 CFR 230.253; 17 CFR 230.254; 17 CFR 230.255; 17 CFR 230.256; 17 CFR 230.257; 17 CFR 230.258; 17 CFR 230.259; 17 CFR 230.260; 17 CFR 230.261; 17 CFR 230.262; 17 CFR 230.263; 17 CFR 230.264

Legal Deadline: None

Abstract: Regulation A provides a general exemption from registration requirements of the Securities Act. The Division of Corporation Finance is reviewing Regulation A for purposes of possible modernization. Upon completion of this review, the Division will consider whether to recommend that the Commission propose amendments to this Regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2644

RIN: 3235–AD88

4802. DISCLOSURE OF LEGAL PROCEEDINGS INVOLVING MANAGEMENT, PROMOTERS, CONTROL PERSONS AND OTHERS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w

CFR Citation: 17 CFR 229.401; 17 CFR 239.90; 17 CFR 240.13d-101; 17 CFR 240.13e-100; 17 CFR 240.14d-100

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend that the Commission propose amendments that would expand disclosure requirements relating to legal proceedings involving executive officers, directors, persons nominated to become directors, promoters, significant shareholders, participants in proxy election contests, and designated others in order to provide investors additional background information regarding these persons.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James R. Budge, Attorney, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AE14

4803. RULES TO REFLECT AMENDMENTS TO SECURITIES EXCHANGE ACT OF 1934 REGARDING SHAREHOLDER COMMUNICATIONS

Legal Authority: 15 USC 78n(b); 15 USC 78n(c)

CFR Citation: 17 CFR 240.14a-13; 17 CFR 240.14b-1; 17 CFR 240.14b-2; 17 CFR 240.14c-1; 17 CFR 240.14c-2; 17 CFR 240.14c-7

Legal Deadline: None

Abstract: The Commission proposed rules to implement the Shareholder Communications Act of 1990 by requiring brokers and banks to transmit to beneficial owners of securities information statements and proxy materials of investment companies subject to the Investment Company Act of 1940 requiring investment companies to distribute information statements to shareholders, and distribute information statements for other companies subject to the information statement requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/22/91	56 FR 41635
NPRM Comment Period End	10/07/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: None

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th

Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AE38

Securities Markets and Securities Industry Rules

4804. INITIATION OR RESUMPTION OF QUOTATIONS WITHOUT SPECIFIED INFORMATION

Significance: Agency Priority

Legal Authority: 15 USC 78w; 15 USC 78c; 15 USC 78j(b); 15 USC 78o(c); 15 USC 78q(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.15c2-11

Legal Deadline: None

Abstract: Rule 15c2-11 governs the submission and publication of quotations by brokers or dealers for certain over-the-counter securities. Currently, the rule applies principally to the initiation or resumption of quotations in the National Daily Quotation Service, which is also known as the "pink sheets." The Commission has proposed amendments to the rule that would substantially narrow the piggyback exception so that self-piggybacking would be excepted under defined conditions and every broker-dealer generally would be required to obtain and review the specified information before submitting a quotation for a covered security. An additional amendment would encourage the creation of one or more central information repositories by permitting broker-dealers, under certain conditions, to rely on the presence of required issuer information in such a repository instead of maintaining those files internally. The amendments would further the Commission's efforts to combat fraud and manipulative conduct in the penny stock market.

Timetable:

Action	Date	FR Cite
NPRM	04/25/91	56 FR 19158
NPRM Comment Period End	01/01/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2848

RIN: 3235–AD94

4805. ACCEPTANCE OF SIGNATURE GUARANTEES FROM ELIGIBLE GUARANTOR INSTITUTIONS

Significance: Agency Priority

Legal Authority: 15 USC 78c; 15 USC 78q; 15 USC 78q-1; 15 USC 78w(a)

CFR Citation: 15 CFR 240.17Ad-15; 15 CFR 204.17Ad-15

Legal Deadline: None

Abstract: Section 206 of the Securities Enforcement Remedies and Penny Stock Reform Act provides that a registered transfer agent may not, directly or indirectly, engage in any activity in connection with the guarantee of a signature of an endorser of a security, including the acceptance or rejection of such guarantee, in contravention of Commission rules prescribed to facilitate the equitable treatment of financial institutions which issue such guarantees. Pursuant to Section 206 of the Reform Act, the Commission anticipates proposing for comment a rule that would: (i) prohibit inequitable treatment of eligible guarantor institutions; (ii) require transfer agents to establish written standards for the acceptance of signature guarantees; (iii) prohibit rejecting signature guarantees from members or participants in a recognized guarantee program; and (iv) beginning on January 5, 1993, require all eligible guarantor institutions to be a member of or participant in a recognized guarantee program.

Timetable:

Action	Date	FR Cite
NPRM	09/16/91	56 FR 46748
NPRM Comment Period End	10/31/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Anthony Bosch, Attorney, Branch of Transfer Agent Regulation, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2775

RIN: 3235–AE19

4806. NOTICE OF ASSUMPTION OR TERMINATION OF TRANSFER AGENT SERVICES

Legal Authority: 15 USC 78c; 15 USC 78q; 15 USC 78q-1; 15 USC 78w(a)

CFR Citation: 17 CFR 240.17Ad-16

Legal Deadline: None

Abstract: The Division of Market Regulation is considering recommending that the Commission propose for comment Rule 17Ad-16 under the Securities Exchange Act of 1934, which would require a transfer agent to provide written notice to securities depositories when terminating or assuming transfer agent services on behalf of an issuer or when changing its name or address. The proposed rule would address a continuing problem affecting prompt securities certificate transfer and increase the efficiency of the National System for the Clearance and Settlement of Securities Transactions as set forth in Section 17A of the Act. Transfer agents with no name or address changes and with no change in the issues for which they provide services will not be affected by this rule and will not need to file a notice. The Division expects a majority of small transfer agents and in-house transfer agents to fall into this category. Compliance costs would be minimal for transfer agents even when the rule applies. A transfer agent that changes its name or address or terminates or assumes transfer agent services on behalf of an issue need only file a short notice with one of three registered (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: securities depositories explaining the change.

Agency Contact: Anthony Bosch, Attorney, Branch of Transfer Agent Regulation, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2775

RIN: 3235–AE20

4807. LARGE TRADER REPORTING SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77c; 15 USC 77d; 15 USC 77s; 15 USC 77ttt; 15 USC 78c; 15 USC 78d; 15 USC 78i; 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78p; 15 USC 78s; 15 USC 78w; ...

CFR Citation: 17 CFR 240.13h-1

Legal Deadline: None

Abstract: The Commission has released for comment proposed Rule 13h-1 pursuant to the Market Reform Act of 1990. Rule 13h-1 would require large traders to disclose accounts and affiliations to the Commission, and would require broker-dealers to maintain and report large trader account and transaction records to the Commission.

Timetable:

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42550
NPRM Comment Period End	11/26/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: 15 USC 78x 15 USC 79q 15 USC 79t 15 USC 80a-29 15 USC 80a-37

Agency Contact: Nicholas T. Chapekis, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-3115

RIN: 3235–AE42

4808. TEMPORARY RISK ASSESSMENT RECORDKEEPING AND REPORTING REQUIREMENTS FOR BROKERS AND DEALERS

Significance: Agency Priority

Legal Authority: 15 USC 78c; 15 USC 78j; 15 USC 78o; 15 USC 78q; 15 USC 78w; 15 USC 78dd

CFR Citation: 17 CFR 240.17h-1T; 17 CFR 240.17h-2T

Legal Deadline: None

Abstract: The Division of Market Regulation is considering recommending that the Commission promulgate temporary Rules 17h-1T and 17h-2T pursuant to the risk assessment section of the Market Reform Act of 1990. Proposed temporary Rule 17h-1T would set forth the recordkeeping requirements for broker-dealers with certain materially associated persons. Proposed temporary Rule 17h-2T would set forth the reporting requirements for broker-dealers with respect to risk assessment.

Timetable:

Action	Date	FR Cite
NPRM	09/06/91	56 FR 44014
NPRM Comment Period End	11/05/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roger G. Coffin, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2396

RIN: 3235–AE44

4809. ● FORM BD, FOR APPLICATION FOR REGISTRATION AS A BROKER AND DEALER OR TO AMEND OR SUPPLEMENT SUCH AN APPLICATION

Significance: Regulatory Program

Legal Authority: 15 USC 78o; 15 USC 78o-5; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 249.501 (Revision); 17 CFR 240.15b-1

Legal Deadline: None

Abstract: Form BD would be amended to clarify and simplify the instructions and the schedules to the form and to reflect the amendments to the federal securities laws made by the Securities Enforcement Remedies and Penny Stock Reform Act and the International Securities Enforcement Cooperation Act of 1990.

Timetable:

Action	Date	FR Cite
ANPRM	08/16/91	56 FR 44029
ANPRM Comment Period End	09/30/91	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Belinda Blaine, Attorney, Office of Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-3199

RIN: 3235–AE49

Investment Management Rules

4810. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Legal Deadline: None

Abstract: On March 9, 1987, the Commission reproposed for public comment Form N-7, a new form for registering unit investment trusts ("UITS") and their securities under the Investment Company Act of 1940 and the Securities Act of 1933. Form N-7 was originally proposed by the Commission on May 14, 1985. Adoption of Form N-7 would (i) codify the disclosure requirements for UITS into one form; (ii) codify the disclosure standards that have been developed for UITS; and (iii) shorten and simplify the prospectus used in connection with the sale of units in both the initial offering and in the secondary market maintained by the sponsor. The requirement for audited financial statements would be eliminated under certain circumstances. Under the reproposal, the requirement that registrants include certain third party financial statements in the registration statement would be extended to insurers as well as guarantors of portfolio securities of the trust.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21282
NPRM Comment Period End	07/31/85	
Reproposing Release	03/17/87	52 FR 8268
Comment Period End	05/18/87	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Eli Nathans, Attorney, Securities and Exchange Commission, Division of Investment Management,

450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-3021

RIN: 3235–AA47

4811. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Legal Deadline: None

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent with respect to any security issued or to be issued by a registered investment company, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to some duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/31/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Division of Investment Management has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of the revisions, if any, that might result from the staff review. However, if revisions were proposed that applied to all registered investment companies soliciting proxies, unless the solicitation is excepted, such revisions could have a significant economic impact on a substantial number of small entities.

Agency Contact: Kathleen Clarke, Special Counsel, Securities and Exchange Commission, 450 5th Street, N.W. (Stop 10-6), 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2107

RIN: 3235–AA69

4812. DISCLOSURE OF SECURITY RATINGS IN REGISTRATION STATEMENTS OF MONEY MARKET FUNDS

Legal Authority: 15 USC 77g; 15 USC 77i; 15 USC 77s(a)

CFR Citation: 17 CFR 230.134; 17 CFR 230.436; 17 CFR 230.482

Legal Deadline: None

Abstract: The Commission proposed amendments to Rules 134, 436, and 482 under the Securities Act of 1933. The amendments, if adopted, would have permitted certain investment companies to use in their statutory and omitting prospectuses a security rating assigned by a nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO's consent to being named pursuant to Section 7 of the Securities Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-2107

RIN: 3235–AC24

4813. EXEMPTION FROM REGISTRATION UNDER THE ADVISERS ACT FOR CERTAIN SMALLER INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6A

CFR Citation: 17 CFR 275.203(b)(1)-1; 17 CFR 275.203(b)(3)-2

Legal Deadline: None

Abstract: The Commission proposed rules that would have exempted smaller investment advisers from most federal adviser regulation, other than the general antifraud provisions, if the advisers were registered in all states in which they do business. The proposed rules would have relied on the states to assume responsibility for the detailed regulation that, at the federal level, would no longer have been applicable to small advisers exempt under these rules. The proposed rules, which included both an interstate and an intrastate exemption, determined eligibility for the exemptions by reference to the size of the adviser's business; whether the adviser had custody of client funds or securities; and whether the adviser was registered as an adviser in the state or states in which it does business.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Eli Nathans, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-2107

RIN: 3235–AD38

4814. TAX EXEMPT MONEY MARKET FUND RULE PROPOSALS

Significance: Agency Priority

Legal Authority: 15 USC 80a-2(a)(41); 15 USC 80a-6(c); 15 USC 80a-33(b)(1); 15 USC 80a-34(b); 15 USC 80a-38(a); 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77s; 15 USC 78m; 15 USC 78n; 15 USC 78w; 15 USC 80a-37

CFR Citation: 17 CFR 230.482; 17 CFR 239.15A; 17 CFR 270.34b-1; 17 CFR 274.11A; 17 CFR 274.11c; 17 CFR 270.2a-7

SEC

Proposed Rule Stage

Legal Deadline: None

Abstract: The proposals would address the problems caused by developments in the money markets since 1983. The Division of Investment Management will be reviewing the conditions of Rule 2a-7 applicable to tax exempt funds and considering whether any recommendations should be made to the Commission to modify those conditions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Eli Nathans, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-3021

RIN: 3235–AE17

4815. ● PROPOSED AMENDMENTS TO RULE 12D3-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.12d3-1

Legal Deadline: None

Abstract: The Commission had proposed, and received comments on, amendments to rule 12d3-1 that would facilitate the acquisition by investment companies of the equity securities of foreign securities firms. The Division of Investment Management withdrew the proposal [RIN: 3235-AD19] from the Unified Agenda to consider it in the context of a comprehensive study of the Investment Company Act of 1940. The staff is now considering the proposal as a separate rulemaking proposal.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 33027
NPRM Proposed Amendments to Rule 12d3-1 under the Inv. Co. Act 1940	08/11/89	
NPRM Comment Period End	10/10/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Special Counsel, Securities and Exchange Commission, Investment Mangement, 450 5th Street, N.W. (Stop 10-4), Washington, DC 20549, 202 272-2048

RIN: 3235–AE47

SECURITIES AND EXCHANGE COMMISSION (SEC)

Final Rule Stage

Accounting Rules

4816. TECHNICAL AMENDMENTS TO REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The Commission has proposed amendments to Regulation S-X to conform that regulation to recently adopted changes in generally accepted accounting principles.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8202
NPRM Comment Period End	04/28/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John W. Albert, Associate Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW., Washington, DC 20549, 202 272-2130

RIN: 3235–AD32

Disclosure Rules

4817. REGULATION 13D-G

Legal Authority: 15 USC 78m(d); 15 USC 78m(g); 15 USC 78m(a)

CFR Citation: 17 CFR 240.13d-1; 17 CFR 240.13d-2; 17 CFR 240.13d-7; 17 CFR 240.13d-101; 17 CFR 240.13d-102

Legal Deadline: None

Abstract: The Commission has proposed revisions to Regulation 13D to improve the disclosure to investors of filings on Schedule 13D, while at the same time reducing the reporting obligations of non-institutional investors that have a passive investment purpose. In connection with this project, a review of Rules 13d-1 through 13d-7 and Schedules 13D and 13G for Regulatory Flexibility Act purposes will be conducted.

Timetable:

Action	Date	FR Cite
NPRM	03/14/89	54 FR 10552
NPRM Comment Period End	05/15/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD09

4818. DISCLOSURE OF SIGNIFICANT EQUITY PARTICIPANTS IN CONTROL TRANSACTIONS

Legal Authority: 15 USC 78c(b); 15 USC 78m(d); 15 USC 78n; 15 USC 78v

CFR Citation: 17 CFR 240.13d-101; 17 CFR 240.13e-100; 17 CFR 240.14a-102; 17 CFR 240.14d-100

Legal Deadline: None

Abstract: The Commission has proposed amendments to Exchange Act Schedules, which are intended to

require disclosure of information concerning the identity and background of limited partners and other participants holding significant investments in limited partnerships or other closely held entities or groups of such entities involved with major acquisitions of securities, tender offers, proxy contests and going private transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10360
NPRM Comment Period End	05/12/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD42

4819. RULE 801 AND REGISTRATION FORMS FOR RIGHTS OFFERINGS

Significance: Agency Priority

Legal Authority: 15 USC 77c(b); 15 USC 77s

CFR Citation: 17 CFR 230.801 (New)

Legal Deadline: None

Abstract: The Commission has proposed a small issue exemptive rule that would provide an exemption from the registration requirements of the Securities Act of 1933 for certain rights offerings and a Securities Act registration form for certain non-exempt rights offerings. The Commission also proposed amendments to Form F-3 to permit certain foreign private issuers reporting under the Securities Exchange Act of 1934 to register certain offerings, including rights offerings, without meeting the reporting history and public float eligibility requirements of that Form.

Timetable:

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27564
NPRM Comment Period End	09/09/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard M. Kosnik, Chief, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3246

RIN: 3235–AD44

4820. DISCLOSURE REQUIREMENTS APPLICABLE TO BLANK CHECK OFFERINGS

Legal Authority: 15 USC 77g; 15 USC 77s(a)

CFR Citation: 17 CFR 230.419; 17 CFR 240.15g-8

Legal Deadline: None

Abstract: In response to enactment of the Penny Stock Reform Act of 1990, the Commission proposed amendments to disclosure requirements applicable to blank check offerings. The amendments would require funds received and securities issued in a blank check offering to be held in escrow until specified conditions are met, including the consummation of an acquisition. The amendments also would prohibit trading in the securities held in escrow and would amend the prospectus delivery period applicable to blank check offerings.

Timetable:

Action	Date	FR Cite
NPRM	04/17/91	56 FR 19201
NPRM Comment Period End	07/19/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Konrath, Attorney Adviser, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AD54

4821. FORMS FOR FURNISHING INFORMATION PURSUANT TO RULE 12G3-2(B) UNDER THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78l; 15 USC 78w

CFR Citation: 17 CFR 240.12g3-2b; 17 CFR 249

Legal Deadline: None

Abstract: The Commission proposed forms for use by persons furnishing information under Rule 12g3-2(b).

Timetable:

Action	Date	FR Cite
NPRM	06/06/91	56 FR 27612
NPRM Comment Period End	09/09/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard M. Kosnik, Chief, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3246

RIN: 3235–AD72

4822. SUMMARY PROSPECTUSES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230; 17 CFR 239

Legal Deadline: None

Abstract: The Commission has proposed amendments to Rule 431 under the Securities Act of 1933 which would revise the issuer criteria and pre-filing requirements for use of summary prospectuses. Further, the information requirements applicable to summary prospectuses are proposed to be amended to include a summary of management's discussion and analysis of the issuer's financial condition and results of operations and disclosure regarding the risks associated with investment in the securities being offered.

Timetable:

Action	Date	FR Cite
NPRM	06/27/90	55 FR 26212
NPRM Comment Period End	09/15/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Dunn, Attorney Adviser, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation

Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2573

RIN: 3235–AD90

4823. SPECIAL PROVISIONS AS TO AGE OF FINANCIAL STATEMENTS FOR FOREIGN PRIVATE ISSUERS UNDER REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77a(25); 15 USC 77a(26); 15 USC 781; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79k(a); 15 USC 80a-8

CFR Citation: 17 CFR 210.3-19

Legal Deadline: None

Abstract: The Commission has proposed revisions to Rule 3-19 of Regulation S-X which would accommodate offerings of securities by foreign issuers that customarily prepare financial information only on a semi-annual basis.

Timetable:

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27562
NPRM Comment Period End	07/15/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: 15 USC 80a-29

Agency Contact: Robert A. Bayless, Chief Accountant, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2553

RIN: 3235–AD96

4824. INTERNATIONAL TENDER AND EXCHANGE OFFERS

Significance: Agency Priority

Legal Authority: 15 USC 77b; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77sss; 15 USC 78c; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79t; 15 USC 80a-37

CFR Citation: 17 CFR 200; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 260

Legal Deadline: None

Abstract: The Commission issued for comment rule proposals to facilitate the extension of international tender offers to U.S. holders. The proposed rules would provide exemptions from the tender offer rules, securities registration and reporting requirements, and trust indenture provisions, as well as allow the registration of foreign exchange offers on the basis of foreign disclosure.

Timetable:

Action	Date	FR Cite
ANPRM	06/12/90	55 FR 23751
ANPRM Comment Period End	09/21/90	
NPRM	06/14/91	56 FR 27582
NPRM Comment Period End	09/09/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD97

4825. PROXY RULES

Significance: Agency Priority

Legal Authority: 15 USC 78n; 15 USC 78w

CFR Citation: 17 CFR 240

Legal Deadline: None

Abstract: The Commission has proposed several amendments to its proxy rules that would facilitate securityholder communications in furtherance of informed proxy voting and reduce compliance costs for all persons engaged in a proxy solicitation by: (1) creating a new exemption for solicitations by "disinterested persons," including securityholders, while retaining application of the anti-fraud provisions of the law; (2) expanding access to security lists; (3) eliminating the preliminary filing requirement for all proxy soliciting materials except the written proxy statement and form of proxy; and (4) providing that all proxy materials filed in preliminary form shall be made public immediately upon filing rather than affording non-public status to such materials. This is the first in what is expected to be a series of rulemaking initiatives that may arise from the Commission's ongoing proxy review including such issues as: increased securityholder access to issuer proxy materials; confidential proxy voting and independent third-party tabulation; mandatory shareholder vote on anti-takeover devices; expansion of a Federal one-share, one-vote requirement; and permitted (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 28987
NPRM Comment Period Extended	07/10/91	56 FR 31349
NPRM Comment Period End	08/09/91	
NPRM Comment Period Extended to	09/23/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: direct mailing of proxy materials to beneficial owners.

Agency Contact: Catherine T. Dixon, Deputy Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AE12

Securities Markets and Securities Industry Rules

4826. RULE 15C2-10

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78k-1; 15 USC 78o(c)(1); 15 USC 78o(c)(2); 15 USC 78w(a); 15 USC 78q; 15 USC 78q-1

CFR Citation: 17 CFR 15c2-10

Legal Deadline: None

Abstract: The Commission has proposed for comment a rule that would govern the operation of proprietary securities trading systems that are not operated as facilities of a national securities association or exchange.

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	54 FR 15429
NPRM Comment Period End	08/02/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gordon K. Fuller, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2414

RIN: 3235–AC94

4827. CUSTOMER PROTECTION RESERVES AND CUSTODY OF SECURITIES

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-3

Legal Deadline: None

Abstract: Because the borrowing of government securities plays an important role in the government securities market, the Commission believes that, for purposes of the customer protection rule, the categories of instruments that broker-dealers can provide to customer lenders of government securities should be expanded to include certain instruments currently not listed in the rule. Therefore, the Commission has proposed an amendment to the customer protection rule that would allow broker-dealers to provide, in addition to the instruments currently listed in the rule, certain government securities as the collateral in government securities borrowings.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	54 FR 10680
NPRM Comment Period End	05/01/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Jamroz, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2372

RIN: 3235–AD60

4828. NET CAPITAL REQUIREMENTS FOR BROKERS OR DEALERS

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-1

Legal Deadline: None

Abstract: In response to the October 1987 market break and as a part of its comprehensive market break study, the Division of Market Regulation examined the specialist financial responsibility rules and specialist financial surveillance systems of the various exchanges. As a result, the Commission has proposed amendments to the net capital rule that, among other things, will make the rule applicable to certain specialists that are now exempt from the rule. In addition to the consequential overall financial accountability and discipline that results from the application of the net capital rule, the Commission believes it would be desirable to have a uniform measure whereby it may review the financial health and liquidity of all specialists at all exchanges.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 315
NPRM Comment Period End	04/03/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael Macchiaroli, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-3128

RIN: 3235–AD62

4829. NET CAPITAL REQUIREMENTS FOR BROKERS OR DEALERS

Significance: Agency Priority

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-1

Legal Deadline: None

Abstract: In response to the October 1987 market break and as a part of its comprehensive market break study, the Division of Market Regulation examined the appropriate levels of minimum net capital required of registered broker-dealers. As a result, the Commission has proposed amendments to the net capital rule that, among other things, would raise the minimum net capital required of various classes of registered broker-dealers. The Commission believes that these higher levels of required net capital are justified based upon the risks posed by undercapitalized firms to customers and to the securities system as a whole.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	54 FR 40395
NPRM Comment Period End	12/18/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael Jamroz, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2372

RIN: 3235–AD79

4830. STABILIZING TO FACILITATE A DISTRIBUTION

Legal Authority: 15 USC 78i(a)(6); 15 USC 78j(b); 15 USC 78q(a); 15 USC 78w(a); 15 USC 78dd(a)

CFR Citation: 17 CFR 240.10b-7

Legal Deadline: None

Abstract: The Commission has proposed amendments to Rule 10b-7, which regulates stabilizing activities to facilitate an offering. The proposed amendments would permit the stabilizing price in an offering of a foreign security to reflect the price of the security in the foreign market that is the principal market for such security, if the stabilizing activity otherwise complies with the rule. Adjustments of stabilizing bids based on exchange rate fluctuations between the currencies of the markets on which the security is being stabilized would also be permitted. The amendments would also deem foreign stabilizing transactions during an offering of a foreign security in the U.S. made in compliance with comparable foreign regulations not to be in violation of Rule 10b-7.

Timetable:

Action	Date	FR Cite
NPRM	01/09/91	56 FR 814
NPRM Comment Period End	02/25/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Office of Trading Practices, Securities and Exchange

Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2848

RIN: 3235–AE11

4831. DEFINITIONS PRINCIPALLY RELATING TO INTERNATIONAL TRANSACTIONS

Legal Authority: 15 USC 78b; 15 USC 78c(b); 15 USC 78w(a)

CFR Citation: 17 CFR 240

Legal Deadline: None

Abstract: The Commission has proposed Rule 3b-10, which defines certain terms principally relating to international transactions, because it believes it is advisable and appropriate to adopt general definitions of terms relevant to the increasing internationalization of world securities markets rather than adopt identical definitions in the context of individual rulemaking proposals.

Timetable:

Action	Date	FR Cite
NPRM	01/09/91	56 FR 820
NPRM Comment Period End	02/25/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Office of Trading Practices, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549, 202 272-2848

RIN: 3235–AE15

4832. PENNY STOCK DISCLOSURE RULES

Significance: Agency Priority

Legal Authority: 15 USC 78o

CFR Citation: 17 CFR 240.3a51-1; 17 CFR 240.15g-1; 17 CFR 240.15g-2; 17 CFR 240.15g-3; 17 CFR 240.15g-4; 17 CFR 240.15g-5; 17 CFR 240.15g-6; 17 CFR 240.15g-7

Legal Deadline: NPRM, Statutory, April 15, 1991.
(rule on market-making status only)

Abstract: The Commission has proposed disclosure rules involving penny stock transactions as required by the Securities Enforcement Remedies and Penny Stock Reform Act of 1990. The rules, which will supplement Rule 15c2-6, the Commission's cold-calling rule, are in response to problems of fraud and manipulation involving abusive sales tactics in the penny stock market. The rules define penny stock, and set forth the requirements for a risk disclosure document, disclosure of compensation of broker-dealers and associated persons, disclosure of quotations, and account statements. In addition to the rules required under the Penny Stock Act, the Commission has proposed a rule requiring disclosure of market-making status with respect to transactions in penny stock.

Timetable:

Action	Date	FR Cite
NPRM	04/25/91	56 FR 19148
NPRM Comment Period End	07/19/91	

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Robert L. D. Colby, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2844

RIN: 3235–AE21

4833. ● SECURITIES TRANSACTIONS EXEMPT FROM TRANSACTION FEES

Legal Authority: 15 USC 78a et seq

CFR Citation: 17 CFR 240.31-1

Legal Deadline: None

Abstract: Many transactions occurring after regular trading hours involve portfolio trades. These transactions, when executed overseas, currently may be exempt from Section 31 transaction fees pursuant to Rule 31-1(e). The amendment to Rule 31-1, as proposed by the Commission, would provide a limited exemption from the payment of Section 31 fees for sales involving 15 securities or more at one aggregate price occurring on or off an exchange in listed securities after regular trading hours. By aligning the fee exemption for after hours portfolio trading to match the treatment for overseas trading, the proposal should promote the public interest and equal protection of markets because it will remove an incentive for executing these trades overseas. The proposal provides an exemption from the payment of fees for certain securities transaction. The impact on Section 31 fees received by the Commission should be minimal if the off-hours trading systems accomplish their purpose of attracting after-hours overseas order flow currently exempt from fees.

Timetable:

Action	Date	FR Cite
NPRM	06/03/91	56 FR 25056
NPRM Comment Period End	07/03/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Lawson, Special Counsel, Exchange and Options Regulation, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2406

RIN: 3235–AE52

Investment Management Rules

4834. AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Legal Deadline: None

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies that issue periodic payment plan certificates or are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission has proposed a simplified three-part form because current prospectuses have become too cumbersome for the average investor to understand and current requirements result in the disclosure of much information that is not necessarily material to an investment decision.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 32993
NPRM Comment Period End	10/20/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth J. Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-2107

RIN: 3235–AB40

4835. DIVERSIFICATION BY EXEMPT HOLDING COMPANIES

Legal Authority: 15 USC 79c(a)(1); 15 USC 79t(a)

CFR Citation: 17 CFR 250.17; 17 CFR 250.2; 17 CFR 259.402

Legal Deadline: None

Abstract: Proposed Rule 17 clarifies under what conditions diversification into non-utility enterprises would not be deemed detrimental to the public interest or the interest of investors or consumers within the meaning of the "unless and except" clause of Section 3(a)(1) of the Public Utility Holding Company Act of 1935. The rule would provide two alternative "safe harbors." A companion proposed amendment to Rule 2 under the Act would require that, in order for a claim of exemption under Rule 2 to be effective, the claimant must meet one of the safe harbor provisions of Rule 17. Also proposed is an amendment to Form U-3A-2, the statement filed annually by holding companies claiming exemptions under Rule 2, that would request information necessary to determine whether a Rule 2 claim of exemption by an intrastate holding company was meritorious in light of the requirement added to Rule 2. These proposals could significantly increase regulatory compliance costs for those intrastate public utility holding companies that have diversified operations, or that intend to do so. The proposals could require such a company to forego acquisition of an unrelated non-utility interest or to (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 6701
NPRM Comment Period End	07/14/89	54 FR 29739
Comment period extended to	08/15/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: divest such an interest previously acquired; or alternatively, to seek enactment by the legislature in its state of organization of a utility holding company statute that addresses diversification activities.

Agency Contact: William C. Weeden, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-7683

RIN: 3235–AD39

4836. AMENDMENT TO RULE 31A-2 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-31(a); 15 USC 80a-38; 15 USC 80a-40

CFR Citation: 17 CFR 270.31a-2

Legal Deadline: None

Abstract: Rule 31a-2 specifies where and how long books and records, required to be maintained by United States registered investment companies and other persons, must be preserved. The Commission has proposed for public comment an amendment to the rule that is intended to remove uncertainty regarding the location and language aspects of the recordkeeping requirements for United States registered investment companies, particularly those investment companies investing in foreign securities.

Timetable:

Action	Date	FR Cite
NPRM	10/09/90	55 FR 41100

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rochelle G. Kauffman, Senior Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2048

RIN: 3235–AD66

4837. DISCLOSURE AND ANALYSIS OF MUTUAL FUNDS PERFORMANCE INFORMATION; PORTFOLIO MANAGER DISCLOSURE

Significance: Agency Priority

Legal Authority: 15 USC 80a-29(b); 15 USC 80a-37(a); 15 USC 80a-30

CFR Citation: 17 CFR 274.11A; 17 CFR 230.485(b); 17 CFR 270.34b-1; 17 CFR 270.31a-1; 17 CFR 270.31a-2; 17 CFR 239.23

Legal Deadline: None

Abstract: The Commission has proposed amendments to the disclosure requirements for mutual funds, that would include alternative amendments for providing investors information about the investment results achieved by funds. The first proposal would require management to discuss and analyze the mutual fund's performance during its previous fiscal year and the techniques used to achieve that performance in light of the fund's objectives. The second proposal would require a comparison of fund performance over certain time periods to the performance of an appropriate securities index over the same periods. The proposed amendments also would require disclosure about persons who significantly contribute to the investment advice relied on by funds. Finally, the proposed amendments would shorten and simplify the per share table contained in the prospectus.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1460
NPRM Comment Period End	03/12/90	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Robert E. Plaze, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2107

RIN: 3235–AD81

4838. RULEMAKING FOR INVESTMENT COMPANY FILING ON OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

SEC

Final Rule Stage

Legal Authority: 15 USC 77a to 77aa; 15 USC 78a to 78jj; 15 USC 80a-1 to 80a-52; 15 USC 80b-1 to 80b-21

CFR Citation: 17 CFR 270; 17 CFR 274; 17 CFR 275; 17 CFR 249

Legal Deadline: None

Abstract: The Division of Investment Management intends to recommend that the Commission issue a release requesting public comment on proposed rule and form amendments to implement the operational phase of the EDGAR system to the extent EDGAR involves filings by investment companies, business development companies, and institutional investment managers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ruth Hanlon, Attorney, Office of Disclosure Policy and Review, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-7714

RIN: 3235–AD92

4839. PROPOSED AMENDMENTS TO RULE 6C-9 AND FORM N-6C9 UNDER THE INVESTMENT COMPANY ACT OF 1940

Significance: Agency Priority

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.6c-9; 17 CFR 274.304

Legal Deadline: None

Abstract: The Commission has proposed to modify Rule 6c-9 and Form N-6C9 to: (1) make the rule available for the offer and sale of securities beyond the debt and non-voting preferred stock currently permitted under the rule; (2) make the rule available to a broader range of issuers than the foreign banks and their finance subsidiaries now permitted under the rule; and (3) ease the filing requirements for Form N-6C9. Such modifications would make the rule available under some circumstances in which issuers must now file exemptive applications under section 6(c) of the Investment Company Act of 1940.

Timetable:

Action	Date	FR Cite
NPRM	08/23/90	55 FR 34569
NPRM Comment Period End	11/21/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Berman, Deputy Office Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-3042

RIN: 3235–AD93

4840. RULEMAKING FOR PUBLIC UTILITY HOLDING COMPANIES FILING ON OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 79c; 15 USC 79t

CFR Citation: 17 CFR 250; 17 CFR 259

Legal Deadline: None

Abstract: The Division of Investment Management intends to recommend that the Commission issue a release requesting public comment on proposed rule and form amendments to implement the operational phase of the EDGAR System to the extent EDGAR involves filings under the Public Utility Holding Company Act of 1935.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mary Kay Shinaberry, Attorney, Securities and Exchange Commission, Office of Public Utility Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-7648

RIN: 3235–AD98

4841. RECISSION OF TEMPORARY RULES PROVIDING EXEMPTIONS TO CERTAIN MONEY MARKET FUNDS AND OTHER PERSONS AND COMPANIES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.6c-4(T); 17 CFR 270.6c-5(T)

Legal Deadline: None

Abstract: The Commission proposed for comment the rescission of Rule 6c-4(T) and Rule 6c-5(T) that were adopted primarily to provide exemptive relief to certain money market funds under the Investment Company Act of 1940 and the rules thereunder in response to credit control regulations issued, and later terminated, by the Board of Governors of the Federal Reserve System during 1980.

Timetable:

Action	Date	FR Cite
NPRM	05/24/91	56 FR 23821
NPRM Comment Period End	06/24/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Plaze, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2107

RIN: 3235–AE16

4842. REVIEW OF RULE 30D-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 77g; 15 USC 77h; 15 USC 77s(a); 15 USC 80a-8; 15 USC 80a-29(d); 15 USC 80a-30(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.30d-1

Legal Deadline: None

Abstract: Review of Rule 30d-1 under the Investment Company Act of 1940 (Reports to stockholders of management companies) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

SEC

Final Rule Stage

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE24

4843. REVIEW OF RULE 3C-2 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3c-2

Legal Deadline: None

Abstract: Review of Rule 3c-2 under the Investment Company Act of 1940 (Definition of beneficial ownership in small business investment companies) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. SStop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE25

4844. REVIEW OF RULE 7D-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-7(d); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.7d-1

Legal Deadline: None

Abstract: Review of Rule 7d-1 under the Investment Company Act of 1940 (regarding conditions and arrangements for Canadian management investment companies seeking permission to register) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE26

4845. REVIEW OF RULE 3A-2 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-39(a)

CFR Citation: 17 CFR 270.3a-2

Legal Deadline: None

Abstract: Review of Rule 3a-2 under the Investment Company Act of 1940 (Transient investment companies) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE27

4846. REVIEW OF RULE 30B2-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-29; 15 USC 80a-37

CFR Citation: 17 CFR 270.30b2-1

Legal Deadline: None

Abstract: Review of Rule 30b2-1 under the Investment Company Act of 1940 (Filing of copies of reports to stockholders) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE28

4847. REVIEW OF RULE 3A-3 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-38(a)

CFR Citation: 17 CFR 270.3a-3

Legal Deadline: None

Abstract: Review of Rule 3a-3 under the Investment Company Act of 1940 (Certain investment companies owned by companies which are not investment companies) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE29

4848. REVIEW OF RULE 17A-7 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17a-7

Legal Deadline: None

Abstract: Review of Rule 17a-7 under the Investment Company Act of 1940 (Exemption of certain purchase or sale transactions between an investment company and certain affiliated persons thereof) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE30

4849. REVIEW OF RULE 30D-2 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-27; 15 USC 80a-37

CFR Citation: 17 CFR 270.30d-2

Legal Deadline: None

Abstract: Review of Rule 30d-2 under the Investment Company Act of 1940 (Reports to shareholders of unit investment trusts) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE31

4850. REVIEW OF RULE 16A-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.16a-1

Legal Deadline: None

Abstract: Review of Rule 16a-1 under the Investment Company Act of 1940 (Exemption of directors of registered accounts from election requirement) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE32

4851. REVIEW OF RULE 57B-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a); 15 USC 80a-58

CFR Citation: 17 CFR 270.57b-1

Legal Deadline: None

Abstract: Review of Rule 57b-1 under the Investment Company Act of 1940 (Exemption for downstream affiliates of business development companies) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Division of Investment Management, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE33

4852. REVIEW OF RULE 3A-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-1

Legal Deadline: None

Abstract: Review of Rule 3a-1 under the Investment Company Act of 1940 (Certain prima facie investment companies) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE34

4853. REVIEW OF RULE 60A-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a); 15 USC 80a-58

SEC — Final Rule Stage

CFR Citation: 17 CFR 270.60a-1

Legal Deadline: None

Abstract: Review of Rule 60a-1 under the Investment Company Act of 1940 (Exemption for certain business development companies) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE35

4854. REVIEW OF FORM N-1 REGISTRATION STATEMENT OF OPEN-END MANAGEMENT INVESTMENT COMPANY

Legal Authority: 15 USC 77j; 15 USC 77s(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 274.11; 17 CFR 239.15

Legal Deadline: None

Abstract: Review of Form N-1 (Registration statement for open end management investment companies) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE36

4855. REVIEW OF RULE 180 UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77c(a)(2)

CFR Citation: 17 CFR 230.180

Legal Deadline: None

Abstract: Review of Rule 180 under the Securities Act of 1933 (Exemption of registration of interests and participations issued in connection with certain H.R. 10 plans) was begun by the Division of Investment Management on January 23, 1991. The Division expects to complete the review by September 30, 1991.

Timetable:

Action	Date	FR Cite
Begin Review	01/23/91	
End Review	09/30/91	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-6), Washington, DC 20549, 202 272-2762

RIN: 3235–AE37

4856. ● PARTNERSHIP ROLL-UP TRANSACTIONS

Significance: Agency Priority

Legal Authority: 15 USC 77f to 77h; 15 USC 77j; 15 USC 77s; 15 USC 78n(a); 15 USC 78n(c); 15 USC 78n(e); 15 USC 78w(a)

CFR Citation: 17 CFR 229,(Revision); 17 CFR 239.25,(Revision); 17 CFR 239.34,(Revision); 17 CFR 240.14a-6,(Revision); 17 CFR 240.14c-2,(Revision); 17 CFR 240.14e-1,(Revision)

Legal Deadline: None

Abstract: The Commission has proposed rules that are intended to enhance the quality and readability of information provided to investors in connection with limited partnership roll-up transactions, including improved disclosure concerning risks, adverse effects and conflicts of interest present in such transactions. The rules would apply to the specified transactions, which, as proposed, include the registration of securities under the federal securities laws.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 28962
NPRM Comment Period End	08/09/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Meredith B. Cross, Attorney Fellow, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2573

RIN: 3235–AE45

SECURITIES AND EXCHANGE COMMISSION (SEC) — Completed Actions

4857. MULTIJURISDICTIONAL DISCLOSURE AND MODIFICATIONS TO THE CURRENT REGISTRATION AND REPORTING SYSTEM FOR CANADIAN ISSUERS

Significance: Agency Priority

Legal Authority: 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78p; 15 USC 78w; 15 USC 77ddd(d); 15 USC 77g; 15 USC 77h; 15 USC 77j

CFR Citation: 17 CFR 200; 17 CFR 210; 17 CFR 229; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260; 17 CFR 269

Legal Deadline: None

Abstract: The Commission has adopted a multijurisdictional disclosure system consisting of rules, forms and schedules that will facilitate cross-border

offerings of securities and continuous reporting by specified Canadian issuers. Canadian issuers meeting certain eligibility criteria generally may register and report with the Commission by providing disclosure documents prepared in accordance with the requirements of Canadian regulatory authorities. Additionally, tender offers for Canadian companies may be made in accordance with Canadian rules in specified circumstances where a limited number of shareholders reside in the United States. In connection with this system, the Commission also revised existing rules and forms to permit registration and reporting by Canadian foreign private issuers on an equal basis with all other foreign private issuers. One of those revisions has the effect of exempting Canadian foreign private issuers from certain proxy and insider report requirements. In addition, certain Canadian persons may act as sole trustees in connection with indentures qualified under the Trust Indenture Act of 1939 relating to securities offered under the system, and (cont)

Timetable:

Action	Date	FR Cite
ANPRM	02/28/85	50 FR 9281
ANPRM Comment Period End	07/15/85	
NPRM	07/26/89	54 FR 32226
NPRM Comment Period End	10/31/89	54 FR 32226
Revised NPRM	11/02/90	55 FR 46288
Final Action	06/21/91	56 FR 30036
Final Action Effective	07/01/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: exemptions from certain provisions of that Act are available for those indentures. The requirements of Form F-10 and Form 40-F that financial statements be reconciled to U.S. GAAP will not apply to any form filed after July 1, 1993

Agency Contact: Anita T. Klein, Special Counsel, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3246

RIN: 3235–AC64

4858. RULES AND FORMS TO IMPLEMENT THE TRUST INDENTURE REFORM ACT OF 1990

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77ddd; 15 USC 77eee; 15 USC 77ggg; 15 USC 77hhh; 15 USC 77jjj; 15 USC 77nnn; 15 USC 77sss; 15 USC 78d-1; 15 USC 78d-2

CFR Citation: 17 CFR 200 (Revision); 17 CFR 229 (Revision); 17 CFR 260 (Revision); 17 CFR 269 (Revision)

Legal Deadline: None

Abstract: The Commission has adopted rules and forms to implement the Trust Indenture Reform Act of 1990. The adopted rules and forms are to be used as follows: (a) applying for exemptions from one or more provisions of the Act; (b) obtaining a determination as to the eligibility of trustees under indentures relating to securities to be offered on a delayed basis; (c) obtaining a determination as to the eligibility of foreign persons to act as sole trustee under qualified indentures; and (d) obtaining an order staying a trustee's duty to resign. Existing forms also were amended to conform to amendments to the Act that no longer authorize refusal of qualification on the basis of pre-default conflicts of interest.

Timetable:

Action	Date	FR Cite
Final Action Rules eff. 5/8/91; Forms eff. upon pub. in F.R. 5/15/91.	05/08/91	
Final Action Effective	05/15/91	56 FR 22312

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Agency Contact: Felicia Smith, Special Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2573

RIN: 3235–AE13

4859. ● PRIMARY OFFERINGS BY THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Legal Authority: 22 USC 290l; 15 USC 77s(a)

CFR Citation: 17 CFR 290

Legal Deadline: None

Abstract: The Commission adopted a regulation which specifies periodic and other reports to be filed with it by the European Bank for Reconstruction and Development pursuant to the European Bank for Reconstruction and Development Act. The regulation will ensure the availability of information about the European Bank for Reconstruction and Development for investors who may purchase securities issued by that institution.

Timetable:

Action	Date	FR Cite
Final Action	07/08/91	
Final Action Effective	07/15/91	56 FR 32081

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Kosnik, Chief, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2385

RIN: 3235–AE56

4860. ● OFFERINGS BY THE INTERNATIONAL FINANCE CORPORATION

Legal Authority: 22 USC 282m; 15 USC 77s(a)

CFR Citation: 17 CFR 289

Legal Deadline: None

Abstract: The Commission adopted a regulation which specifies periodic and other reports to be filed with it by the International Finance Corporation pursuant to the International Finance Corporation Act as amended. The regulation will ensure the availability of information about the International Finance Corporation for investors who may purchase securities issued by that institution.

Timetable:

Action	Date	FR Cite
Final Action	07/08/91	
Final Action Effective	07/15/91	56 FR 32078

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Kosnik, Chief, International Corporate Finance,

Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, **202 272-2385**

RIN: 3235–AE58

4861. INITIATION OR RESUMPTION OF QUOTATIONS WITHOUT SPECIFIED INFORMATION

Significance: Agency Priority

Legal Authority: 15 USC 78w; 15 USC 78c; 15 USC 78j(b); 15 USC 78o(c); 15 USC 78q(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.15c2-11

Legal Deadline: None

Abstract: Rule 15c2-11 governs the submission and publication of quotations by brokers or dealers for certain over-the-counter securities. The rule applies principally to the initiation or resumption of quotations in the National Daily Quotation Service, which is also known as the "pink sheets." The Commission adopted amendments to the rule that are intended to clarify and enhance a broker-dealer's obligation to obtain and maintain information before commencing or resuming quotations in the pink sheets. The amendments further the Commission's efforts to combat fraud and manipulative conduct in the penny stock market.

Timetable:

Action	Date	FR Cite
NPRM	09/15/89	54 FR 39194
NPRM Comment Period End	12/01/89	
Final Action	04/17/91	56 FR 19149
Final Action Effective	06/01/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Nancy J. Sanow,** Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, **202 272-2848**

RIN: 3235–AA48

4862. EXEMPTION OF STOCK CONTAINED IN STANDARDIZED MARKET BASKETS FROM SECTION 12(A) OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78a; 15 USC 78c; 15 USC 78f; 15 USC 781; 15 USC 78w

CFR Citation: 17 CFR 240.12a-7

Legal Deadline: None

Abstract: The Commission has adopted Rule 12a-7, which exempts from the registration provisions of Section 12(a) of the Securities Exchange Act of 1934 securities that are traded as part of a market basket transaction, provided that each component security otherwise is a national market system security and is listed and registered on another national securities exchange or quoted on the National Association of Securities Dealers Automated Quotation System. In addition, to be eligible for an exemption pursuant to Rule 12a-7, the stocks must be part of a standardized market basket containing at least 100 securities. The exemption is applicable only to facilitate the trading of securities as part of a standardized market basket that previously has been approved for exchange trading by the Commission pursuant to Section 19(b) of the Act. The rule will reduce costs to national securities exchanges because without the exemption such exchanges would either have to apply for unlisted trading privileges or register under Section 12 of the Act those securities that are only traded on their exchange as part of a market basket.

Timetable:

Action	Date	FR Cite
NPRM	03/28/90	55 FR 11387
NPRM Comment Period End	04/27/90	
Final Action	06/11/91	56 FR 28320
Final Action Effective	07/22/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Sharon Lawson,** Special Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549, **202 272-2406**

RIN: 3235–AD84

4863. ● MONEY MARKET FUND RULE PROPOSALS

Significance: Agency Priority

Legal Authority: 15 USC 80a-2(a)(41); 15 USC 80a-22

CFR Citation: 17 CFR 270.2a-7

Legal Deadline: None

Abstract: On February 13, 1991, the Commission adopted several amendments to rules and forms affecting money market funds, including rule 2a-7. Among other things, the amendments require money market fund boards to approve or ratify the purchase of securities rated by only one NRSRO or unrated securities. Following adoption of the amendments, the Commission was advised that this requirement would impose a significant burden on tax exempt money market funds because a large number of the instruments in which they invest are unrated or rated by only one NRSRO. Consequently, on April 8, 1991 the Commission proposed that tax exempt money market funds be excluded from this requirement. This amendment was adopted by the Commission, as proposed, on May 13, 1991 and became effective on June 1, 1991.

Timetable:

Action	Date	FR Cite
Final Rule	02/27/91	56 FR 8113
Final Rule Amended	05/31/91	56 FR 26028
Final Action	05/31/91	56 FR 26028
Final Action Effective	06/01/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: **Eli A. Nathans,** Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, **202 272-3021**

RIN: 3235–AD91

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INDEX TO ENTRIES THAT MAY AFFECT SMALL ENTITIES

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the **Unified Agenda of Federal Regulations.**

The following index lists the regulatory actions that agencies in the Unified Agenda believe may have effects on small businesses, small governmental jurisdictions, and/or small organizations. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition of the Agenda. For further information, see the Regulatory Information Service Center's Introduction to the Unified Agenda in Part II of this issue.

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Executive Order 12612 of October 26, 1987, entitled "Federalism" (3 CFR 1987 Comp., p. 252) directs Executive departments and agencies to identify proposed regulatory provisions that have significant federalism implications. As part of this effort, agencies include in their submissions for the **Unified Agenda of Federal Regulations** information on whether their regulatory actions have an effect on various levels of government.

The following index lists the regulatory actions that agencies in the Unified Agenda believe may have effects on local, State, and/or Federal levels of government. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition of the Agenda. For further information, see the Regulatory Information Service Center's Introduction to the Unified Agenda in Part II of this issue.

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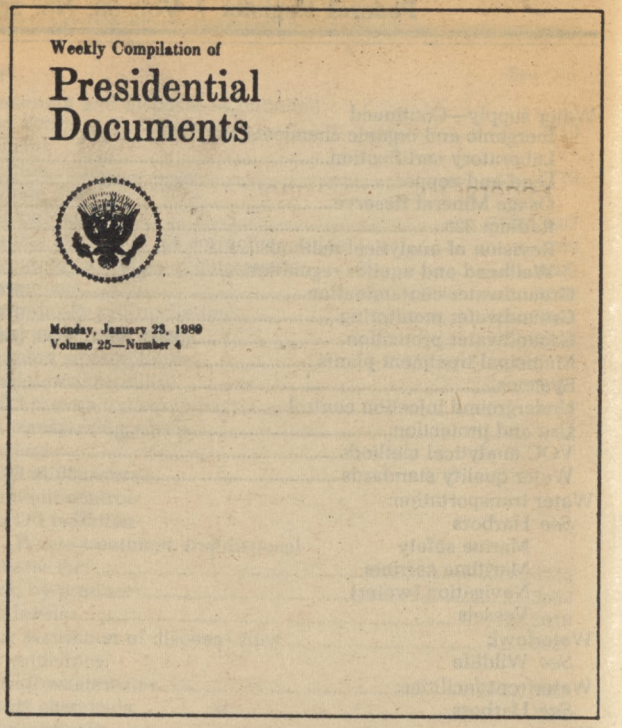

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